

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The Governor put the question,—That the Order for passing the Ordinance be rescinded, for the purpose of introducing an amendment.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

IX. No Barrister acting in his capacity of Attorney shall instruct or authorise any other legal Practitioner to appear for him as Barrister, and no Attorney acting as such shall instruct or authorise any other Attorney to appear for him as Barrister; and in all such cases the Instructions and Authority shall be absolutely null and void. Barristers and Attornies incapacitated to instruct as Barristers in certain cases.

X. The Penalties contained in Ordinance No. 13 of 1856, Section Thirteen, are hereby extended to every Person not being a Practitioner in the Law, who shall act or practise as such, or who shall claim or receive any Reward, Compensation, or Gratification whatsoever, from any other Person, for or on pretence of introducing him to any such Practitioner, or taking the Advice or securing the Services of any such Practitioner, upon the said last mentioned Person's behalf: and in all other respects the said Section is hereby confirmed and made applicable to this Ordinance. Unqualified Practitioners.

XI. Any legal Practitioner shall be liable to damages in respect of his *crassa negligentia*, misconduct, or fraud, at the suit of his Client or any other Person who may have sustained damage thereby. Damages for negligence.

XII. Any legal Practitioner who is guilty of Deceit or Collusion, or consents thereto, with intent to deceive a Court, Judge, or Party to any such Proceeding as aforesaid, is punishable for a Misdemeanour; and the Party (if any) injured thereby shall be entitled either upon his conviction of such Misdemeanour, or else by Action or Suit, to recover from the Offender treble Damages for the same. Deceit or Collusion.

XIII. In the construction of this Ordinance, and of all Ordinances relating to legal Practitioners, the word "Barrister" shall also mean "Serjeant-at-Law," "Advocate," "Counsellor-at-Law," "Certificated Conveyancer," and "Special Pleader"; and the word "Attorney" shall also mean "Solicitor," "Writer," "Proctor," and "Notary." Definitions:  
"Barrister."  
"Attorney."

JOHN BOWRING.

Passed the Legislative Council of Hongkong,  
this 12th Day of July, 1858.  
L. D'ALMADA E CASTRO,  
Clerk of Councils.

## STANDING ORDERS AND RULES

FOR

### THE LEGISLATIVE COUNCIL OF HONGKONG.

*Extracts from the Royal Instructions to the Governor of Hongkong,  
Dated the 6th April, 1843.*

"IV. And We do declare Our pleasure to be, that the said Legislative Council shall not be competent to act in any case, unless Two Members at the least of such Council, in addition to the Governor for the time being, shall be present at and throughout the Meetings of such Council."

"VI. And for ensuring punctuality of attendance of the Members of the said Council, and for the prevention of Meetings of the said Council being holden without convenient notice to the several Members thereof: It is Our pleasure, and we do hereby direct, that you, or the Governor of Hongkong for the time being, do frame, for the guidance of the said Council, such Standing Rules and Orders as may be necessary for those purposes, with such other Standing Rules and Orders as may be best adapted for maintaining order and method in the dispatch of business, and in the conduct of all Debates in the said Council; which Rules and Orders (not being repugnant to the said recited Charter, or to these Instructions, or to any other Instructions which you may receive from Us,) shall at all times be followed and observed, and shall be binding upon the said Council, unless the same or any of them shall be disallowed by Us.

"VII. It is Our pleasure, and we do hereby direct, that no Law or Ordinance shall be made or enacted by the said Council, unless the same shall have been previously proposed by yourself; and that no question shall be debated at the said Council unless the same shall first have been proposed for that purpose by you: Provided nevertheless, and it is Our pleasure, that if any Member of the said Council shall deem any Law fit to be enacted by the said Council, or any question proper to be there debated, and shall, of such his opinion, transmit a Written Statement to you, it shall be lawful for any such Member of the said Council to enter upon the Minutes thereof a copy of any such statement, together with the reasons upon which such his opinion may be founded."

"XXIII. And We do hereby further declare Our will and pleasure to be, that all Questions proposed and debated in the said Legislative Council shall be decided by the majority of voices; and that the Governor for the time being of the said Colony shall, in the said Legislative Council, have both an original vote, and (in case of the votes being equally divided) a casting vote. And We do further declare Our pleasure to be, and do ordain and appoint, that it shall be competent to the Governor of the said Colony, and he is hereby authorized to make and promulgate, as an Ordinance of the said Governor and Legislative Council, any Ordinance which may have by him been proposed for the adoption of the said Council, even though all the Members of the said Council, except himself shall have voted against the adoption and passing thereof; and every Ordinance so made and promulgated as aforesaid shall, until the same may be repealed or disallowed by Us, have the force and authority of Law in the said Colony, as fully as if it had been adopted by the unanimous votes of all the Members of the said Council."

#### GENERAL RULES

I. Two Days' notice shall be given of any Meeting of Council to each Member by the Clerk of Councils; but should circumstances occur to render a Meeting on any day appointed for the same inconvenient, the Council may be adjourned to such early day as the Governor shall appoint, by a notice in writing, to be transmitted to each Member by the Clerk one day prior to the period which