



G A Z E T T E .

NEW SERIES.

VICTORIA, SATURDAY, 29TH MAY, 1858.

VOL. III. No. 156.

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,
Colonial Secretary's Office, Victoria, Hongkong, 2d July, 1855.

W. T. MERCER, *Colonial Secretary*.

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL
OF HONGKONG.

No. 14 of 1858.

TUESDAY, 25th MAY, 1858.

PRESENT:

HIS EXCELLENCY THE GOVERNOR, AND ALL THE MEMBERS.

The Council met to-day, pursuant to adjournment.

The Minutes of the last Council were read and approved.

The Ordinance "for Penal Servitude" was laid on the Table for the second reading.—

And it was agreed, that such reading be deferred till the next Meeting of Council, on account of the indisposition of the Acting Colonial Secretary, who had (with the permission of the Governor) been compelled to leave the Council Room.

The following Notice of Motion from the Attorney General, was brought up and read:—

"The Attorney General,—To present a Memorial addressed by Fifty-one Mercantile and Trading Firms of Hongkong to himself, as the Law Officer of Her Majesty, on the distinction existing between the two branches of the Legal Profession here, and recommending an amalgamation between them;—to call attention to the same;—and to move that it be printed for general information."

Question put and passed; whereupon,—

The Attorney General presented the following Memorial:—

VICTORIA, HONGKONG, 10th May, 1858.

SIR,—We the undersigned do ourselves the honour of addressing you, the Law Officer of the Crown, for the purpose of drawing your attention to the distinction (unnecessary as it appears to us) existing between Barristers and Solicitors in this Colony. Whatever may be the custom at home in this respect, we think that a great benefit would result to us and our fellow-citizens, were an amalgamation effected between the two branches of the Legal Profession here, and should you feel disposed to concur in our views, we trust that you will take such steps as may seem to you best adapted to carry out our wishes.

We do not desire this change on account of the expenses attending legal proceedings, as we know they must necessarily be high in this place; but we can see no sufficient reason why we should be compelled to employ two advisers when it would be much more convenient for us to confide the whole of our Law matters to one. The conviction has long been gaining on us, that in a young and small community like ours, there should be but one class of practitioners, and that unrestricted competition between all the properly admitted Members of the Supreme Court would be a great improvement on the existing state of things.—We have the honour to be, Sir, your most obedient Servants,

DENT & Co.
LYALL, STILL & Co.
BIRLEY & Co.
TURNER & Co.
For MERCANTILE BANK,—JOHN COSTERTON,
Manager.

SIEMSEN & Co.
BLENKIN, RAWSON & Co.
MAX. FISCHER, *Superintendent P. & O. S. N. Co.*
JOHN BURD & Co.
p.pro PHILLIPS, MOORE & Co.,
P. COHEN.
NEAVE, MURRAY & Co.
LINDSAY & Co.
Wm. PUSTAU & Co.
P. & D. N. CAMAJEE & Co.
EDULJEE FRAMJEE, SONS & Co.
AUGUSTINE HEARD & Co.
FLETCHER & Co.
DE SILVER & Co.
SAMUEL WOODRUFF.
THOMAS HUNT & Co.
GILMAN & Co.
R. MCGREGOR & Co.
A. SHORTREDE & Co.
D. LAPRAIK.
EDWARDS & BALLEY.
P. CAMPBELL, *Manager Oriental Bank Corporation*.

Charles T. CHISHOLM ARSTAY, Esquire,
Attorney General, &c., &c., &c.

GIBB, LIVINGSTON & Co.
D. N. MODY & Co,
A Signature in *Parsee*.
DHURUMSEY POONJABHOY.
A Signature in *Parsee*.
CASSUMBHOY NATHABHOY & Co.
COWASJEE PALLANJEE & Co.
HORMUSJEE & RUSTOMJEE.
ADERJEE SAPOORJEE.
C. S. LUNGRANA & Co.
R. RUTTUNJEE & Co.
DAVID SASSOON, SONS & Co.
JUDAH & Co.
B. C. BHABHA.
LANE, CRAWFORD & Co.
p.pro BOWRA & Co.,
W. HARDING.
SMITH & BRIMELOW.
F. WOODS.
For COMMERCIAL BANK OF INDIA,—HENRY RUTTER,
Agent.

G. DUDELL.
G. HARPER & Co.
MACWEN & Co.
RUSSELL & Co.
W. H. WARDLEY & Co.
VAUCHER FRERES.

And the same having been read and received.—

The Attorney General called the attention of the Council to the prayer of the Memorialists.

It was thereupon ordered, that the said Memorial be printed, with the Minutes of the Council, in the next *Government Gazette*.

Mr Lyall stated, that he would, before the next meeting, send to the Clerk of Councils notice of Motion, for submission to the Council, on the subject matter of the said Memorial.

The Council then adjourned till Monday, the 31st instant, at 12 o'clock.

By Order of His Excellency The Governor,

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

No. 49.

GOVERNMENT NOTIFICATION.

The subjoined Sections of the Act of Parliament 20 and 21 *Victoria*, Chapter 85, relating to *Divorce and Matrimonial Causes*, which have been extended to this Colony by Ordinance No. 5 of 1858, (except so far as the said Sections, or any of them, relate to the Dissolution of Marriage,) are hereby published for general information.

By Order,

W. T. BRIDGES,
Acting Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 26th May, 1858.

Jurisdiction in Matrimonial Causes now vested in Ecclesiastical Courts to cease.

II. As soon this Act shall come into operation, all Jurisdiction now exercisable by any Ecclesiastical Court in *England* in respect of Divorces *à Mensâ et Thoro*, Suits of Nullity of Marriage, Suits of Jactitation of Marriage, Suits for Restitution of Conjugal Rights, and in all Causes, Suits, and Matters Matrimonial, shall cease to be so exercisable, except so far as relates to the granting of Marriage Licences, which may be granted as if this Act had not been passed.

No Decree for Divorce *à Mensâ et Thoro* to be made hereafter, but a Judicial Separation.

VII. No Decree shall hereafter be made for a Divorce *à Mensâ et Thoro*, but in all Cases in which a Decree for a Divorce *à Mensâ et Thoro* might now be pronounced the Court may pronounce a Decree for a Judicial Separation, which shall have the same Force and the same Consequences as a Divorce *à Mensâ et Thoro* now has.

Seal of the Court.

XIII. The Lord Chancellor shall direct a Seal to be made for the said Court, and may direct the same to be broken, altered, and renewed, at his Discretion; and all Decrees and Orders, or Copies of Decrees or Orders, of the said Court, sealed with the said Seal, shall be received in Evidence.

Officers of the Court.

XIV. The Registrars and other Officers of the Principal Registry of the Court of Probate shall attend the Sittings of the Court for Divorce and Matrimonial Causes, and assist in the Proceedings thereof, as shall be directed by the Rules and Orders under this Act.

Power to Advocates, Barristers, &c., of Ecclesiastical and Superior Courts to practise in the Court.

XV. All Persons admitted to practise as Advocates or Proctors respectively in any Ecclesiastical Court in *England*, and all Barristers, Attornies, and Solicitors entitled to practise in the Superior Courts at *Westminster*, shall be entitled to practise in the Court of Divorce and Matrimonial Causes; and such Advocates and Barristers shall have the same relative Rank and Precedence which they now have in the Judicial Committee of the Privy Council, unless and until Her Majesty shall otherwise order.

Sentence of Judicial Separation may be obtained by Husband or Wife for Adultery, &c.

XVI. A Sentence of Judicial Separation (which shall have the Effect of a Divorce *à Mensâ et Thoro* under the existing Law, and such other legal Effect as herein mentioned.) may be obtained, either by the Husband or the Wife, on the Ground of Adultery, or Cruelty, or Desertion without Cause for Two Years, and upwards.

Application for Restitution of Conjugal Rights or Judicial Separation may be made by Husband or Wife by Petition to Court, &c.

XVII. Application for Restitution of Conjugal Rights or for Judicial Separation on any one of the Grounds aforesaid may be made by either Husband or Wife, by Petition to the Court, or to any Judge of Assize at the Assizes held for the County in which the Husband and Wife reside or last resided together, and which Judge of Assize is hereby authorized and required to hear and determine such Petition, according to the Rules and Regulations which shall be made under the Authority of this Act; and the Court or Judge to which such Petition is addressed, on being satisfied of the Truth of the Allegations therein contained, and that there is no legal Ground why the same should not be granted, may decree such Restitution of Conjugal Rights or Judicial Separation accordingly, and where the Application is by the Wife may make any Order for Alimony which shall be deemed just: Provided always, that any Judge of Assize to whom such Petition shall be presented may refer the same to any of Her Majesty's Counsel or Serjeant at Law named in the Commission of Assize or Nisi Prius, and such Counsel or Serjeant shall, for the Purpose of deciding upon the Matters of such Petition, have all the Powers that any such Judge would have had by virtue of this Act or otherwise.

Powers of Judges of Assize for Purposes of deciding Applications under Authority of this Act.

XVIII. For the Purpose of hearing and deciding all Applications under the Authority of this Act, the Judge of Assize or Person nominated by him as aforesaid shall be entitled to avail himself of the Services of all Officers, and use and exercise all Powers and Authorities, which the Court of Assize may employ, use, and exercise for the Determination of Causes and other Matters now usually heard and decided by them respectively, and the said Judge of Assize or other Person shall also for the Purpose have and be entitled to exercise all the Powers and Authorities hereby given to the Court for the hearing and deciding Applications made to it, and also the Powers hereby given to the Court to make Provision touching the Custody, Maintenance, and Education of Children; and every Order made by any Judge of Assize or other Person under the Authority of this Act may, on the Application of the Person obtaining the same, be entered as an Order of the Court, and when so entered shall have the same Force and Effect, and be enforced in the same Manner, as if such Order had been originally made by the Court.

The Court to regulate Fees on Proceedings before Judges, &c.

XIX. The Court shall from Time to Time fix and regulate the Fees which shall be payable upon all Proceedings under any Application to a Judge of Assize under this Act; and such Fees shall be received in Money, for their own Benefit, by the Persons to whom or for whose Use the same shall be directed to be paid.

Orders may be reviewed.

XX. Any Order so entered as aforesaid may be reviewed, and either altered or reversed on Appeal to the Judge Ordinary of the Court, but such Appeal shall not stay the intermediate Execution of the Order, unless the Judge Ordinary shall so direct, who shall have Power, if such Appeal be dismissed or abandoned, to order the Appellant to pay to the other Party the full Costs incurred by reason of such Appeal.

Wife deserted by her Husband may apply to a Police Magistrate or Justices in Petty Sessions for Protection.

XXI. A Wife deserted by her Husband may at any Time after such Desertion, if resident within the Metropolitan District, apply to a Police Magistrate, or if resident in the Country to Justices in Petty Sessions, or in either Case to the Court, for an Order to protect any Money or Property she may acquire by her own lawful Industry, and Property which she may become possessed of, after such Desertion, against her Husband or his Creditors, or any Person claiming under him; and such Magistrate or Justices or Court, if satisfied of the Fact of such Desertion, and that the same was without reasonable Cause, and that the Wife is maintaining herself by her own Industry or Property, may make and give to the Wife an