

18. A charge of an offence against a Regulation made under this Order, imposing a penalty, shall be inquired of, heard, and determined as an ordinary criminal charge under the China and Japan Order in Council, 1865, except that (notwithstanding anything in that Order) where the Regulation is one for securing observance of the stipulations of a Treaty, the charge shall be heard and determined in a summary way, and (where the proceeding is before a Provincial Court) without Assessors.

19. A printed copy of a Regulation, purporting to be made under this Order and to be certified under the hand of Her Majesty's Minister in China, or under the hand and Consular seal of one of Her Majesty's Consular Officers in China, shall be conclusive evidence of the due making of the Regulation, and of its contents.

20. The foregoing provisions authorizing Regulations for China are hereby extended to Japan, with the substitution of Japan for China, and of the Mikado of Japan for the Emperor of China, and of Her Majesty's Minister in Japan for Her Majesty's Minister in China, and of Her Majesty's Consular Officers in Japan for Her Majesty's Consular Officers in China.

Prison Regulations.

21. The respective powers aforesaid extend to the making of Regulations for the governance, visitation, care, and superintendence of prisons in China or in Japan, and for the infliction of corporal or other punishment on prisoners committing offences against the rules or discipline of a prison; but the provisions of this Order respecting penalties, and respecting the printing, affixing, exhibiting, and sale of Regulations, and the mode of trial of charges of offences against Regulations, do not apply to Regulations respecting prisons and offences of prisoners.

Mortgages.

22. A deed or other instrument of mortgage, legal or equitable, of lands or houses in China or in Japan, executed by a British subject, may be registered at any time after its execution at the Consulate of the Consular district wherein the property mortgaged is situate.

23. Registration is made as follows: The original and a copy of the deed or other instrument of mortgage, and an affidavit verifying the execution and place of execution thereof, and verifying the copy, are brought into the Consulate; and the copy and affidavit are left there.

24. If a deed or other instrument of mortgage is not registered at the Consulate aforesaid within the respective time following (namely):

(i.) Within fourteen days after its execution, where it is executed in the Consular district wherein the property mortgaged is situate:

(ii.) Within two months after its execution, where it is executed in China or Japan, elsewhere than in that Consular district, or in Hong Kong:

(iii.) Within six months after its execution, where it is executed elsewhere than in China, Japan, or Hong Kong:

then, and in every such case, the mortgage debt secured by the deed or other instrument and the interest thereon shall not have priority over judgment or simple contract debts contracted before the registration of that deed or other instrument.

25. Registered deeds or other instruments of mortgage, legal or equitable, of the same lands or houses have, as among themselves, priority in order of registration.

26.—(a.) The provisions of this Order do not apply to a deed or other instrument of mortgage executed before the commencement of this Order.

(b.) As regards a deed or other instrument of mortgage executed before the commencement of this Order, the Regulations repealed by this Order shall, notwithstanding that repeal, be in force, and shall be deemed to have always been of the like validity and effect as if they had originally been made by Order in Council.

27. The power conferred on the Chief Justice of the Supreme Court for China and Japan by Article 127 of the China and Japan Order in Council, 1865, of framing Rules from time to time, is hereby extended to the framing of Rules for prescribing and regulating the making and keeping of indexes, and of a general index, to the register of mortgages, and searches in those indexes, and other particulars connected with the making, keeping, and using of those registers and indexes, and for authorizing and regulating the unregistering of any deed or other instrument of mortgage, or the registering of any release or satisfaction in respect thereof.

Bills of Sale.

28. The provisions of this Order relating to bills of sale—

(i.) Apply only to such bills of sale executed by British subjects as are intended to affect chattels in China or in Japan:

(ii.) Do not apply to bills of sale given by sheriffs or others under or in execution of process authorizing seizure of chattels.

29.—(a.) Every bill of sale must conform with the following rules (namely):

(1.) It must state truly the name, description, and address of the grantor:

(2.) It must state truly the consideration for which it is granted.

(3.) It must have annexed thereto or written thereunder an inventory of the chattels intended to be comprised therein.

(4.) Any defeasance, condition, or declaration of trust affecting the bill not contained in the body of the bill must be written on the same paper as the bill.

(5.) The execution of the bill must be attested by a credible witness, with his address and description.

(b.) Otherwise, the bill is void in China and in Japan to the extent following, but not further (that is to say):

(i.) In the case of failure to conform with the rule respecting an inventory, as far as regards chattels omitted from the inventory; and

(ii.) In any other case, wholly.

(c.) The inventory, and any defeasance, condition, or declaration as aforesaid, respectively, is for all purposes deemed part of the bill.

30. A bill of sale conforming, or appearing to conform, with the foregoing rules, may be registered, if it is intended to affect chattels in China, at the Supreme Court; and if it is intended to affect chattels in Japan, at the Court for Japan; or in either case at the Consulate of the Consular district wherein the chattels are; within the respective time following and not afterwards (namely):

(i.) Within fourteen days after its execution, where it is executed in the Consular district wherein the chattels are:

(ii.) Within two months after its execution, where it is executed in China or in Japan, elsewhere than in that Consular district, or in Hong Kong:

(iii.) Within six months after its execution, where it is executed elsewhere than in China, Japan, or Hong Kong.

31. Registration is made as follows: The original and a copy of the bill of sale, and an