

THE

Hongkong Government

GAZETTE.

NEW SERIES.

VICTORIA, SATURDAY, 2D AUGUST, 1856.

VOL. II. No. 57.

GOVERNMENT NOTIFICATION.

The Contract for publishing this *Gazette*, entered into on the 24th September, 1853, was terminated on the 30th ultimo; and notice is hereby given, that a NEW SERIES of this *Gazette* will be published hereafter, to commence from the 7th instant, under a New Contract, and that

“THE HONGKONG GOVERNMENT GAZETTE”

will, as before, be the only Official Organ for PROCLAMATIONS, NOTIFICATIONS, and PUBLIC PAPERS, of this Government.

By Order,

W. T. MERCER, *Colonial Secretary.*

Colonial Secretary's Office, Victoria, Hongkong, 2d July, 1855.

HONGKONG.

ANNO VIGESIMO VICTORIÆ REGINÆ.

No. 14 of 1856.

By His Excellency SIR JOHN BOWRING, Knight, LL.D., Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice Admiral of the same, Her Majesty's Plenipotentiary and Chief Superintendent of the Trade of British Subjects in China, with the Advice of the Legislative Council of Hongkong.

An Ordinance for Fees and Costs.

[31st July, 1856.]

Whereas no Provision hath been hitherto made by the Legislature of this Colony for the ascertaining of Court and other Fees and Costs in Equity Proceedings, and some of the said Fees, as hitherto levied, are illegal: And whereas the late reformation in procedure at Law, and in Equity, and Practice in general, maketh further Legislation with respect to Fees, Costs, and Taxation desirable:

Preamble.

Be it enacted and ordained by His Excellency the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:

I. The Three Schedules to this Ordinance annexed shall be deemed to be incorporated therewith, and (except where otherwise expressed) shall be interpreted in manner following, that is to say: The First and Third Schedules respectively, as relating exclusively to Proceedings on the Equity side of the Supreme Court of Hongkong, or to Business done or to be done in the practice of Conveyancing: And the Second Schedule, as relating to all Proceedings whatsoever at Law or in Equity in the said Court, not being Proceedings before the Summary Jurisdiction thereof, nor Proceedings by way of Appeal in Rating Cases;—and also to Business done or to be done in the practice of Conveyancing:—Yet so as that, where any of the Particulars in the said Three Schedules severally entered shall appear to be thereby respectively extended to other matters or occasions, or limited to some special matters or occasions, the same shall be so interpreted accordingly.

The Three Schedules to be incorporated with the Ordinance and to be interpreted as herein mentioned.

II. From and after the passing of this Ordinance, it shall not be lawful to ask or receive, in respect to any proceedings in Equity or Conveyancing Business, any Fees or Payments of Court or of Office other than according to the Rates and Conditions in the said Schedule expressed, save that the Registrar of the said Court is hereby empowered to remit or reduce all or any of such Fees or Payments, in any case where good and sufficient ground shall have been shewn to his satisfaction for such Remission or Reduction.

Court Fees not to exceed the rates in the First Schedule.

III. The Rates, Conditions, and Limitations, contained in the said Second and Third Schedules respectively, shall be strictly obeyed and enforced at the Taxation of Costs and Charges; and no allowance shall be granted of any Costs or Charges otherwise than in conformity to the said Rates, Conditions, and Limitations, respectively.

Costs, &c. not to exceed the rates in the Second and Third Schedules.

IV. The distinctions of Costs as between Party and Party, and of Costs as between Attorney, or Solicitor, or Proctor, and Client, are henceforward abolished at Law, in Equity, and elsewhere; and all Costs and Charges hereafter to be taxed shall be taxed upon one uniform Scale, and according to the same conditions, and without regard to the distinctions aforesaid; and the Costs of Interlocutory Proceedings shall in all cases be forthwith paid, and shall in no case be made to abide the event of the cause wherein such proceedings shall have been taken.

One uniform Rule of Taxation.

V. Nothing herein contained shall prevent a Client from binding himself by Special Contract under his hand with his Attorney or Solicitor, to pay or allow unto him any reasonable Sum of Money for any Business done or to be done by the said Attorney or Solicitor for the said Client, albeit the said reasonable sum shall be of higher amount than the said Attorney or Solicitor under Sections Three and Four of this Ordinance would upon Taxation have been entitled to.

Reservation of special written Contracts.

VI. Upon strict Proof made to the Taxing Master of any such Contract, it shall be his duty to give effect thereto, or to so much thereof as he shall esteem reasonable; and he shall make his Allowance or Certificate accordingly.

Such Contracts may be allowed by the Taxing-master.

Discretion as to Counsel's Fees in Summary Jurisdiction or Magistrates' Courts.

VII. The allowance of Fees payable to Barristers for attending for the Plaintiff or Defendant before the Summary Jurisdiction of the Supreme Court, or for any party in a Civil or Criminal Proceeding before any Magistrates or Justices in or out of Sessions, shall be discretionary with the said Court, Magistrates, or Justices respectively, but in no case shall a greater Fee than Fifteen Dollars be allowed for any such Attendance.

Attornies may conduct cases in Court upon Default of Counsel.

VIII. It shall be the duty of an Attorney, if so required by his Client, to appear for him in Court and conduct his case in person in any matter soever, whether Criminal or Civil, and in what Court soever, if the said Attorney shall be unable, after Tender made by him to each of the Counsel belonging to the Hongkong Bar, of a proper Fee according to the Second Schedule aforesaid, to procure the attendance of Counsel in the said matter.

Translators' Fees.

IX. The Fee of Twenty-five Cents per folio of the Original Document and no more shall be payable to a Translator of the Court for Translating and Copying any Document, whether at Law or in Equity or elsewhere.

Rights of Paupers.

X. Nothing herein contained shall prejudice Paupers in respect of their right of proceeding without Fee or Reward.

Indemnity in Case of former Proceedings in Equity.

XI. All Decrees and Decretal Orders touching the payment of any Costs or Charges in Equity, and all Allowances or Certificates thereof, and all Payments under their authority at any time made before the passing of this Ordinance, are hereby ordained to be valid and effectual; yet so far only as respects the Jurisdiction in that behalf of the Court or Taxing Master making such Decrees or Decretal Orders or Allowances or Certificates, and the personal Liabilities of any member of the said Court, or of any such Taxing Master, for or in respect of the same.

Costs payable to the Crown.

XII. Costs of procedure shall be recoverable by or on behalf of the Crown upon every Judgment or Decree at Law, in Equity, or in the Admiralty or Ecclesiastical Jurisdiction of the Supreme Court, whereby any Real or Personal Estate or any Forfeiture or Money Penalty shall have been adjudged to belong or awarded to the Crown.

JOHN BOWRING.

Passed the Legislative Council of Hongkong, this 31st Day of July, 1856.

L. D'ALMADA E CASTRO,
Clerk of Councils.

THE FIRST SCHEDULE TO WHICH THE FOREGOING ORDINANCE REFERS.

COURT FEES.

	\$	cts.
For filing a Bill or Information,	4.00	
For filing a Claim, Special Case, Caveat, Supplemental Statement, or Statement for Revivor,	1.00	
For filing every attendable Petition,	2.50	
For filing every nonattendable Petition,	0.75	
For issuing every Original or Judge's Summons,	1.00	
For issuing every other Summons,	0.50	
For issuing every Warrant,	0.50	
For entering every appearance, whether to a Bill, Summons, or Claim, at the rate for every Three Defendants, or a broken number if less than Three,	2.00	
For sealing every Writ in the nature of Contempt Process,	2.00	
For sealing every other Writ, or Commission,	4.00	
For resealing any Writ, or Commission,	1.00	
For filing every Set of Interrogatories, whether for examination of parties or Witnesses,	1.50	
For filing every Answer, or set of Exceptions,	1.50	
For entering or filing the Duplicate of any Record or Proceeding,	1.00	
For every Amendment of the Record,	2.00	
For every Witness examined in the Office of the Registrar, per hour or broken hour (including Oath, Affirmation, or Declaration),	1.50	
For every Witness examined by the Registrar elsewhere than in his Office, per day, including as aforesaid, but besides Expenses,	6.00	
For every Witness examined out of the Jurisdiction, per day, including as aforesaid, but besides Expenses,	10.00	
For taking the Affidavit of any Invalid Deponent at his place of Residence, including as aforesaid, but besides Expenses,	4.00	
For taking every Oath, Affirmation, or Declaration in other Cases,	0.50	
For filing every Affidavit with or without Exhibits annexed,	0.50	
For every Search made or Inspection had for or of Records or Documents, per hour or broken hour,	1.00	
For every Office Copy made, per folio,	0.15	
For Stamping or Marking any other Copy or Duplicate,	1.00	
For attending elsewhere than in the Supreme Court with Record or to prove Documents, per day, besides Expenses,	2.00	
For every Bill of Costs taxed, per Centum,	5.00	
For every Certificate of the Taxing Master or of the Judge's Clerk (including Signing),	4.00	
For every other Certificate, including Signing,	1.00	
For every Advertisement prepared and published besides the Expense thereof,	2.00	
For entering every Notice of Motion,	1.00	
For entering or filing any Document not specified in this Schedule,	1.00	
For entering or setting down any Cause, Claim, Petition, or Special Case for hearing before the Court, including the Hearing,	2.00	
For every Decree or Decretal Order drawn up and entered, including the Minutes thereof,	4.00	
For every Interlocutory Order when not of Course, but relating to the conduct of a Suit or Matter drawn up and entered,	1.00	
For every other Order of Court drawn up and entered,	0.50	
For every other Order in Chambers drawn up and entered,	4.00	
For every Enrolment of a Decree or Decretal Order,	2.00	

THE SECOND SCHEDULE TO WHICH THE FOREGOING ORDINANCE REFERS.

COUNSELS' FEES.

	\$	cts.
Retainer in any matter at Law, in Equity, or in the Ecclesiastical or Admiralty Jurisdiction,	10.00	
Perusing, Settling, Drawing, or Advising on any Pleadings or Evidence either at Law or in Equity, or any Deeds, Wills or Judgments or Papers, according to the amount of Labour bestowed,—such labour to be estimated, not with reference solely to the Volume of the Instructions or Draught, or the Time occupied, or the difficulty of the Case, or any other Circumstances in particular, but with a due regard to all the Circumstances of each Case.		
The same Observation applies to the principle on which the allowance of Fees to Counsel upon Briefs at Law or in Equity is to be determined, subject to the provisions next hereinafter contained.		

	\$ cts.
The Fee payable to the sole Counsel or leading Counsel at the Trial or Hearing of a Cause, or any other Proceeding either at Law or in Equity (except in the cases next specified) shall be at least,	25.00
The following Scale of Fees is not to be exceeded in any of the cases specified, viz:—	
Consultation or Conference,	25.00
Motion for leave to file a Claim in Equity, or to substitute Service of Process at Law, or in Equity, or to take a Document off the File of the Court at Law or in Equity, or for Contempt Process at Law or in Equity, or for time to plead or answer, or to discharge an order for time,	10.00
Motion of Course,	5.00
Every other Motion,	25.00
The Fee Payable to each Junior Counsel (where such is allowed) is not to exceed Two-thirds of the Fee allowed to his Senior Counsel, at any Consultation or Conference, or in any proceeding before the Court, and whether at Law or in Equity or elsewhere.	
No Fee to be allowed to a Junior Counsel in any case except upon good grounds shown to the satisfaction of the Taxing Master.	
Refreshers are not to exceed the rate of One-half the amount allowed for the Original Fees, yet so as that in no case the Fee payable as a Refresher shall be less than,	5.00
Counsel attending Arbitrations or Commissions shall receive the like Fees as at Trials at Law or Hearings in Equity, save that they shall be further entitled to their Expenses, and also to a remuneration for every day after the first day, of,	50.00

THE THIRD SCHEDULE TO WHICH THE FOREGOING ORDINANCE REFERS.

SOLICITORS' COSTS.

	\$ cts.
Instructions to Sue or Defend,	4.00
Instructions to prepare Bill, Claim, Original Petition, Special Case, or Original Summons or answer Plea or Demurrer or to advise thereon (including the perusal of papers),	6.00
For entering Appearance in the cases aforesaid (including Instructions to appear) if for less than Three Defendants,	3.00
The like for every Three Defendants over the First Three, a broken number of less than Three counting as Three,	1.50
For preparing and filing a Bill, Claim, Original Petition, Special Case, or Original Summons (including sealing and issuing) or Answer, Plea, or Demurrer, a Fee to be regulated by the volume of Instructions, the nature and difficulties of the Case, and the Work performed,	1.50
For preparing, filling up, sealing and leaving any other Summons,	1.50
For Instructions and Attendances not by this Schedule provided for (if the Taxing Master shall allow the same), such reasonable Fees as he shall determine. But no allowance shall be made in respect of Instructions for Documents (not herein specified) to be brought into Judge's Chambers or the Office of the Court, save for Interrogatories, Examinations, and Affidavits, not being Affidavits of course or of the Party's own Solicitor or a Clerk of such.	
For making Copies to serve, or for the opposite Party, or fair Copies, per folio,	0.15
For engrossing in all other Cases, per folio,	0.18
For every Attendance to Bespeak, Deliver, Receive or File Documents, to make Payments, or to obtain Appointments,	1.00
For every Attendance at Court, or in Chambers at the Hearing of any opposed Motion, Attendable Petition, or Original Summons, or Plea, or Demurrer, or before an Examiner or Commissioner, taking Evidence, per hour or broken hour,	2.00
For the like at the Hearing of the Cause, Claim, Original or Court Petition, or Special Case, or Plea, or Demurrer, or on further Directions, except in the Case next hereinafter specified,	6.00
For attending and conducting any matter, in Court whether at Law, in Equity, or elsewhere, under Section Eight of this Ordinance a Fee, not exceeding,	25.00
For every Attendance to instruct Counsel, Consultation, Conference, Meeting, Search, Inspection, or Reading over of Documents, per hour or broken hour,	2.00
For every Attendance to marshal Evidence or take down the Statements of a proposed Witness, such Fee as the Taxing Master shall think fit to allow, not exceeding for every hour or broken hour,	3.00
For every Attendance at Judge's Chambers at any Government Office or at any Public Office not hereinbefore provided for, per hour or broken hour,	2.00
For every Attendance beyond Five Miles from Victoria, in lieu of the above rates of charge for attendances, but exclusive of reasonable Expenses, per day,	10.00
For every letter, if not charged per folio,	1.00
If so charged, for every folio,	0.25
For translating any Document, per folio of the Original,	0.25
For draughting in all Cases not herein specified, per folio,	0.35
For Messages and Expenses according to the circumstances of each Case.	

GOVERNMENT NOTIFICATION.

The subjoined amended Draft of the Ordinance for Seamen, is hereby published for general information.

By order of His Excellency The Governor in the Legislative Council,

L. D'ALMADA E CASTRO,
Clerk of Councils.

Council Room, Victoria, Hongkong, 31st July, 1856.

HONGKONG.

ANNO VIGESIMO VICTORIÆ REGINÆ.

No. of 1856.

By His Excellency SIR JOHN BOWRING, Knight, LL.D., Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, Her Majesty's Plenipotentiary and Chief Superintendent of the Trade of British Subjects in China, with the Advice of the Legislative Council of Hongkong.

An Ordinance for Seamen.

[July, 1856.]

Be it enacted and ordained by His Excellency the Governor of Hongkong, with the Advice of the Legislative Council thereof, in manner following, that is to say:—

I. His Excellency in Executive Council is empowered to grant unto such and so many Persons, and Licensed Shipping Agents to be appointed for such respective Periods and under such Conditions and Regulations, (whether with regard to forfeiture by the Governor in or otherwise,) as to His said Excellency in Council shall from Time to Time seem meet, (but always subject by the Council to the provisions of this Ordinance,) Licenses to act in this Colony in and about the Procuring, Supplying,