

AT the Court at *Buckingham Palace*, the 4th day of *February*, 1861,

PRESENT,

The *QUEEN's* Most Excellent Majesty in Council.

WHEREAS Her Majesty was pleased, on the twenty-third day of January, in the year of our Lord one thousand eight hundred and sixty, by and with the advice of Her Privy Council, to issue a certain Order for the exercise of the power and jurisdiction which Her Majesty has in the dominions of the Tycom of Japan, under and by virtue of an Act of Parliament made and passed in the Session of Parliament holden in the sixth and seventh years of the reign of Her Majesty, intituled "An Act to remove doubts as to the exercise of Power and Jurisdiction by Her Majesty within divers Countries and Places out of Her Majesty's Dominions, and to render the same more effectual." And whereas it is expedient that the said Order should be amended as hereinafter mentioned. Now, therefore, in pursuance of the above recited Act of Parliament, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

I. The seventh and eighth Articles of the said Order of the twenty-third day of January, A.D. one thousand eight hundred and sixty, shall be, and the same are hereby revoked and cancelled, save and except as to all acts, matters, and things done under the said seventh and eighth Articles of the said Order, or either of them, or which may hereafter be done under the same, or either of them, by Her Majesty's Consul-General, or by any Consul, Vice-Consul, or Consular Agent in Japan, or by any person duly authorized to act as such, previously to the day next succeeding the day on which this Order shall be received by the Consul-General in Japan.

II. And it is further ordered, that any charge against a British subject for a breach of any rules and regulations other than those relating to the observance of Treaties be heard and determined by the Consul; and in all cases in which the penalty shall not exceed two hundred dollars or one month's imprisonment, the Consul shall hear and determine the charge summarily, without the aid of assessors; but when the penalty attached to a breach of any rules and regulations other than those relating to the observance of Treaties, shall amount to more than two hundred dollars, or to imprisonment for more than one month, it shall be obligatory upon the Consul before he shall proceed to hear the charge, to summon two British subjects of good repute, residing within his district, to sit with him as assessors, which assessors shall, however, have no authority to decide on the innocence or guilt of the party accused, or on the amount of fine or imprisonment to be awarded to him on conviction; but it shall rest with the Consul to decide on the guilt or innocence of the party accused, and on the amount of fine or imprisonment to be awarded to him: Provided always, that in no case shall the penalty be attached to a breach of rules and regulations other than those for the observance of Treaties, exceed five hundred dollars, or three months' imprisonment; and provided further, that in the event of the said assessors, or either of them, dissenting from the conviction of the party accused, or from the penalty of fine or imprisonment awarded to him by the Consul, the Consul shall take a note of such dissent, with the

grounds thereof, and shall require good and sufficient security for the appearance of the party convicted at a future time, in order to undergo his sentence, or receive his discharge; and the Consul shall, within twenty days, report his decision, with all the particulars of the case, together with the dissent of the assessors, or either of them, and the grounds thereof, to Her Majesty's Envoy Extraordinary and Minister Plenipotentiary and Consul-General in Japan, who shall have authority to confirm, or vary, or reverse the decision of the Consul as to the said Envoy Extraordinary and Minister Plenipotentiary and Consul-General may seem fit: Provided always, that if an appeal shall be entered against the decision of the Consul, no such report shall be made to Her Majesty's Envoy Extraordinary and Minister Plenipotentiary and Consul-General, on the ground of the dissent of the assessors, or either of them, but the appeal shall be prosecuted in the manner hereinafter ordered.

III. And it is further ordered, that in any question relating to the observance of Treaties, or of rules and regulations for the observance of Treaties, or of rules and regulations other than those for the observance of Treaties, a report of any and every decision made by a subordinate Consular Officer, with or without the aid of assessors, shall be sent in by such subordinate Consular Officer to the superior Consular Officer of the district, and that on the receipt of such report, the superior Consular Officer of such district shall proceed, without assessors, to revise such decision as to him may seem fit, and such revision shall have, for the purposes of the said recited Order, and of this Order, the same effect as if the case had been originally heard and determined by such superior Consular Officer, with or without the aid of assessors: Provided always, that in any case in which the assessors, or either of them, shall dissent from a decision of a subordinate Consular Officer, such decision shall not be subject to revision by the superior Consular Officer, but, in the event of no appeal being entered as aforesaid, shall be submitted to Her Majesty's said Envoy Extraordinary and Minister Plenipotentiary and Consul-General, for revision, in the same manner as if such decision had been originally made by the superior Consular Officer.

IV. Provided always, and it is hereby further ordered, that Her Majesty's said Envoy Extraordinary and Minister Plenipotentiary and Consul-General shall once at least in every year, report to Her Majesty's Principal Secretary of State for Foreign Affairs his decisions on all cases heard and decided by him under and by virtue of this Order, together with the particulars thereof.

V. And it is further ordered, that this Order shall be read and construed with and as a part of the said recited Order of the twenty-third day of January, in the year of our Lord one thousand eight hundred and sixty, which, save as by this Order is otherwise provided, is to remain and continue in full operation and effect in all particulars.

And the Right Honourable Lord John Russell, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

Arthur Helps.