

BILL ENTITLED AN ORDINANCE FOR THE MORE EFFECTUAL PREVENTION OF CRIME.—The Acting Attorney General moved the third reading of this Bill.

The Acting Colonial Secretary seconded.

Question—put and passed.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed, and numbered as Ordinance No. 11 of 1887.

POSTPONEMENT OF THE OTHER ORDERS OF THE DAY.—On the motion of the Acting Attorney General, the other Orders of the Day were postponed.

ADJOURNMENT.—The Council then adjourned *sine die*.

W. H. MARSH,
Administering the Government.

Read and confirmed, this 15th day of April, 1887.

ARATHOON SETH,
Clerk of Councils.

GOVERNMENT NOTIFICATION.—No. 142.

The following Bills, which were read a first time at a Meeting of the Legislative Council held yesterday, are published for general information.

ARATHOON SETH,
Clerk of Councils.

Council Chamber, Hongkong, 16th April, 1887.

A BILL

ENTITLED

*An Ordinance to enable the Trustees of The Rhenish
Missionary Society to sell and dispose of certain
Leasehold property within the Colony of
Hongkong.*

WHEREAS by an Indenture of Crown Lease, dated the 21st day of February, 1877, and made between Her Most Gracious Majesty Queen VICTORIA of the one part, and CHRISTIAN WILHELM LOUIS and WILHELM HEINRICH DILTHEY as Trustees of The Rhenish Missionary Society of the other part, for the considerations in the said Lease mentioned Her said Majesty Demised, Leased, and Farm let unto the said CHRISTIAN WILHELM LOUIS and WILHELM HEINRICH DILTHEY their executors, administrators and assigns, all that piece or parcel of ground situate, lying and being at Victoria, in the Island of Hongkong, in the said Indenture of Lease particularly described and registered in the Land Office as Inland Lot No. 24, together with all easements, profits, commodities and appurtenances whatsoever thereto belonging, except and always reserved as in the said Crown Lease is excepted and reserved, to hold the said piece or parcel of ground and premises thereby demised with their and every of their appurtenances unto the said CHRISTIAN WILHELM LOUIS

Preamble.

and WILHELM HEINRICH DILTHEY their executors, administrators and assigns from the 25th of December, 1858, for the term of 999 years from thence next ensuing at the yearly Crown rent therein mentioned and subject to the covenants and conditions therein contained. And whereas the said Lot is now vested or purported to be vested in the Reverend FERDINAND WILHELM DIETRICH formerly of Victoria, in the Colony of Hongkong, but now of the City of Tung-Kun in the Kwong-Tung Province in the Empire of China, Missionary, and the Reverend EMMANUEL GENÄHR, formerly of Victoria aforesaid, but now of Fuk-Wing in the same Province, Missionary, as Trustees for the said Rhenish Missionary Society. And whereas it is uncertain whether the said FERDINAND WILHELM DIETRICH and EMMANUEL GENÄHR as such Trustees as aforesaid have sufficient power to sell or dispose of the said Lot so as to give a marketable title thereto. And whereas it is expedient in order to remove such uncertainty that the said premises should be vested in the said FERDINAND WILHELM DIETRICH and EMMANUEL GENÄHR, their executors and administrators with power of sale: Be it therefore enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

F. W. DIETRICH and E. GENÄHR to be Trustees.

All that piece or parcel of ground situate lying and being at Victoria in the Colony of Hongkong, and registered in the Land Office as Inland Lot No. 24, together with all easements profits commodities and appurtenances whatsoever thereto belonging (except and always reserved as in the Crown Lease thereof is excepted and reserved) shall vest in the said FERDINAND WILHELM DIETRICH and EMMANUEL GENÄHR their executors and administrators, upon trust to sell the said piece or parcel of ground and premises either together, or in parcels, and either by public auction, or private contract, and either with or without special conditions relative to title or otherwise with power to buy in the said premises, or any part thereof at any sale by auction or to rescind or vary any contract for the sale thereof, and to resell the premises which shall be so bought in or the contract for the sale whereof shall be so rescinded, and with power also to execute assurances, give effectual receipts and discharges to the purchaser or purchasers thereof for the purchase moneys, so that such purchaser or purchasers shall not be bound to see to the application thereof, and generally to do all other acts and things necessary for completing the said sale. Provided nevertheless that the moneys which shall arise from any such sale as aforesaid after paying and retaining thereout the costs and expenses attending such sale shall be held by the said FERDINAND WILHELM DIETRICH and EMMANUEL GENÄHR, or other the Trustees or Trustee for the time being of the said Rhenish Missionary Society, in trust for the said Rhenish Missionary Society.

A BILL

ENTITLED

An Ordinance for the naturalisation of

CHÁN KWOK YING.

Preamble.

WHEREAS CHÁN KWOK YING has petitioned to be naturalised as a British subject within the limits of this Colony, and whereas it is expedient that he should be so naturalised; Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Naturalisation of CHÁN KWOK YING.

CHÁN KWOK YING, shall be, and he is hereby naturalised a British subject within this Colony, and shall enjoy within this Colony, but not elsewhere, all the rights, advantages and privileges of a British subject, on his taking the oath of allegiance under the provisions of the *Promissory Oaths Ordinance, 1869.*

A BILL

ENTITLED

An Ordinance to amend and consolidate the Law relating to Jurors.

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as *The Jury Consolidation Ordinance 188*

Short title.

2. The Ordinances or parts thereof mentioned in the Schedule hereto are hereby repealed, but such repeal shall not affect anything done or suffered thereunder nor any past operation thereof.

Repeals.

3. In all civil and criminal trials and in all enquiries into the idiocy, lunacy, or unsoundness of mind of any person the jury (if any) shall, except where otherwise specially provided, consist of seven men.

Number of jurors on trial, &c. (No. 11 of 1864 Sec. 2.)

4. Every male person between the ages of twenty-one and sixty years, being of sound mind, and not afflicted with deafness, blindness, or other such infirmity, who shall be a good and sufficient person resident within the Colony, shall be qualified and liable to serve as a juror, subject to the exceptions hereinafter provided.

Qualification and exemptions (No. 11 of 1864 s. 4.)

5. The persons hereinafter mentioned shall not be or be deemed liable to serve as jurors.

Exemptions from serving as jurors.

- (a.) Members of Council.
- (b.) All persons holding any office or situation of emolument under the Crown.
- (c.) Salaried functionaries of Foreign Governments not carrying on business.
- (d.) Barristers-at-Law, Solicitors in actual practice and their clerks.
- (e.) Medical Practitioners and Surgeons registered under The Medical Registration Ordinance No. 6 of 1884, and Dentists.
- (f.) Editors of Daily Newspapers in the Colony and their staff.
- (g.) Chemists and Druggists actually carrying on business as such.
- (h.) Clergymen of the Church of England, Roman Catholic Priests and Ministers of any congregation of Protestant Dissenters or of Jews: Provided they follow no secular occupation except that of Schoolmasters.
- (i.) Officers employed on full pay in the Military or Naval Service of Her Majesty.
- (j.) Masters of steamers and local pilots.
- (k.) Persons ignorant of the English language.

6. If any person shall be summoned as a juror who shall under the terms of the preceding sections, be exempt from service or who shall not be qualified to serve as a juror or who having been summoned as a special juror shall not be qualified to serve as such, such exemption or want of qualification shall be a good cause of challenge and the person so summoned shall be discharged upon such challenge or upon his own application, if the Court shall be satisfied of the fact and shall so direct; but no such exemption or want of qualification, if not submitted to the Court before such person is sworn, shall afterwards be accepted as a ground for impeaching any verdict given by the jury on which he has served.

Exemption or want of qualification to be a ground of Challenge but not of avoiding trial.

7. Every person shall, for the purpose of enabling the Registrar of the Supreme Court to complete the list of jurors hereinafter referred to, on demand by such Registrar or some person duly authorised by him, forward to such Registrar in writing within the time specified in the said demand, his name and surnames at full length together with his profession, business or occupation and place of abode, under penalty for refusing or neglecting so to do of a sum not exceeding one hundred dollars, on conviction before a Magistrate.

Names for and mode of obtaining Jury List. (No. 24 of 1882, s. 2.)

Formation of
Lists of
Common
and Special
Jurors.
(No. 24 of
1882 s. 4 &
17.)

8. The Registrar shall, on or before the first day of February in each year, make a list in alphabetical order of all persons ascertained by him to be liable to serve as jurors, setting forth the name and surnames of each at full length, together with his profession, business, or occupation and place of abode, and shall cause a copy of such list to be posted for the term of one fortnight at the chief entrance to the Court. And any person may apply by notice in writing to the Registrar requiring that his name or the name of some other person may be respectively either added to or struck off from the said list, upon cause duly assigned in such notice; and the Registrar immediately after the expiration of the time for posting such list, shall forward the same and such notices as may be so served on him, to the Clerk of the Legislative Council. The Council may strike off from or add to such list, such name or names or any other name or names, as to the said Council may appear fit, and shall mark off, not less than twenty-four of the names contained in the list, and such names shall be formed into a separate list which shall be designated the *Special Jurors List*, and all other names contained in the said list shall be marked off in a separate list and be designated the *Common Jurors List*.

List to be
returned to
the Registrar.

9. The said list when finally settled shall be returned to the Registrar by the Clerk of Council and called the *Jurors List*, and shall be brought into use on the first day of March next following and shall continue in force for one year from the said first day of March.

Formation of
Special and
Common
Jurors.
(No. 24 of 1884
s. 12, No. 7 of
1868 s. 1, No.
24 of 1882 s. 7.)

10. When the jury lists shall be completed and returned to the Registrar, he shall cause the names of the Special and Common Jurors to be written on separate cards of equal size and placed in separate boxes to be called the *Special Jurors Ballot Box* and the *Common Jurors Ballot Box*; which boxes shall be kept locked.

Panel of Com-
mon Jurors.

11. Whenever it shall be requisite to summons a common jury, a Deputy Registrar shall, in the presence of the Registrar, open and draw from the *Common Jurors Ballot Box* eighteen names in civil cases, and thirty names in criminal cases to form a panel and the cards, with the names of those who shall have served in civil cases, and who shall have been summoned in criminal cases so drawn, shall be locked up in a separate box until all the names in the ballot box shall be exhausted by subsequent panels, when all the names of the jurors on the Common Jurors List shall be returned to the *Common Jurors Ballot Box*, if required, for the purposes of the current year, and in such case the names shall again be redrawn in manner aforesaid. Provided always that whenever from any cause the jurors drawn cannot be served it shall be lawful for the Registrar to re-open the ballot box, and draw fresh names therefrom as often as may be necessary to secure the full number of thirty jurors at the Criminal Sessions.

Formation of
panel of
Special Jurors
(No. 11 of
1864, s. 17.)

12. Whenever it shall be necessary to summon a special jury, such jury shall be drawn in the manner hereinbefore provided for obtaining a common jury with this exception that in civil cases the number to be drawn from the ballot box in the first instance shall be twenty-four, and in criminal cases twelve.

Special jury
in civil suits
(No. 11 of
1864 s. 17.)

13. If either the plaintiff or the defendant in any suit or action, shall be desirous of having such suit or action tried by a special jury, it shall be lawful for the Court or a Judge thereof to order and appoint a special jury to be drawn by the Registrar in the manner hereinbefore provided; and in such cases the parties shall appear before the Registrar on a day fixed by him, and a Deputy Registrar shall then in presence of the said Registrar and of the parties draw from the *Special Jurors Ballot Box* the requisite number of names. The Registrar shall then appoint a day for striking the said jury; on the day so appointed the parties shall attend and shall each alternately strike off one name till the said list is reduced to twelve; the names of the twelve struck off shall be replaced in the ballot box, and the remaining twelve shall be the special jury panel. Provided that the party applying for such special jury, and who shall have obtained a rule or order of the Court for that purpose, shall, when the cause is set down in the General Hearing List, deposit with the Registrar or other Officer of the Court, a sum sufficient to cover the expenses of the special jury, otherwise the rule or order of such Court or Judge to be of no effect.

14. In forming any panel the Registrar shall pass over the names of all persons who are dead or absent from the Colony, but shall return to the *Special Jurors Ballot Box* or *Common Jurors Ballot Box* (as the case may require) the names of any temporary absentees which may be drawn.

Certain names
to be passed
over.

15. The Registrar shall, before the sitting of any Court whereat either a common or special jury shall be necessary, issue summonses according to the form in the Schedule B hereto, requiring the attendance thereat of the persons drawn from the ballot box, and every such summons shall be personally served upon, or left at the usual place of abode of the person so summoned two clear days before the day appointed for the sitting of the Court.

Summoning
Juries
(No. 11 of
1864 s. 13
No. 24 of 1882
s. 8)

16. The Registrar shall cause a list containing the names, places of abode and additions of the persons so summoned, to be made out as soon as conveniently may be after the summonses have been served.

General list
(No. 24 of
1882 s. 9 No. 8
of 1872, s. 2.)

17. In all informations for Criminal Offences it shall be lawful for the Attorney General acting on behalf of the Crown by written notice to the Registrar, or for any judge of the Court upon the application of any private prosecutor or upon the application of any prisoner or accused against whom an information has been filed, to order a special jury to be summoned for the trial of any case. Upon the receipt of such notice or upon any such order being made the Registrar shall forthwith proceed to form the panel of such jurors, and to summon them in manner hereinbefore provided.

Special jury
in criminal
cases.
(No. 8 of 1872
s. 1.)

18. At the sitting of the Court the names of all the jurors summoned whether special or common shall be written on separate cards of equal size and put into a box, and the Registrar, or clerk of the Court shall, in open Court, draw therefrom until a jury is obtained.

Ballot for
juries.
(No. 11 of
1864 s. 16.)

19. After the jury shall have been sworn or charged with any prisoner or accused they shall be kept in some convenient place in Court apart by themselves, retirement of individual jurors for personal purposes only excepted, and then in charge of an officer of the Court, until the judge has summed up the evidence, and has left the case with the jury. Provided that in case and as often as the Court shall adjourn before the case shall have been so left with the jury, then such jury may if the Judge shall so direct, be removed in charge of an officer of the Court to some convenient place there to take refreshment at their own expense and rest until the Court shall reassemble, and such officer shall be sworn that he will suffer none save himself to speak to or to communicate with them without the express leave of the Judge. If after the case shall have been so left to the jury, and such jury shall desire to withdraw for the purpose of considering their verdict, then they shall be kept by such officer of the Court in some convenient place apart by themselves, but they shall be allowed reasonable refreshment at their own expense with power also to retire alone only for personal purposes, until they are agreed upon their verdict, or be discharged therefrom by the Court; and the officer shall be sworn that he will suffer none to have access to them, or speak to them himself except to ask whether they are agreed upon their verdict or to communicate between them and the Court. Provided always that it shall be in the discretion of the Judge in all cases to dispense with any of the foregoing provisions, and in the event of any adjournment to direct the jury to be removed to some convenient place in the vicinity of the Court during such adjournment under the charge of the proper officer of the Court or to allow the jury to separate for such time and subject to such conditions as to the Judge may seem fit.

Keeping jury
together
(No. 8 of 1872
ss. 15.)

20. The names of the persons drawn as jurors shall be marked on the list provided for in Section 16; and the cards with such names shall be kept apart by themselves until all the cards in the box shall have been drawn. Provided always, that if any case shall be brought on to be tried before the jury in any other case shall have brought in their verdict, it shall be lawful for the Court to order another jury to be drawn from the residue of the said cards for the trial of the case which shall be so brought on to be tried. Provided also, that where no objection shall be made on behalf of the plaintiff or prosecutor, or on behalf of the defendant or prisoner, or accused, it shall be lawful for the Court to try any case with the same jury that shall have previously tried, or

As to new
jury for new
cases.
(No. 11 of 1864
s. 21.)

been drawn to try any other case, or to order the name of any person on such jury, whom both parties may consent to withdraw or who may be justly challenged or excused by the Court, to be set aside and another name to be drawn from the box, and to try the case with the residue of such original jury, and with such person or persons whose name or names shall be so drawn and who shall appear.

Power of Judge to direct jury to withdraw to consider their verdict when not unanimous.

Verdicts of majority to be verdict of jury unless in capital cases where unanimity is requisite. (No. 11 of 1864 s. 3.)

Provision in case of death disability or non-attendance of juror. (No. 11 of 1864 s. 24.)

Verdict how given. (No. 11 of 1864 s. 26.)

In case jury cannot agree upon verdict. (No. 11 of 1864 s. 25.)

Power to the Court to exempt jurors. (No. 11 of 1864 s. 18.)

No challenge except for cause. (No. 11 of 1864 s. 19.)

21. Whenever the jury in a criminal case, shall not be unanimous in their verdict, it shall be lawful for the Judge to direct them to withdraw from the Court Room for the purpose of considering their verdict in private.

22. In the event of any of the jurors dissenting from the residue, the jury shall retire to consider their verdict and after reasonable consultation the verdict of a majority shall be held and deemed to all intents and purposes to be the verdict of the jury. Provided always, that if any person be arraigned for any offence visited by the law with capital punishment, then and in such case the jury must be unanimous in their verdict of guilty or not guilty but if such majority should find such person guilty of a less crime than the capital one, then the finding of the majority shall be the verdict, and sentence shall follow accordingly: And if in any case it may for any cause seem to be desirable to the Judge, he may direct the jury to further consider their verdict.

23. In the event of the death, illness, or default of attendance of any one or two of the jurors during the trial of any suit, action, or information, it shall be lawful for the Court, in its discretion to order the trial of such suit, action, or information, to be proceeded with in like manner as if the full number of jurors had continued to serve on the jury, and any verdict returned by the remaining jurors, or by a majority, shall be of equal validity and have the same force and effect as if it had been returned by a jury consisting of the full number of seven jurors. *Provided always, that in capital cases the remaining jurors must be unanimous in their verdict in order to warrant sentence of capital punishment being passed on the prisoner; but if he be found guilty of a crime less than the capital one on which he is arraigned, then sentence shall follow the finding of such majority. Provided also that it shall be lawful for the Court, instead of proceeding with the trial with the remaining jurors, to cause a new jury to be empanelled, sworn and if necessary charged with any prisoner or accused; and the suit, action, or information shall be tried as if such first jury had not been empanelled.

24. The verdict of the jury shall in all cases be given by the foreman, in open Court, and in the presence of all the jury, and if in a criminal proceeding in the presence of the prisoner, and shall thereupon be recorded by the Registrar; and the Registrar shall, before taking the verdict, ask if they are all or by what majority agreed thereon, and whether they find for the plaintiff or for the defendant, and in the case of a prisoner or accused whether they find such prisoner or accused *Guilty* or *Not Guilty*; and the jury shall either pronounce a general verdict for the plaintiff or defendant, or of *Guilty* or *Not Guilty*, or else shall return a special verdict finding the facts of the case. Provided always, that the jury may acquit any prisoner or accused of a part of the charge against him, and find him guilty of the remainder.

25. Whenever the jury in any case has withdrawn, and been kept apart for the purpose of considering their verdict, and shall not have returned the same before all the other cases for trial at the same sittings or sessions shall have been disposed of, and when it shall sufficiently appear to the Court that the said jury cannot agree upon a verdict, and that there is not such a majority as aforesaid agreeing, the Court shall discharge such jury, and shall cause a new jury to be empanelled and sworn and charged with any prisoner or accused, and the suit or action, or information shall be tried as if such first jury had not been empanelled.

26. Nothing herein contained shall prevent the Court from exempting in its discretion any person or persons from serving, as a juror on any trial, or from removing their names from the list of jurors, on cause being shown for so doing.

27. No person who shall be put upon his trial either for treason, felony, or misdemeanour, shall be allowed to challenge any of the jurors except for cause.

*[Suggested alterations:
"Provided always that in capital cases the jury shall not consist of less than seven men."]

[Suggested :—That peremptory challenges of four in number be allowed.]

28. Whenever there shall be a deficiency of jurors, it shall be lawful for the Court, at the prayer of either of the parties in the suit or action or of the prosecutor, prisoner or accused, to put upon the jury so many good and lawful men of the by-standers or others who can be speedily procured, as shall be sufficient to make up the full number thereof.

Talesman.
(No. 11 of 1864
s. 20.)

29. The remuneration of special jurors in civil cases shall be ten dollars each for every trial. In criminal cases special jurors shall not be entitled to any remuneration. Provided always that the Judge upon the application for a special jury by the prisoner or accused may order such special jury to be remunerated as in civil cases and that such prisoner or accused deposit with the Registrar or other officer of the Court a sum sufficient to cover the expenses of such special jury; otherwise such order to be of no effect.

Remuneration
of special
jurors.
(No. 8 of 1872
s. 3.)

30. If any juror having been duly served with a summons, in accordance with the provisions in that behalf hereinbefore contained shall fail to attend, or being present shall not appear when called, or after appearance shall withdraw himself without the permission of the Judge, the Judge shall, unless some reasonable excuse be proved on oath or affidavit or otherwise to his satisfaction, set upon the person so making default such fine, not exceeding the sum of One hundred dollars, as to the Judge shall seem meet.

Non-attend-
ance of jurors
(No. 11 of 1864
s. 15.)

31. All fines imposed under the provisions of this Ordinance shall be levied in such manner as the Court or any Judge thereof may direct, and when levied shall be paid to the Registrar and accounted for by him to the Colonial Treasurer.

Fines levying.
(No. 11 of 1864
ss. 6 and 7.)

32. On the trial of any civil or criminal case either party or the prosecutor or prisoner accused or defendant shall be at liberty to apply to the Court for a rule or order for the inspection by the jury of any property the inspection of which may be material to the proper determination of the proceedings in question, and it shall be lawful for the Court if it think fit to make such rule or order upon such terms as to adjournment, costs and otherwise as such Court may direct.

Inspection by
jury.
(No. 3 of 1865
s. 31.)

33. In all enquiries into the idiocy, lunacy or unsoundness of mind of any person, any issue determinable by the verdict of a jury shall be tried by a special or common jury as the Judge may direct and such jury shall be constituted in the same manner in all respects as to the number and qualification of the jury and be summoned in the same manner and serve under the same conditions in every particular as if such jury had been empanelled for the trial of any ordinary issue in the Supreme Court. Provided that in all cases the alleged idiot, lunatic, or person of unsound mind shall have a right to have the issue determined if he so desire by a special jury.

Jurors in
lunacy cases.

34. In cases not provided for by this Ordinance, the law for the time being in force in England relating to jurors and juries, shall, in so far as the same does not conflict with the provisions of this Ordinance, have force and effect within the Colony: but nothing in this section contained shall be deemed to relate to jurors or juries on Coroner's inquests.

Application
of Law of
England in
cases not
provided for
by this
Ordinance.

SCHEDULES.

A.

List of Repeals.

No. 11 of 1864 all unrepealed except sections 27 and 28.
No. 7 of 1868 Section 1.
No. 8 of 1872 All.
No. 24 of 1882 All.

B.

Mr. A. B.

You are hereby summoned to appear as a juror (or special juror) at the Supreme Court to be holden at _____ in this Colony on the _____ day of _____ next at the hour of _____ o'clock in the forenoon, and there to attend from day to day until you shall be discharged from the Court.

Form of
Summons to
jurors.

(Signed) C. D.,
Registrar.

N.B.—The penalty for disobedience hereto is any sum not exceeding one hundred dollars.