

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. The 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, The Evidence Amendment Act, 1853, Secret Bills of Sale, Usury and Annuities' Laws Repeal, The Common Law Procedure Act, 1854, 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, Pleadings in the Common Law Courts of Westminster, Practice 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 declared 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 whereof he is so found guilty.

Aiders and Abettors may be charged as

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 may be charged as if 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-

upon be punished as if convicted on an Information charging them with being such Accessories, and shall not be subject to any greater or other punishment in that behalf; and they shall not be afterwards prosecuted in respect thereof.

Joinder of offences
in one information.

VI. Defendants may be charged with different Felonies and Misdemeanors, or with different Felonies or Misdemeanors in the same Information where the person thereby injured is one and the same person, or where the several offences so charged constitute or relate to one and the same transaction.

Jurisdiction over
offences on the high
seas, &c., how alleged.

VII. In an Information for a Felony or Misdemeanor committed on the High Seas or in Foreign parts, the allegation that the party injured was at the time of the offence charged in the peace of the Queen shall be a sufficient allegation of the jurisdiction of the Court to hear and determine it.

Prisoners' stato-
ments on oath.

VIII. A Written Statement purporting to have been made upon Oath by a person under examination upon a Criminal Charge may be received in evidence against such person, if proof be given that it was in fact made by him not upon oath.

Limitation of the
rule excluding con-
fessions under induc-
ement.

IX. No Promise or Threat shall operate to exclude a defendant's Confession from being received in evidence against such defendant upon his trial for Felony or Misdemeanor, unless such promise or threat shall have been made or held out to such defendant by one having some authority over him in connection with or relation to the prosecution of such offence.

Extension of the 13
& 14 Vict. c. 21. to this
Colony and to Ordin-
ances of the Legisla-
tive Council.

X. The Act of Parliament passed in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Twenty One, for shortening the language used in Acts of Parliament, is hereby for all purposes extended to this Colony; and the rules of construction by the said Act provided shall extend and apply to all Acts of Parliament, and Ordinances of the Legislative Council of this Colony, now in force or hereafter to come in force within the same.

Passed the Legislative Council of Hongkong,
this 17th Day of March, 1856.

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

JOHN BOWRING.

HONGKONG.

ANNO DECIMO NONO VICTORIÆ REGINÆ.

No. 7 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 to extend to this Colony certain Enactments and General Orders for reforming Procedure in the High Court of Chancery and the Offices thereof.

Preamble.

Whereas it is desirable that sundry important Reforms in the Administration of Equity Proceedings be adopted in this Colony: Be it enacted and ordained by His Excellency the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

[17th March, 1856.]

Acts of Parliament
and Orders in Chan-
cery extended to Hong-
kong.

I. Subject to the Provisions hereinafter contained, the several Enactments of the Imperial Parliament specified in Schedule A to this Ordinance annexed, and also the several Orders of the High Court of Chancery of Great Britain specified in Schedule B to this Ordinance also annexed, shall (to the extent in the said two Schedules respectively defined, but not otherwise) extend to and come into force and effect within this Colony from the time of the passing of this present Ordinance.

To be construed with
the Ordinance No. 5 of
1856.

II. This Ordinance and the Ordinance No. 5 of 1856, entitled "An Ordinance for the Amendment of Procedure in Civil and Criminal Cases," shall be so read and construed together as shall best conduce to the particular effect of each Ordinance and of the Provisions thereby respectively extended to this Colony.

The Seal of the
Court, its Judges, and
its Officers, to be with-
in the meaning of the
extended Provisions.

III. For the purposes of this Ordinance, the words "Great Seal" in the said Enactments and Orders, respectively so extended to this Colony, shall be interpreted to include the Seal of the Supreme Court of this Colony, and all the Provisions thereof which respect the Lord Chancellor, or the Court of Chancery, or any Superior Court of Equity, or any Judge in England, shall be interpreted to include the said Supreme Court in Equity and the Judges thereof, and every Officer (howsoever designated) of the said Supreme Court, or Judge thereof having or exercising functions of the like kind or analagous to the functions of any Officers (howsoever designated) of the said Lord Chancellor, Court of Chancery, Superior Courts of Equity, or Judges in England, shall be deemed to be within the meaning of any of the Provisions of such Enactments or Orders respecting such last mentioned Officers.

Rules for the Inter-
pretation of the exten-
ded Enactments and
Orders.

IV. In the interpretation of the Enactments and Orders hereby extended to this Colony, the following Rules shall be observed within the same.

1. Enactments and
Orders are of equal
authority.

1. The authority and force of an Order are equal to the authority and force of an Enactment.

2. Subsequent Enac-
tments or Orders
to abrogate preceding
ones, in case of appa-
rent repugnance.

2. Except in the cases specified in Division 3 of this Section, every Enactment or Order which shall appear to be wholly or partially repugnant to or inconsistent with some previous Enactment or Order, shall be deemed to have abrogated the same *pro tanto*.

3. Except in the
case of Enactments,
&c., relating to Mas-
ters in Ordinary or
Lunacy.

3. Every Enactment or Order for regulating the performance of the Powers or Duties of a Master in Ordinary or of a Master in Lunacy passed or promulgated subsequently to the passing of the Act of Parliament of the Fifteenth and Sixteenth years of the present Queen, chapter Eighty, and the promulgation of the General Orders for giving effect to the same, shall be so construed as to enable a Judge in Court or in Chambers to exercise and perform the said Powers and Duties within this Colony as nearly as circumstances will permit in the stead of any such Masters respectively.

4. Provisions respect-
ing printed or stamped
proceedings to apply
to written and unstam-
ped proceedings.

4. All Provisions contained in any Enactment or Order respecting the Printing of Bills and Claims, or Portions of Bills and Claims, or respecting the Stamping or Affixing of Stamps on Vellum, Parchment, or Paper to be used in Proceedings in Chancery, are abrogated, and all Provisions contained in any Enactment or Order respecting the filing Copying Service, or effect of any printed or partially printed Bill or Claim, or any proceedings, Written, Printed, or Engrossed on Stamped Vellum, Parchment, or Paper, shall be respectively interpreted to apply to Bills or Claims in Writing or to Proceedings Written on Unstamped Vellum, Parchment, or Paper, as the case may be.

Supreme Court to
make Rules &c.

V. The Supreme Court is authorised to make and issue such Rules or Orders for giving effect to this Ordinance as may be found meet.

Passed the Legislative Council of Hongkong,
this 17th Day of March, 1856.

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

JOHN BOWRING.