

GOVERNMENT NOTIFICATION.

His Excellency the Chief Superintendent of Trade, &c., &c., has directed the following Notification, issued by Her Majesty's Consul at Foochow, to be published for general information.

By Order,

G. W. CAINE,

*In the absence of the Secretary to
H. B. M.'s Plenipotentiary.*

Superintendency of Trade, Victoria, Hongkong, 17th March, 1856.

BRITISH CONSULATE, FOOCHOW, 6th March, 1856.

NOTIFICATION.

In pursuance of a communication received by Her Majesty's Consul from the Chinese Superintendent of Customs, it is hereby notified, that a new Examining Station has been established at Simpoo (half-way between Foochow and Pagoda Island anchorage,) where from and after to-morrow, the 7th instant, all Boats carrying Export Merchandise will be required to call for the purpose of shewing Permits of the [accompanying] form, which will be issued to all goods after examination at the Bridge Custom House. But it is distinctly understood, that no Fees or Exactions of any kind are to be levied at the said Station, and the Revenue Officers have been particularly enjoined not to subject any Boats to unnecessary detention or delay.

(Signed) *

W. H. MEDHURST,
Consul.

THE BRITISH COMMUNITY,
Foo-chow.

True Copy,

G. W. CAINE.

HONGKONG

ANNO DECIMO NONO VICTORIÆ REGINÆ.

No. 5 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.

Title.

An Ordinance for the Amendment of Procedure in Civil and Criminal Cases.

[17th March, 1856.]

Preamble.

WHEREAS important Reforms have been introduced into the Laws of the United Kingdom, with a view of cheapening, simplifying, and expediting the administration of Justice, and it is expedient and desirable that this Colony should as far as possible have the benefit of these reforms: Be it therefore enacted and ordained by His Excellency the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Extension of portions of Ordinance No. 6 of 1855 to Criminal cases.

I. Sections XVII, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXIX, XXX, XLII, XLIII, and XCII, of Ordinance 19 Victoria, No. 6 of 1855, shall apply to Criminal Procedure equally as to Civil; and where any of the Enactments contained in the Common Law Procedure Acts of 1852 and 1854, or in any Rules or Orders hereby respectively extended to Hongkong, relate to Amendment of Pleadings or to Evidence, the same shall be interpreted to apply to Criminal Procedure equally as to Civil.

Extension to this Colony of certain Enactments and Statutory Rules for amending the Pleading and Practice of the Courts at Westminster.

II. Subject to the provisions of this present Ordinance, which shall be read with and as forming part of the said Ordinance No. 6 of 1855, such and so many of the Enactments of the Imperial Parliament as are specified in Schedule A, to this Ordinance annexed, and also such and so many of the Rules or Orders made by the Judges of the Superior Courts of Common Law at Westminster under Statutory Authority for regulating Practice and Pleading in the said Courts as are specified in Schedule B, to this Ordinance also annexed, shall, from and after the passing of this Ordinance (but so far only as in the said Schedules respectively are specified,) extend to and have force within this Colony: And all Powers and Duties thereby respectively conferred or imposed upon any Judges of the said Superior Courts, any Masters thereof, and any Sheriffs, Gaolers, Officers, or others owing obedience to any of the said Courts, shall respectively devolve upon and be exercised or performed by the Supreme Court of this Colony, the Registrar of the said Court, and the Sheriff of this Colony, and all Gaolers, Officers, or others within the same, according to their several and respective Jurisdictions and Authorities in the premises respectively.

Tests and date of Writs.

III. All Writs whatsoever shall be tested and bear date the respective days whereon the same shall happen to be sued out.

Unsworn declarations of Witnesses, &c.

IV. Every Court, Magistrate, Commissioner, or Officer qualified to take Affidavits or Depositions in any matter, Civil or Criminal, where any person competent to give evidence or make affidavit therein shall refuse to be sworn thereto, may, at his discretion, permit him or her to make an unsworn Declaration or Statement of his or her Testimony in the said matter, which said Declaration or Statement shall thenceforth have the same force and effect in all respects as his or her Deposition or Affidavit (as the case may be) to the like purport, if sworn to in the usual way, would have had: But no such permission shall be granted to any person who shall not have been first, by the said Court, Magistrate, Commissioner, or Officer, duly warned to speak the Truth, and informed of the Penalties which he or she will incur by making a False Declaration or Statement under this Ordinance; and further, who shall not (unless he or she shall happen to be a Heathen) have first satisfied the said Court, Magistrate, Commissioner, or Officer, that his or her Objection to take the Oath proceeds from a Religious or Conscientious Belief that the taking of an Oath is unlawful.

Shipowners' responsibility Clauses.

V. All proceedings in cases within the meaning of Section DXIV of the "Merchant Shipping Act 1854," and of any Enactments passed or to be passed for amending the same, shall be by summary application to the Supreme Court on the Common Law side, and by way of Motion supported by Affidavit; and the said Court shall, if it deem meet, by Rule or Order give such Relief as by the said Section any such competent Court as in the said Act is mentioned hath power to give.

Further extension of the Equitable Jurisdiction of the Common Law side of the Supreme Court.

VI. In like manner, any party to an Action may, upon his or her summary application to the said Court, obtain, in the cases specified in the hereby extended Enactments of the "Common Law Procedure Act 1852," or in the said Ordinance No. 6 of 1855, any such Writs of Injunction or other equitable Relief as therein expressed: And no such party shall be obliged to have recourse for such relief to the Equity side, of the actual said Court by bill or otherwise.

Striking out of Equitable Defences.

VII. It shall be lawful for the said Court to order to be struck out of any Pleadings at Law, upon such terms as to the said Court shall seem meet, any equitable Plea or equitable Replication which doth not appear to disclose a good Defence upon the Merits either at Law or in Equity.

Payment of money into Court no Admission of cause of Action.

VIII. Payment of Money by a Defendant into Court shall in no case soever be deemed an Admission of any of the causes for which such Action may have been brought.

Attorney General may lawfully institute and prosecute in his own name an Action of Ejectment to the Crown any Lands, Tenements or Hereditaments claimed by the Crown and whereof he is in actual possession. Penalties of wilful and corrupt Perjury shall be incurred by any person who shall falsely swear with or without oath falsely affirm or state, any matter of Evidence under this or any other

A Court of Error and Appeal shall be constituted in this Colony, so much of Schedule A to this Ordinance as relates thereto may be so far as practicable taken advantage of by appeal to Her Majesty's Court of Error and Appeal.

JOHN BOWRING.

By the Legislative Council of Hongkong, this 17th Day of March, 1856. L. D'ALMADA E CASTRO, Clerk of Councils.

SCHEDULE A (ACTS OF PARLIAMENT) TO WHICH THIS ORDINANCE REFERS.

Table with 3 columns: Title or Subject matter of Act, How much of the Act is hereby extended to this Colony. Includes entries for Proceedings in Mandamus, The Common Law Procedure Act, 1852, Aggravated Assaults, Secret Bills of Sale, Usury and Annuities' Laws Repeal, and Summary Procedure on Bills of Exchange.

SCHEDULE B. (RULES AND ORDERS) TO WHICH THIS ORDINANCE REFERS.

Table with 3 columns: Subject Matter of the Rules or Orders, How much of the Rules or Orders are hereby extended to this Colony. Includes entries for Practice of the Common Law Courts of Westminster and Pleadings in the Common Law Courts of Westminster.

HONGKONG. ANNO DECIMO NONO VICTORIÆ REGINÆ. No. 6 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 to extend the Criminal Procedure Ordinance, No. 4 of 1852.

[17th March, 1856.]

Title.

Preamble.

Whereas it is expedient to extend the operation of Ordinance No. 4 of 1852: Be it enacted and ordered by His Excellency the Governor of Hongkong, with the Advice of the Legislative Council thereof, that the following:—

Abbreviation of forms.

In every Information for Robbery, it shall be sufficient to charge that the Defendant did feloniously rob the Party injured; and in every Information for an Assault with intent to rob, to charge that the Defendant did feloniously make an Assault with intent to rob the Party injured; and in every Information for taking Property with Menaces or by Force with intent to steal the same, to charge that the Defendant did feloniously attempt with Menaces or by Force or with Menaces and Force (as the case may be) to rob the Party injured.

The term Dwelling House, &c., shall be a sufficient description in cases of Burglary, &c.

In all Informations for Burglary, stealing in a Dwelling House, or breaking and entering and stealing in a Warehouse, or Counting House, or a Building within the Curtilage of a Dwelling House, it shall be sufficient to describe the place wherein the offence is charged to have been committed as a Dwelling House, Warehouse, Counting House, or Building within a Curtilage (as the case may be), without naming the Occupant or Owner thereof.

Persons charged with Burglary, &c., may be convicted of House-breaking, &c.

If upon any Trial for either of the said Offences enumerated, in the Section next immediately following, the Facts proved in evidence shall authorise a conviction for some other or others of the said Offences and not the offence wherewith the Defendant is charged, the Jury shall return against him a verdict of Guilty of the said other offence or offences, and thereupon he shall be punished as if he had been convicted on an Information charging him with such offence or offences; and he shall not be afterwards punished for the offence wherewith he is so found guilty.

Aiders and Abettors may be charged as Principals.

Aiders and Abettors may be charged in any Information for Felony as Principals in the first degree, and the punishment of such Aiders or Abettors as appointed by law is different from the punishment appointed for Principals; but no Aider or Abettor shall, merely by reason of being convicted upon Principals, be subject to any greater or other punishment than is or shall be by law appointed.

Persons charged as Accessories may be convicted as Accessories.

In any Information for Felony or Misdemeanor, persons charged as Principals shall, if the Facts proved in evidence at their trial amount to Proof that they were Accessories before or after the fact to such Principals, and not Principals therein, be convicted as Accessories accordingly, and shall there-