

within that part of Her Majesty's dominions called England, would not, by a Court of Justice having criminal jurisdiction in England, have been deemed and taken to be a crime, or misdemeanour, or offence, rendering the person so committing it liable to punishment.

Minutes of Proceedings before Consuls to be drawn up and preserved.

XXXI. And it is further ordered that a Minute of the proceedings in every case heard and determined before a Consul, in pursuance of this Order, shall be drawn up and signed by the Consul, and shall, in cases when Assessors are present, be open for the inspection of such Assessors, and for their signature if they shall concur therein; and such minute, together with the depositions of the witnesses, shall be preserved in the public office of the said Consul, and a copy of every such minute and of such depositions shall, if the Consul-General see fit to require them, be transmitted by the Consul to the said Consul-General.

Trade of British Subjects in contravention of Treaty with Japan declared unlawful and punishable.

XXXII. And whereas it is stipulated in and by the said Treaty agreed upon and concluded between Her Majesty and His said Majesty the Tycoon of Japan as aforesaid, that the ports and towns of Hakodadi, Kanagawa, and Nagasaki, shall be opened to British subjects on the first day of July one thousand eight hundred and fifty-nine, and that, in addition thereto, the following ports and towns shall be opened to them at the dates thereafter and hereinafter specified, that is to say, Nee-e-gata, or if Nee-e-gata be found unsuitable as a harbour, another convenient port on the west coast of Nipon, on the first day of January one thousand eight hundred and sixty, and Hiogo on the first day of January one thousand eight hundred and sixty-three.

Now it is hereby further ordered that all trade whatsoever of Her Majesty's subjects, in, to, or from any part of the dominions of the Tycoon of Japan, excepting the ports and towns aforesaid, and all trade whatsoever of Her Majesty's subjects in, to, or from any of the ports and towns aforesaid, before the respective days and times specified in the said Treaty as aforesaid, shall be, and the same is hereby declared to be unlawful, and every person engaged in such trade, as a principal, agent, ship-owner, shipmaster, or supercargo, shall be liable to be apprehended by any of Her Majesty's Consuls, and shall, when so apprehended, be sent by him to Jeddo, in any of Her Majesty's ships of war, or in any British ship or vessel, for trial before the Consul-General. And it shall be lawful for the Commander of Her Majesty's ships of war, or of any British ship or vessel, to receive any such person on board, under a warrant from the said Consul, addressed to the Consul-General, and thereupon to convey him in custody to Jeddo, and on his arrival there to deliver him, with the said warrant, into the custody of the said Consul-General, who, on the receipt of the said warrant and the person therein named, shall be authorized to commit, and shall commit the person so sent for trial, and detain or cause him to be detained in any place of safe custody at Jeddo, and the Consul-General shall forthwith proceed to hear and determine the charge against such person; and such person shall, upon conviction, be liable to a fine not exceeding ten thousand dollars, or to imprisonment for a term not exceeding two years.

Vessels and Persons engaged in unlawful Trade may be seized and sent for trial.

XXXIII. And it is further ordered that it shall be lawful for any of the Commanders of Her Majesty's ships, or any other officer duly authorized in that behalf, to seize any ship or vessel under the British flag which may reasonably be suspected of having been engaged, or of being engaged in any trade declared by the next preceding Article of this Order to be illegal, and to bring such ship or vessel, and the master, officers, supercargo, and crew thereof to Jeddo, and there to detain such ship or vessel, and the master, officers, supercargo, and crew thereof, until the said Consul-General shall have tried and determined the charge which may be brought against them, or any of them, in respect of such unlawful trade as aforesaid.

Enforcement of Fines and Penalties.

XXXIV. And it is further ordered that all fines and penalties imposed by or under this Order may be enforced and levied by distress and seizure, and sale of ships, and goods, and chattels, and no bill of sale, mortgage, or transfer of any property whatsoever, made after the apprehension of any person for any offence against, or cognizable under any of the provisions of this Order, or with a view to security or indemnity against any such offence to be thereafter committed, shall be of any force or avail whatsoever to defeat or affect the operation of any of the provisions of this Order.

Rules of practice, and regulations for expenses of witnesses, and rates of Fees in Civil Suits to be established.

XXXV. And it is further ordered that it shall be lawful for the Consul-General from time to time to establish rules of practice to be observed in proceedings before the said Consul, and to make regulations for defraying the expenses of witnesses in such proceedings, and the costs of criminal prosecutions, and also to establish rates of fees to be taken in regard to civil suits heard and determined before the said Consul, and it shall be lawful for the said Consul to enforce, by distress and seizure and sale of goods, or if there be no goods, by imprisonment, the payment of such established fees, and of such expenses as may be adjudged against the parties, or any of them: Provided always, that a Table, specifying the rates of fees to be so taken, shall be affixed and kept exhibited in the public office of the said Consul.

Appropriation of Fees, Penalties, &c.

XXXVI. And it is further ordered that all fees, penalties, fines, and forfeitures, levied under this Order, save and except such penalties as may by Treaty be payable to the Japanese Government, shall be paid to the public account, and be applied in diminution of the public expenditure on account of the Consular establishment in Japan: Provided always, that in the event of the Japanese authorities declining to receive any fine payable to the Japanese Government as aforesaid, the same shall be paid to the public account and applied in the manner last mentioned.

Consuls may grant Probate, and Administer to Intestate Estates.

XXXVII. And it is further ordered that it shall be lawful for any of Her Majesty's Consuls to grant probate of the will, or letters of administration of the intestate estate, of a British sub-