



**Hongkong**  
**GOVERNMENT GAZETTE.**  
*EXTRA.*

Published by Authority.

VICTORIA, HONGKONG; MONDAY, SEPTEMBER 26, 1853.

GOVERNMENT NOTIFICATION.

THE Contract hitherto in force for the publication of GOVERNMENT NOTIFICATIONS having ceased on the 21st instant.—Notice is hereby given, that the HONGKONG GOVERNMENT GAZETTE, this day established, will be hereafter the only Official Organ of Proclamations, Notifications, and all Public Papers of this Government.

By Order,  
 W. CAINE,  
*Colonial Secretary.*

Victoria, Hongkong,  
 24th September, 1853.

*Diplomatic Department.*

His Excellency Her Britannic Majesty's Plenipotentiary and Chief Superintendent of British Trade in China, &c., &c., is pleased to give publicity to the subjoined Notification by Her Britannic Majesty's Consul at Shanghai, establishing Provisional Rules for the Clearing of Ships in the absence of a recognized Custom-house Establishment at that Port.

By Order,  
 W. H. MEDHURST,  
*Officiating Secretary to H. M.'s  
 Plenipotentiary, &c., &c.*

Superintendency of Trade, Victoria,  
 Hongkong, 26th September, 1853.

NOTIFICATION.

BRITISH CONSULATE, SHANGHAE,  
 9th September, 1853.

On the 7th instant before daybreak a Column of armed men entered the City of Shanghai by the North Gate and took possession of the Place. The Authorities were deposed,—the Che-héen killed, and since that date the Leaders of the force, whoever they may be, remain Masters of the City. The Custom-houses with the other official Buildings have been either demolished or plundered, and there is at present no Custom-house Administration, and no recognized authority to carry on the functions of Government. The City has been partially plundered. Contributions have been levied, and serious dissensions among the armed

men of various Provinces who are in possession, still threaten a sanguinary struggle for supremacy, chiefly between the Fokien and Canton Factions. In this state of affairs a very natural anxiety exists as to the security of property within the Foreign settlement; and many urgent representations have been made to H. M.'s Consul to induce him to afford facilities for the departure of British ships with valuable cargoes, on the ground of insecurity and of injury and loss from detention, irrespective of greater danger.

Many arguments more or less cogent have at the same time been urged as reasons why sailing of ships should be authorized, without regard to a Treaty, for the moment in abeyance at this Port, or any Trade Regulations to the contrary. H. M.'s Consul thinks it right under these circumstances to state in the plainest manner his views in reference to the means suggested for diminishing the disastrous influence of the Insurrection on Trade at the Port; more especially in reference to the arguments which have been suggested as sanctioning an unfettered line of action.

It is contended that the Treaty has for the moment at least no existence at this Port, since there is no Government to carry out its provisions; and that in regard to the rights and claims of a Custom-house, where none exists there can be no obligation to observe its rules or pay its duties. To this a very obvious reply suggests itself on the part of the Chinese Government, namely,—that (the capture of an isolated sea-port on the coast of a vast Empire, can in no sense abrogate a solemn Treaty entered into between the two Sovereigns of Great Britain and China.) The obligations continue to exist on either side, although for a time the means of giving full effect may, by insurrection or violence, be wanting to one of the contracting parties. The inability of the one Government to enforce its rights owing to calamities which beset it, so far from being a reason why the other should take advantage of the circumstances to ignore its rights, forms in truth the strongest argument for their honest recognition. That this is the view taken by H. M.'s Plenipotentiary, and by H. M.'s Government, has been placed beyond doubt. It remains therefore

simply for H. M.'s Consul to observe the Treaty; and in any measures adopted to the peculiar circumstances of the time, to take care that the rights of the Chinese Government suffer no infringement.

It has been further stated that whatever precautions may be taken to insure good faith in respect to the Chinese Revenue under the British Flag, there is no power to insure a similar course in respect to Trade and Custom duties under every other Flag; and that it would be both a hardship and an injury to British Merchants if they were placed on less advantageous terms than their neighbours and competitors. It is very true that H. M.'s Consul can have no pretension to interfere with the Representatives of other Powers in the means they may see fit to adopt in this conjuncture, but it is not less clear that H. M.'s Consul must hold himself free from all obligation to follow a course which to his judgement may appear unjustifiable, simply because it may have been adopted by others. This, so far as the line of his duty is concerned, but he is not without hope that something of uniformity may be found to prevail among the Consular representatives as to the obligations imposed by good faith under existing Treaties, and the particular measures it may be deemed expedient to adopt to reconcile the exigencies of trade, and the rights of the Chinese Government under such Treaties.

Having thus disposed of the principal arguments for and against the cessation of all Treaty rights and Trade Regulations, it only remains for H. M.'s Consul to state what is the course he is prepared to follow, in the absence of a Custom-house and all legal Authority at the Port, which may continue for an indefinite time, to the great injury of all concerned.

By Treaty no Ship can leave its anchorage until all duties are paid up in full, and the issue of a Port Clearance by the Superintendent of Custom; upon production of which to the British Consul "he will return the Ship's papers and allow the vessel to depart." No provision has been made either by the Treaties or the Consul's Instructions for the exceptional circumstances now existing where there is no Custom-house Establishment to verify the landing and shipping of goods, and no Superintendent to receive and grant receipt for the Duties. There is in brief, no authority given to the British Consul to return the Ship's papers and allow the vessels to depart, without such credentials as a Superintendent of Custom can alone furnish. If he takes upon himself to do so by any provisional arrangement, he must do so entirely upon his own responsibility; and a very heavy one it becomes, under two heads. First as to the verification of the amounts due to the Chinese Revenue, and secondly as to the payment of the same.

It must be too clear for dispute therefore, that if he consent to take this unauthorized responsibility—it must rest with him, and him alone, to specify the conditions under which he is willing to accept so onerous a charge. If any one object to the conditions, the alternative is their's to refuse compliance and abide by the Treaty, which requires the Consul to keep the ship's papers until a Port clearance has been granted by the Superintendent of Customs; but in doing so they must of course accept all the consequences.

Any adaptation of measures to meet the exigencies of the times, if in accordance with the Treaty must carry with it two conditions which are essential to good faith in the matter. The verification of the amounts due according to the Tariff, and the guarantee for their payment on demand. And H.

M.'s Consul wishes it to be distinctly understood that the provisional system he is willing to adopt, proceeds on the assumption that both these ends can be satisfactorily attained, pending the absence of a Custom-house Establishment to verify and receive the duties; and only in so far as he can see his way to the realization of both these objects, is he disposed to accept the grave responsibility he must unavoidably incur. No simple declaration of shippers as to goods landed or shipped without any check, sanction or supervision of Custom-house Officers, will be held satisfactory if doubt should arise as to their accuracy, and other and better means are attainable. All such parties will bear in mind that they can plead no legal authority whatever for either the landing or shipping of goods since the morning of the 7th instant, and have no right therefore to complain of any scrutiny it may be deemed necessary to institute for the verification of manifests made under such circumstances. For any cargoes landed or shipped under the late Custom-house arrangement, in so far as these can be shown to have been sanctioned by them, the returns will be taken as they stand.

As regards the payment of duty a still heavier responsibility weighs upon H. M.'s Consul if silver be not tendered; and after the recent official announcement of the views of H. M.'s Plenipotentiary and the Instructions already in the hands of the former, nothing but the conviction that the property is insecure, and exposed to unforeseen risks, induces him to contemplate any measures which shall substitute security, however good, for actual payment. He believes however from the best information he can obtain that to insist upon payment at the present moment with the City in the hands of an unknown Band of Insurgents, and Soochow itself probably in the same condition, would amount to a declaration that the ships shall not depart until order be re-established. It is useless therefore for the Consul to take upon himself the irksome and obnoxious task of verifying the ships' cargoes and the amount of duties payable, unless he is at the same time prepared to accept the still more onerous responsibility of receiving security for payment instead of the delivery of Cash. He will take upon himself to do both therefore, since thus alone can he afford the assistance he desires in order to avert the indefinite detention of ships and the possible destruction of Property to a large amount:—and upon the following conditions:—

PROVISIONAL RULES FOR THE CLEARING OF SHIPS  
IN THE ABSENCE OF A CUSTOM-HOUSE ESTABLISHMENT.

1st.—The Consignee of each Ship to give into this Office a declaration in writing of all the parties to whom Imports have been consigned, and of all those who are shippers of outward Cargo.

2d.—Each Importer or Shipper to make a declaration in writing of the quantity and description of Goods, the number of packages; their weight and value, when the two latter conditions affect the duties.

3d.—In the event of doubt arising as to the accuracy of these particulars, the same to be supported by the production of any papers or documentary evidence the Consul may see fit to require.

4th.—The Consignees of the Ship to present a collective schedule of the particulars of Cargo and Duties payable on goods and Ship, corresponding with the several declarations of Importers and Shippers in what concerns these, and with the addition of Tonnage dues.

5th.—The amounts thus shown to be due from

Importers, Shippers, and Consignees of Vessels to be paid into this Office; either in Silver, as they would have had to pay if the Custom-House-Bankers had to receive the Duties, or by the bill of the several parties payable on demand at forty days sight in Shanghai to the Chinese Superintendent of Customs, provided the sanction of H. B. M.'s government to that effect be received.

6th.—These preliminaries arranged to the satisfaction of H. M.'s Consul the Consignees will receive on application the Ship's papers and a Port Clearance under the Consular Seal, after delivery of which the vessel will be at liberty to leave the Port.

(Signed) RUTHERFORD ALCOCK,  
Consul.

To The British Community,  
Shanghai.

True Copy,  
W. H. MEDHURST.

POST-OFFICE NOTIFICATION.

MAILS will be made up for SINGAPORE, PENANG, and CALCUTTA, per Steam Packet PEKIN, and closed on Thursday, the 29th instant, at 12 o'clock, Noon.

THOMAS HYLAND,  
Post-Master.

Post-Office, Victoria, Hongkong,  
26th September, 1853.

STEAM FOR  
SINGAPORE, PENANG, POINT DE GALLE,  
ADEN, SUEZ, MALTA, MARSEILLES,  
AND SOUTHAMPTON;

ALSO,  
BOMBAY, MADRAS, AND CALCUTTA.

THE PENINSULAR & ORIENTAL STEAM NAVIGATION COMPANY'S Steam-ship FORMOSA, Captain CHRISTIAN, with Her Majesty's Mails, Passengers, Specie, and Cargo, will leave this for the above Places, on Tuesday, the 27th September, at 2 P. M.

CARGO will be received on board until 5 P. M. on the 24th, SPECIE until Noon on the 26th, and PARCELS until 2 P. M. on the 26th.

For particulars regarding FREIGHT and PASSAGE, apply at the Peninsular & Oriental Steam Navigation Company's Office, Hongkong.

CONTENTS, AND VALUE OF PACKAGES, ARE REQUIRED.

A written declaration of the Contents and Value of the Packages for the Overland Route is required by the Egyptian Government, and must be delivered by the Shipper to the Company's Agents with the Bills of Lading, or with Parcels; and the Company do not hold themselves responsible for any Detention or Prejudice which may happen from incorrectness in such declaration.

ROBERT S. WALKER,  
Superintendent.

P. & O. S. N. Company's Office,  
Hongkong, 23d September, 1853.

