

THE



HONGKONG GOVERNMENT

GAZETTE.

NEW SERIES.

VICTORIA, SATURDAY, 27TH MARCH, 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.

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL
OF HONGKONG.

No. 8 of 1858.

MONDAY, 22^d MARCH, 1858.

PRESENT:

HIS EXCELLENCY THE GOVERNOR AND ALL THE MEMBERS, EXCEPT THE COLONIAL TREASURER AND MR JARDINE.

The Council met to-day, pursuant to adjournment.

The Minutes of the last Council being read and approved,

The Chief Justice observed, that in the abstract of Proceedings of the Council, as published in the *Government Gazette*, the individual Votes of Members were not given, and suggested that the omission should be supplied in future publications.

The Acting Colonial Secretary submitted to His Excellency, that it would be highly desirable a more copious statement of the Proceedings generally, should also accompany the votes.

His Excellency expressed his wish to meet the views of the Council on the subject;

And the opinion of the other Members being in perfect unison with the remarks and suggestions of the Chief Justice, and the Acting Colonial Secretary:—

It was unanimously resolved, that the Votes and Proceedings of the Council should henceforward be published in the same shape as recorded in the Journal kept by the Clerk of Councils,—the Governor reserving to himself the power of withholding from such publication any matters to which it might appear to him inadvisable to give publicity.

The Ordinance "*for the Supreme Court*" was read a second time;

And the Council went into Committee upon the said Ordinance.

Section I was amended by enacting, that Proceedings be heard and determined as well in Term as out of Term, and the amendment was agreed to.

The word "ordinary" was inserted after the word "The" at the commencement of Section II, and an amendment made thereto, to the effect that the Criminal Sessions shall begin on the Eighteenth (instead of the Sixteenth) Day of each Month; or, if the said day shall be a *dies non*, on the first lawful day next following.

Section III was amended by inserting the word "Sessions" before the word "Hearing," and substituting the word "Twelfth" for "Tenth."

Sections IV to VI were read, and agreed to.

Section VII was amended by requiring the Verdict of the Jury to be unanimous in Capital Cases.

A new Clause was introduced, providing that applications in matters of mere account shall be made within One Day after issue is joined, at the latest; and the Clause being read and agreed to, passed as Section VIII.

Sections VIII to XIV inclusive were re-numbered, and made Sections IX to XV.

A new Clause was added and made Section XVI, enacting that Crown Fees and Costs shall be payable in Dollars only.

The Ordinance having gone through Committee, it was resolved that the same do pass, and that the title thereof be, "*An Ordinance for the Supreme Court.*"—It was then numbered as No. 3 of 1858, and ordered to be published in the next *Government Gazette*, for general information.

The Ordinance "*for Appeals to the Supreme Court*" was brought forward, and read a second time;

And the Council went into Committee on the said Ordinance.

Section I was adopted.

Section II was amended by inserting the following words in the 7th line; namely: the word "Crown" before the word "Fee," and the word "current" after the word "One." In the eighth line the word "officially" was introduced after the word "made."

Paragraphs 1 and 2 of Section III were amended, by inserting the word "current" before the word "Dollar."

Sections IV, V, and VI, were read and agreed to.

The words "within such time as the said Court may direct," were introduced after the word "Court," at the end of the 6th line in Section VII.

Sections VIII to XI inclusive were read and agreed to.

A new Clause was added, providing for summary convictions for Burglaries, &c., and the same being agreed to, was introduced as Section XII.

The title of the Ordinance was then amended by the insertion of the words "Summary Jurisdictions and," after the word "for."

The Council having agreed to the amendments made in Committee, the Ordinance was passed under the title of "*An Ordinance for Summary Jurisdictions and Appeals to the Supreme Court*," being No. 4 of 1858.

It was ordered, that this Ordinance be published, in English and Chinese, in the *Government Gazette*, for general information.

The Ordinance "for extending to this Colony certain Imperial Enactments, and certain Rules and Orders of the Superior Courts," was laid on the Table, and read a second time;

And the Council went into Committee upon the said Ordinance.

Section I was adopted.

Section II was amended by adding the following Clause: "and all powers vested in any Superior Court, or Judge, or Officer, by any of the hereby extended Enactments, shall be deemed to be hereby respectively vested in the said Supreme Court and its Officers."

Sections III and IV were adopted.

Section V was amended by inserting the words "under the rank of Inspector" after the word "Colony," and by substituting the word "Secretary" for "Treasurer."

The remaining Sections were read and agreed to.

Certain clerical corrections were made in the first Schedule attached to the Ordinance, and agreed to.

The Ordinance having gone through Committee, it was resolved that the same do pass; and that the title thereof be, "*An Ordinance for extending to this Colony certain Imperial Enactments, and certain Rules and Orders of the Superior Courts*," being No. 5 of 1858.

It was ordered, that this Ordinance be published in the next *Government Gazette* for general information.

It was moved by Mr Lyall, seconded by Mr Dent, and carried unanimously,—

That all Acts of Parliament or Clauses of Acts, and all Orders of Courts referred to in the above Ordinance, be printed in full in the *Hongkong Government Gazette*.

The Governor laid on the table a *draft* Ordinance for amending Ordinance No. 11 of 1844, and repealing Ordinances No. 4 of 1845, and No. 4 of 1853. It was read a first time, and ordered to be printed for circulation amongst members.

The Council then adjourned *sine die*.

By Order of His Excellency The Governor,

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

HONGKONG.

ANNO VIGESIMO PRIMO VICTORIÆ REGINÆ.

No. 3 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 the Supreme Court.

[22d March, 1858.]

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

Proceedings in Term and out of Term.

I. Causes, Actions, and all Proceedings whatever, may be heard, had, prosecuted, and determined, as well in Term as out of Term.

Criminal Sessions.

II. The Ordinary Sessions for the despatch of the Criminal Business of the said Court, shall begin on the Eighteenth Day of each Month, in which such Sessions are, or shall be, appointed to be holden, or, if the said Day shall be a *dies non*, then on the first lawful Day next following.

The Court, &c., to be closed between the 20th August and the 12th October.

III. Except for the purpose of issuing Writs, receiving Petitions, or completing any Sessions, Hearing, Inquiry, or Trial, actually commenced on or before the Day next hereinafter mentioned, the said Court, and the Offices thereof, shall be closed from the Evening of the Twentieth Day of August in each Year, and remain closed until the Morning of the Twelfth Day of October, then next following.

Equitable Jurisdiction extended.

IV. It shall not be necessary to institute any Proceeding on the Equity side of the said Court, for the purpose of bringing before the Court any equitable Claim, Defence, or Question, incident or collateral to, or arising out of or in the course of, any Proceeding on any other side of the said Court (except the Summary Jurisdiction thereof), or in aid of such last-mentioned proceeding: But every such Claim, Defence, or Question may be so heard, and determined, on Petition presented, or Motion made, and intituled respectively in such last-mentioned proceeding, or as the Court shall direct: And in every such case the said Court shall have the like power to direct inquiries, accounts, and other preliminary or consequential matters, and to enforce its said Directions, and to make interlocutory or final Orders and Decrees in the premises respectively, as in a Suit or Proceeding commenced by Bill, Petition, Claim, Case, or Summons, on the Equity side of the said Court.

Stay of Proceedings in such Case.

V. The said Court may stay Proceedings instituted under Section Four, or in any separate suit or matter in Equity, if the said Court shall be of opinion that the same ought not, or (as the case may be) ought to be prosecuted under the said Section: And it shall have power to impose such terms, and give such directions upon such stay of Proceedings with respect to Costs, Admissions, or otherwise, as shall be deemed meet.

Inspection of Documents.

VI. Applications for Inspection under Ordinance No. 3 of 1852, Section Four, may be made at any time before Trial or Hearing.

Juries to consist of Seven.

VII. Whether in Civil or in Criminal Cases, and whether in Proceedings before the said Court, or before the Sheriff, or a Commissioner, or an Officer of the same, every Jury (not being a Coroner's Jury) shall always consist of Seven Men, and the unanimous Verdict or Finding of every such Jury, or, where the Case is not capital, of the Majority thereof, shall be in all cases final for all purposes soever.

Applications in matters of mere account to be made within one day after issue joined, at latest.

VIII. Where the matter in dispute between the parties to any action consists wholly or in part of matters of mere account, which cannot be conveniently tried in the ordinary way, it shall be the duty of the Plaintiff or his Attorney, or (in his or their default,) for the Defendant, or his Attorney, to make such application as is provided by Ordinance No. 6 of 1855, Section Two, to the Court or in Judge's Chambers within One Day after issue is joined between the said Parties at the latest.

Vesting Order in case of moveables, wheresoever locally situate.

IX. The Jurisdiction of the said Court to grant Vesting Orders of the Estate and Effects of Insolvent Debtors, is hereby declared to extend to all their Moveable Property wheresoever locally situate; yet so as that the said Debtors are themselves personally subject to the jurisdiction of the said Court in respect of their Insolvency.