

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

had been appointed; and in cases of urgency, the Governor may dispense with the necessity of the two days' notice.

II. The Hour of meeting, except under special circumstances, shall be at Noon; and if any Member shall move that the Council do adjourn, and if such motion be seconded, it shall be put to the vote.

III. No Member shall absent himself from Council, without communicating to the Governor his inability to attend.

IV. As soon as Five Members, exclusive of the Governor, shall be present after the hour appointed for the Meeting of Council, the Governor shall take the Chair, and will direct the Clerk to read the Minutes of the last Meeting, which, having been approved or corrected if necessary, are to be confirmed by the Governor.

V. Should a Quorum of Members not be present at the expiration of Fifteen Minutes from the time for which the Council shall have been summoned on any particular day, the Meeting shall stand adjourned to Noon on the next following day, not being a Sunday or a Public Holiday—notice of the said adjournment to be sent by the Clerk to the Members.

VI. Any Member desiring the Minutes to be corrected, shall propose such correction immediately after the Minutes are read, and such correction shall be forthwith admitted or rejected by the Council.

VII. A Book called "*The Order Book*" shall be kept by the Clerk, and therein shall be inserted a notice of all original Propositions, intended to be submitted by any Member through the Governor to the Council, in the order of priority of time at which the same shall have been transmitted. Measures proceeding originally from the Governor, need not be inserted in the Order Book.

VIII. With the exception of Questions of Privilege, which shall take precedence of all others, all business shall be taken in the order in which it appears in the Order Book; unless on motion made by permission of the Governor, and carried,—preference be given to any particular subject.

IX. The Governor shall preserve order, and decide on all disputed points of order.

X. Every Motion or Amendment, except for adjournment, must be in writing, and must be seconded before it can be put to the vote.

XI. No Member shall be allowed to read any speech, but may obtain permission to introduce documentary matter.

XII. Every Member in discussing any question shall address the Governor; and should he wish to allude to the speech or opinion of any other Member, should avoid employing his name. Official Members may be designated by their appointments.

XIII. If two or more Members wish to speak at the same time, the Governor shall call on the one entitled in his opinion to pre-audience.

XIV. On any question being put, every Member present is required to give his vote in the distinct terms "Aye" or "No," beginning with the junior,—the Clerk minuting the vote of each member; after which the Governor shall declare the number of votes for and against the question.

XV. Any Member may protest in writing against any decision of the majority of the Council, provided he give notice of his intention immediately after such decision, and that such written Protest be delivered to the Clerk within Seven Days after such decision. It shall be competent to the majority of the Council to expunge any passage deemed offensive in such Protest.

XVI. The Members of Council shall have freedom of speech, and shall not at any time be questioned by Government for anything they have said therein.

XVII. In the general discussion, no Member shall be at liberty to speak more than once, except in explanation, or on the Clauses of an Ordinance in Committee.

XVIII. Imputations of improper motives shall be considered disorderly, and upon motion carried, entered upon the Minutes.

XIX. On moving the First Reading of every Ordinance, the grounds and reasons upon which it is founded shall be stated, either by the Governor, or by any Official Member called upon by him for the purpose; but no discussion shall take place thereon.

XX. At the First Reading of every Ordinance, the Clerk shall read the Title, and, immediately after, some day shall be appointed for the Second Reading. Except in cases of emergency, Ten days shall elapse between the first and second reading of an Ordinance.

XXI. The *Draft* of every Ordinance presented to the Council shall, after the first reading, unless otherwise ordered, be published in the next issue of the *Government Gazette*, with a notice fixing the date up to which observations thereon will be received by the Clerk of Councils; and a printed Copy of such *Draft* shall be furnished to each Member with convenient despatch.

XXII. An Adjournment of the Discussion of any question may be moved at any time, and if seconded, may be adopted or not by the majority.

XXIII. The Substance of every Amendment not in Committee shall be forwarded by the intended mover Three days before the second reading to the Clerk, and may, with the consent of the Governor, be introduced into the Ordinance. Amendments in Committee shall be similarly dealt with, save that they may be made during the discussion.

XXIV. No question can be put to the vote during the discussion of an Ordinance which is substantially the same as one on which the judgment of the Council has already been expressed, unless for the purpose of correcting an error, and with the consent of the Governor.

XXV. Upon the motion for the second reading of an Ordinance, its general merits and principle shall be then discussed, and if the motion be carried, the Title only of the Ordinance shall be read,

thereupon the Council shall go into Committee immediately on the Clauses of such Ordinance, and shall appoint a future day for that purpose.

XXVI. It shall be competent for the Council, with the consent of the Governor, to appoint a special Committee for the purpose of examining into and reporting to the Council on the Clauses of a proposed Ordinance. On the Ordinance being committed or re-committed, the Committee shall discuss its several provisions, and any proposed amendments; and adjourn such discussions from time to time, as occasion may require.

XXVII. In discussion in Committee, any Member may propose an amendment, but no amendments can be proposed upon an amendment under discussion.

XXVIII. After an Ordinance has been approved in Committee, the question to be put shall be "That the Ordinance do pass?" and if the question be carried in the affirmative, the Clerk shall read the Title only of the Ordinance.

XXIX. When any Ordinance shall be proposed whereby vested rights and interests of property will be unavoidably affected, due notice shall be given to all parties concerned by Notification in the *Government Gazette*, One Month before the first reading of such Ordinance; and such Notification shall appear at least Three times in the said *Gazette*; and before going into Committee on the said Ordinance, the same shall be published Three times in the said *Gazette*.

XXX. In cases of emergency, or where no amendments whatever, or only amendments of an unimportant nature, shall be proposed to be made to an Ordinance, it may be moved that the Standing Rules relative to the reading and commitment of the Ordinance be suspended; and if adopted by Two-thirds of the Members present, and sanctioned by the Governor, it may be carried through its several stages at one sitting.

CLERK OF COUNCILS.

XXXI. The Clerk shall read all matters brought before the Council. He shall keep a Journal in which shall be entered, in the order in which they occur, the Minutes of the Proceedings of the Council.

XXXII. All existing and future Records and Papers, and all Papers heretofore, or hereafter to be laid before the Council, shall be deposited with the Clerk, who shall be responsible for the safe custody thereof, and shall have all such Papers ready to be produced before the Council, whenever the same may be required by any Member; and such Papers, and the Order and Journal Books, shall be at all reasonable times open to the inspection and perusal of any Member.

PETITIONS.

XXXIII. Petitions may be presented to the Governor by any Member, immediately after the Chair is taken; and every Member presenting a Petition, shall satisfy himself that the Petition is respectful and deserving of presentation.

XXXIV. Any Member may move that such Petition be read, but in so doing he shall state the purport of the Petition, with his reasons for wishing it read, and the motion being seconded, the question may be put,—“Whether the Petition shall be read?”

PRIVATE RIGHTS.

XXXV. In any case where individual rights or interests of property may be peculiarly affected by any proposed Ordinance, all Parties interested may, on motion made, seconded, and carried, be heard before the Council when in Committee on such Ordinance, either in person, or by their Advocate.

WITNESSES.

XXXVI. When it is intended to examine any Witnesses, the Member, or the Petitioner, requiring such Witnesses, shall give in to the Clerk a list containing the Names and Residences of such Witnesses, at least Two Days before the day appointed for their examination.

XXXVII. The Evidence of every Witness shall be taken down by the Clerk and read over to the Witness, who may then desire any correction to be made; and in case no such correction shall be made, the evidence shall stand as given, and not be altered afterwards.

GENERALIA.

XXXVIII. When any Number of Days are mentioned in the Standing Rules of the Council, the same shall be exclusive of Sundays and general Holidays.

XXXIX. Wherever the word “Governor” shall be used in these Standing Orders and Rules, the same shall be held to mean the Officer for the time administering the Government.

XL. The Standing Rules of the 7th March, 1845, are hereby rescinded.

Approved in Council, this 12th Day of July, 1858.

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

GOVERNMENT NOTIFICATION.

His Excellency SIR JOHN BOWRING, Knight, LL.D., Her Majesty's Plenipotentiary and Chief Superintendent of British Trade in China, &c., &c., is pleased to direct that the annexed Returns of BRITISH TRADE at the PORT OF SHANGHAE, during the Year ending 31st December, 1857, be published for general information.

By Order,

G. W. CAINE.

Superintendency of Trade, Victoria, Hongkong, 6th July, 1858.