

THE
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GAZETTE.

NEW SERIES.

VICTORIA, SATURDAY, 17TH JULY, 1858.

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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.

ERRATUM.

In Ordinance No. 11 of 1858, Section XXXI, for “For Violations or Defaults in obedience to,” &c; read “For Violations of or Defaults in obedience to,” &c.

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL
OF HONGKONG.

No. 19 of 1858.

TUESDAY, 6th JULY, 1858.

PRESENT:

HIS EXCELLENCY THE GOVERNOR AND ALL THE MEMBERS, EXCEPT MR LYALL.

The Council met to-day, pursuant to adjournment.

The Minutes of the last Council being read,—

The Attorney General called the attention of the Council to a Letter which he had received from Mr Cooper Turner, dated the 26th June, to the effect,—that he disapproved of the Petition of the Hongkong Law Society; and that neither by himself, or by Mr Hazeland, nor by any meeting of the said Society, Mr Parsons had been authorized to address the Council on behalf of the Petitioners. Also, a second Letter of the 27th June, stating that he, Mr Turner, would attend upon the Legislative Council personally.

The Governor then read a letter to the Clerk of Councils, of the 5th July, from Mr Hazeland, to the effect,—that he is not a Member of the Hongkong Law Society; that he attended the Sitting of the Council as a Member of the Profession, and that he dissented from the views and opinions as expressed by Mr Parsons.

And also, a letter from Mr F. Woods, of the 2d July, to His Excellency, expressing his indignation at the Statements concerning himself made by Mr Parsons at the last Meeting, and conveying a refutation of the said Statements.

The Attorney General then moved an amendment of the last Minutes, by striking out the following passages:—

1stly. “Messrs Parsons, Stace, and Hazeland, attended the Council on behalf of the Hongkong Law Society,— Mr Parsons acting as their Spokesman:”

2dly. “And, pursuant to motion of the Chief Justice at the last Meeting, the Council proceeded to hear the evidence of the Hongkong Law Society, in support of their Petition;”—

and inserting in their stead, after the words “brought forward for the second reading,”—the following words:—
“The President having enquired whether any Person appeared in support of the Hongkong Law Society's Petition, Messrs Stace, Parsons, and Hazeland presented themselves at the Bar; and Mr Stace informed the President (Mr Hazeland tacitly assenting) that Mr Parsons had been authorized by the Petitioners to address the Council, and produce evidence in support of the said Petition:—

“Whereupon Mr Parsons, being called upon, proceeded to address the Council.”

The Governor put the question,—That the words proposed to be struck out, stand part of the Minutes.

Question put and negatived.

The Governor put the question,—That the words proposed to be inserted, be so inserted.

Question put and passed.

The Minutes of the last Council having been amended, were then approved.

The Chief Justice reported progress of the Proceedings had at the Committee of the Legislative Council, appointed on the 26th June.

The Governor then enquired of Mr Parsons, who was in attendance, whether, having finished his address, he was now prepared to complete the evidence in support of the Petition:

Whereupon Mr Parsons stated that, finding himself disowned by the Hongkong Law Society, he must decline to take any further trouble in the matter.

The Governor reprehended the conduct of Mr Parsons, and on the motion of the Attorney General, *nemine contradicente*, he was ordered to withdraw from the Bar.

No other Person appearing in support of the Petition, or otherwise :

It was moved by Mr Dent, and seconded by the Acting Colonial Secretary,—

That it appearing that neither the Attornies or Solicitors of Hongkong in general, nor the Hongkong Law Society in particular, authorized Mr Ambrose Parsons, one of their number, to appear at the Bar of this Council, in support of a Petition purporting to be signed by Mr E. K. Stace, for and as Secretary to the Hongkong Law Society, being the only Petition which has been presented against the Ordinance *for Practitioners in Law*;

And it further appearing that the said Petition did not in fact emanate from, nor was authorized by the said Society;

And it further appearing, that the said Attornies and Solicitors in general, and the said Society in particular, did nevertheless tacitly connive at the said unauthorized assumptions of the said Messrs Parsons and Stace, by not repudiating them, nor even protesting against the highly contemptuous and improper language and tone of the Speech made by the said Mr Parsons at the Bar of this Council in pretended support of the said Petition, and in the name of the said Attornies and Solicitors, and of the said Society;

And lastly appearing that the Parties concerned in the said Petition have not only failed to substantiate any one of its allegations, but have themselves disproved some of them :

The Council declares the said Petition to have been a fraud upon its privileges, and, rescinding its former order that the same do lie upon the Table, determines to proceed to the second Reading of the said Ordinance.

The Governor put the question,—That this Resolution be adopted.
Council divided.

Ayes (8.)

MR DENT.
MR JARDINE.
CHIEF MAGISTRATE.
SURVEYOR GENERAL.
COLONIAL TREASURER.
ATTORNEY GENERAL.
ACTING COLONIAL SECRETARY.
LIEUTENANT-GOVERNOR.

No (1.)

CHIEF JUSTICE.

Question carried.

The Governor put the question,—That the Ordinance "*for Practitioners in Law*," be read a second time.

Debate ensuing,

The Council divided.

Ayes (7.)

MR DENT.
MR JARDINE.
CHIEF MAGISTRATE.
SURVEYOR GENERAL.
ATTORNEY GENERAL.
ACTING COLONIAL SECRETARY.
LIEUTENANT-GOVERNOR.

Noes (2.)

COLONIAL TREASURER.
CHIEF JUSTICE.

Question carried.

The Ordinance was read a second time,

And the Council went into Committee upon the said Ordinance.

The Chief Justice and the Colonial Treasurer desired leave to record their Votes upon the Ordinance, and each of its Clauses in the negative, without putting the Council to a division.

Sections 1 and 2 agreed to.

Section 3 being amended,

The Governor put the question,—That this Section as amended, stand part of the Ordinance.

Debate ensued.

Council divided.

Ayes (7.)

MR DENT.
MR JARDINE.
CHIEF MAGISTRATE.
SURVEYOR GENERAL.
COLONIAL TREASURER,—who expressed
his wish to vote in favor of the
Clause under discussion.
ATTORNEY GENERAL.
LIEUTENANT-GOVERNOR.

No (1.)

ACTING COLONIAL SECRETARY.

Question carried.

The Colonial Treasurer obtained leave to withdraw.

Section 4 being proposed,

The Acting Colonial Secretary moved,—that the words "when acting as Attornies" in the third line, be struck out.

The Governor put the question,—That the words proposed to be struck out, stand part of the Clause.

Council divided.

Ayes (6.)

MR DENT.
MR JARDINE.
CHIEF MAGISTRATE.
SURVEYOR GENERAL.
ATTORNEY GENERAL.
LIEUTENANT-GOVERNOR.

No (1.)

ACTING COLONIAL SECRETARY.

Question carried.

The Acting Colonial Secretary moved,—That the words “as an Attorney” in the fourth line, be struck out.
The Governor put the question,—That the words proposed to be struck out, stand part of the Clause.
Council divided.

Ayes (6).

MR DENT.
MR JARDINE.
CHIEF MAGISTRATE.
SURVEYOR GENERAL.
ATTORNEY GENERAL.
LIEUTENANT-GOVERNOR.

No (1).

ACTING COLONIAL SECRETARY.

Question carried, and Section 4 adopted.

Sections 5 and 6 agreed to.

The Colonial Treasurer returned to his Seat.

Sections 7 and 8 agreed to.

Section 9 being proposed, and discussed,—

The Governor put the question,—That this Section stand part of the Ordinance.

Council divided.

Ayes (7).

MR DENT.
MR JARDINE.
CHIEF MAGISTRATE.
SURVEYOR GENERAL.
COLONIAL TREASURER.
ATTORNEY GENERAL.
LIEUTENANT-GOVERNOR.

No (1).

ACTING COLONIAL SECRETARY.

Question carried.

Section 10 agreed to.

Section 11 being proposed,

The Governor moved that “gross negligence” should replace the Latin words employed ;—and put the question,—
That the words “*crassa negligentia*” stand part of the Clause.

Debate ensued.

Council divided.

Ayes (7).

MR DENT.
MR JARDINE.
CHIEF MAGISTRATE.
SURVEYOR GENERAL.
COLONIAL TREASURER.
ATTORNEY GENERAL.
LIEUTENANT-GOVERNOR.

No (1).

ACTING COLONIAL SECRETARY.

Question carried, and Section 11 ordered to stand part of the Ordinance.

Section 12 being proposed, and discussed,—

The Governor put the question,—That this Section stand part of the Ordinance.

Council divided.

Ayes (7).

MR DENT.
MR JARDINE.
CHIEF MAGISTRATE.
SURVEYOR GENERAL.
COLONIAL TREASURER.
ATTORNEY GENERAL.
LIEUTENANT-GOVERNOR.

No (1).

ACTING COLONIAL SECRETARY.

Question carried.

Section 13 agreed to.

The Governor stated, that he should propose the passing of the said Ordinance at the next Meeting of the Council.
Read a Letter from Mr Parsons of this date, enclosing a note of the 4th June, from Mr Cooper Turner, expressing his approval of a Draft of a Petition, stated by Mr Parsons to be the Petition of the Hongkong Law Society.

The Attorney General read a letter, of the 28th June, from Mr Moresby, refuting the Statement of Mr Parsons as to the authorship, and revisal by the Attorney General, of an anonymous letter published in the *China Mail* of the 17th June.

The Attorney General in defence of the conduct of a Public Officer, the Taxing Master, Mr Masson, which had been animadverted upon by Mr Parsons at the last Meeting, read the Bill of Costs and *Allocatur* referred to by Mr Parsons, and which related to his charges as Attorney for a Chinese, named Chinkoo, the Prosecutor in *Regina v. Cheong-ah-lai* (Piracy), amounting to \$253, and since reduced to \$47 by the Taxing Master.

The Attorney General moved, that Mr Douglas Lapraik be called in, but he was absent.

He also read a Bill of Costs from Mr Stace in 1853, for drawing a Lease for a Chinaman, Akew, amounting to \$188.75, as an instance of the propriety of maintaining the System of Taxation introduced in 1856.

The Ordinance “for the prevention of Offences touching Securities, Sales, and Deposits,” was brought forward for passing.

Section 2 was recommitted, amended, and agreed to.

Section 33 was recommitted, amended, and agreed to.

Title agreed to.

The Governor put the question,—That this Ordinance do pass.

Question put and passed.

The Governor put the question,—That the Order for passing the Ordinance be rescinded, for the purpose of introducing an amendment.

Question passed.

Section 10 was recommitted, amended, and agreed to.

Resolved,—That this Ordinance do pass, and that the Title be "*An Ordinance for the prevention of Offences touching Securities, Sales and Deposits,*" and the Number of the said Ordinance,—"*No. 11 of 1858,*"

Ordered, that the said Ordinance be published, in English and Chinese, in the *Government Gazette*.

On Motion of the Chief Magistrate, seconded by Mr Dent,—the Report of the Committee of Council appointed on the 10th May, to inquire into the Statements involving the integrity of the Acting Colonial Secretary as connected with the Opium Monopoly, was read at the Table.

On the Motion of the Chief Magistrate, seconded by Mr Dent,—The Governor put the question,—That this Council do agree with the Committee in their said Report.

Question put and passed.

The Governor read Circular Despatch, of 12th April last, from the Right Honourable the Secretary of State for the Colonies, on the subject of the Act of Parliament, 20 and 21 Victoria, Chapter 85, "relating to Divorce and Matrimonial Causes," portions of which, in anticipation of instructions from the Secretary of State, had been extended to this Colony by Ordinance No. 5 of 1858.

Resolved,—That this Council do adjourn to Monday, the 12th instant, at 12 o'clock.

The Council adjourned accordingly.

By Order of His Excellency The Governor,

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

HONGKONG.

ANNO VIGESIMO SECUNDO VICTORIÆ REGINÆ.

No. 12 of 1858.

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 Practitioners in Law.

[12th July, 1858.]

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

Barristers and Attornies.

I. Legal Practitioners of the Supreme Court, howsoever qualified, are hereby authorised to act as Barristers and Attornies, or as Barristers, or as Attornies according to their instructions, and as they may think fit: except in the Cases hereinafter specified.

Mode of remuneration.

II. When the same Practitioner acts as Barrister and Attorney in the same matter, the Remuneration receivable by him shall be regulated accordingly: *exempli gratia*, he shall not be allowed to make any Charge or take any Fee for or upon pretence of Attornies' Consultations, with instructions to or attendances on Counsel, or the drawing or copying of Briefs to Counsel, or preparing or copying of Papers for the perusal of Counsel, or the like.

Law Partnerships.

III. No Barrister shall become or be in any wise interested in the Profits of the Business of any other Practitioner in Law, directly or indirectly, and whether under the name of Law Partner, or under any other name, or be or act as Agent for, or Clerk to, any such Practitioner: And no Attorney having a Law Partner shall be allowed to act as Barrister in any matter where himself or his said Partner is, or shall be, retained or acting as Attorney.

Extension to Barristers of Laws relating to Attornies.

IV. The Laws for the time being in force, with reference to Attornies, their Fees or Costs, the Taxation thereof, and the right of lien and suit in respect of the same, are hereby extended to all Practitioners when Acting as Attornies, and to all Fees and Costs claimed or received in respect of business done by any Practitioner in the Law as an Attorney, and by virtue of this Ordinance, subject to Section Two.

What Persons may appear, sue, and be heard.

V. From the beginning to the end, or at any intermediate Period or Periods, of any Prosecution, Action, Suit, or Appeal or Proceeding, it shall be lawful for any Person belonging to any or either of the Classes next hereinafter mentioned, to appear, prosecute, sue, defend, or proceed, in the said Court and the Offices thereof, subject only to the Provisions of Sections Three and Six, and to the general jurisdiction of the said Court in respect of the orderly transaction of the business of the same, and of the said Offices, that is to say:

1st. The Parties themselves, if unrepresented.

1st. Any of the Parties on either side to the Prosecution, Action, Suit, Appeal, or Proceeding, not being represented therein by some Person willing and able to act in his stead.

2d. Barristers retained.

2d. Any Barrister of the said Court duly retained by or on behalf of and representing any of the said Parties, but without any right of exclusive audience or preaudience, or (save as to Rank in the Profession) any Privilege over any other Party, or over his retained Practitioner or Representative in that behalf:

3d. Attornies retained.

3d. Any Attorney of the said Court duly retained by and representing any of the said Parties in that behalf:

4th. Other Persons by leave of the Court.

4th. Any other Person having the special leave of the Court to appear *pro re nata* in the stead of any of the said Parties as his or their Representative in the Premises.

Special Privileges of the Attorney General reserved.

VI. Nothing herein contained shall affect the Privileges of exclusive audience and preaudience, which Her Majesty's Attorney General or other Counsellor for the Crown hath or may have by virtue of his said Office or of Her Majesty's Warrant.

Order of precedence.

VII. The Order of Precedence amongst Practitioners in the Law shall be in this wise: The Barristers shall rank according to their respective Seniorities next after the said Attorney General or junior Counsellor for the Crown (if any), and the Attornies according to their respective Seniorities next after the junior Barrister.

When to be described as Barrister, and when as Attorney.

VIII. Without prejudice to the said Order of Precedence, every legal Practitioner shall at every step in any Proceeding describe himself, and be described on the Record and otherwise, as Barrister or as Attorney, according to the truth of the case, and the capacity in which he may be then acting.