

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

10. *Dangerous Drugs Bill*.—The Attorney General moved the Second reading of the Bill intituled “An Ordinance to amend and consolidate the law relating to dangerous drugs.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.

11. The Council then adjourned until Thursday, the 27th day of October, 1932, at 2.30 p.m.

W. T. SOUTHORN,  
*Officer Administering the Government.*

Confirmed this 27th day of October, 1932.

R. A. C. NORTH,  
*Deputy Clerk of Councils.*

No. 680.—His Excellency the Officer Administering the Government has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 32 of 1932.—An Ordinance to secure an increased trade between the Colony and other parts of the British Empire.

Ordinance No. 33 of 1932.—An Ordinance to amend the Supreme Court (Admiralty Procedure) Ordinance, 1869.

Ordinance No. 34 of 1932.—An Ordinance to amend the Marriage Ordinance, 1875.

Ordinance No. 35 of 1932.—An Ordinance to confer on the Supreme Court Jurisdiction in Divorce and Matrimonial causes.

**HONG KONG.**

No. 32 OF 1932.

I assent.



W. T. SOUTHORN,  
*Officer Administering the Government.*

28th October, 1932.

An Ordinance to secure an increased trade between the Colony and other parts of the British Empire.

[28th October, 1932.]

BE it enacted by the Governor of Hong Kong with the advice and consent of the Legislative Council thereof as follows:—

Short title.

1. This Ordinance may be cited as the Empire Preference Ordinance, 1932.

Inter-pretation.

2. In this Ordinance:—

“The British Empire” includes the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, Newfoundland, India, all British Colonies and all territories under His Majesty’s protection. It shall also include, if for the purposes of this Ordinance the Governor in Council by Order so directs, any territory in respect of which a mandate of the League of Nations is exercised by the Government of any part of His Majesty’s dominions.

“Empire product”, in the case of motor vehicle means a vehicle which is substantially manufactured within the British Empire.

“Motor Vehicle” includes motor car, motor lorry, motor omnibus, motor truck, motor bicycle and motor tricycle.

(2) No vehicle shall be deemed to be substantially manufactured within the British Empire unless, in the opinion of the Inspector General of Police, at least one quarter, or such other proportion as the Governor in Council may fix by Order, of its value is the result of labour within the British Empire.

Special licence fee for motor vehicles which are not Empire products.

3.—(1) There shall be charged, levied and paid, in respect of the first registration in the Colony of every motor vehicle hereafter registered which, in the opinion of the Inspector General of Police, is not an Empire product, a special licence fee of an amount equal to twenty per cent of the value of such vehicle, including cost freight and insurance, on arrival in the Colony, after deduction of the value of the tyres and of any spare wheels or other spare parts.

(2) Such special licence fee shall be in addition to the ordinary licence fee payable under any Ordinance or regulations relating to the licensing of vehicles.

Regulations.

4. The Governor in Council shall have power to make such regulations as he thinks fit for the carrying out of this Ordinance.

Passed the Legislative Council of Hong Kong, this 27th day of October, 1932.

R. A. C. NORTH,  
*Deputy Clerk of Councils.*

**HONG KONG.**

No. 33 OF 1932.

I assent.



W. T. SOUTHORN,  
*Officer Administering the Government.*

28th October, 1932.

An Ordinance to amend the Supreme Court (Admiralty Procedure) Ordinance, 1896.

[28th October, 1932.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Supreme Court (Admiralty Procedure) Amendment Ordinance, 1932. Short title.

2. Paragraph (14) of the particulars required by rule 53 in the Schedule to the Supreme Court (Admiralty Procedure) Ordinance, 1896, is repealed and the following paragraphs are substituted therefor:— Amendment of Ordinance No. 6 of 1896, Schedule, rule 53.

(14) the sound signals, if any, which were given, and when; and

(15) the sound signals, if any, which were heard from the other ship, and when.

3. Rule 54 in the said Schedule is repealed and the following rule is substituted:— Substitution for Ordinance No. 6 of 1896, Schedule, rule 54.

54. After appearance any party to an action may apply to the court for an order for pleadings. If no such application is made, or if on such application pleadings are not ordered, the action shall be heard without pleadings. No pleadings unless applied for, and ordered.

4. This Ordinance shall not come into operation unless and until the Governor notifies by Proclamation His Majesty's pleasure thereon; and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation. Suspending clause.

Passed the Legislative Council of Hong Kong, this 27th day of October, 1932.

R. A. C. NORTH,  
*Deputy Clerk of Councils.*

**HONG KONG.**

No. 34 OF 1932.

I assent.



W. T. SOUTHORN,  
*Officer Administering the Government.*

28th October, 1932.

An Ordinance to amend the Marriage Ordinance, 1875.

[28th October, 1932.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows:—

Short title. **1.** This Ordinance may be cited as the Marriage Amendment Ordinance, 1932.

Amendment of Ordinance No. 7 of 1875, s. 21. **2.** Sub-section (1) of section 21 of the Marriage Ordinance, 1875, is repealed and the following sub-section is substituted:—

Marriage before Registrar of Marriages. (1) After the issue of a certificate by the Registrar of Marriages, or the grant of a special licence by the Governor, the parties may, if they think fit, contract a marriage before the Registrar of Marriages: Provided that, before they are permitted to do so, each of the parties shall sign a written declaration in the presence of the Registrar of Marriages, which he shall witness, in Form No. 6 in the First Schedule.

Substitution for ss. 37 and 38 of Ordinance No. 7 of 1875. **3.** Sections 37 and 38 of the Marriage Ordinance, 1875, are repealed and the following new sections are substituted:—

Application of Ordinance. **37.**—(1) This Ordinance shall apply to all marriages celebrated in the Colony except non-Christian customary marriages duly celebrated according to the personal law and religion of the parties.

(2) The parties to any such customary marriage may, however, if they so desire and provided they have not living any other undivorced spouse, contract with each other a marriage under this Ordinance. In such cases the marriage under this Ordinance shall not be deemed to prejudice the previous customary marriage.

Marriages under this Ordinance are Christian or equivalent thereto. **38.**—(1) Every marriage under this Ordinance shall be a Christian marriage or the civil equivalent of a Christian marriage.

(2) The expression “Christian marriage or the civil equivalent of a Christian marriage” implies a formal ceremony recognised by the law as involving the voluntary union for life of one man and one woman to the exclusion of all others.

Passed the Legislative Council of Hong Kong, this 27th day of October, 1932.

R. A. C. NORTH,  
*Deputy Clerk of Councils.*

**HONG KONG.**

No. 35 OF 1932.

I assent.

L.S.

W. T. SOUTHORN,  
*Officer Administering the Government.*

28th October, 1932.

**An Ordinance to confer on the Supreme Court Jurisdiction in Divorce and Matrimonial causes.**

[28th October, 1932.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Divorce Ordinance, 1932. Short title

2. In this Ordinance, unless there is something repugnant in the subject or context, Interpre-  
tation.

“Christian marriage or its civil equivalent” and “the civil equivalent of a Christian marriage” imply a formal ceremony recognised by the law of the place where the union was contracted as involving the voluntary union for life of one man and one woman to the exclusion of all others.

“The court” means the Supreme Court or a Judge thereof;

“Desertion” implies an abandonment against the wish of the person charging it.

“Minor children” means unmarried children who in the opinion of the court have not attained the age of twenty-one years;

3. Subject to the provisions contained in this Ordinance, the court shall in all suits and proceedings hereunder act and give relief on principles which in the opinion of the court are, as nearly as may be, conformable to the principles on which the High Court of Justice in England for the time being acts and gives relief in matrimonial proceedings. Principles  
of law  
to be  
applied.

4.—(1) Nothing herein shall authorise the court to make any decree of dissolution of marriage except— Extent of  
power to  
grant relief.

(a) where the marriage was either a Christian marriage or the civil equivalent of a Christian marriage; and

(b) where the domicile of the parties to the marriage at the time when the petition was presented was in the Colony.

(2) Nothing herein shall authorise the court to make any decree of nullity of marriage except where the marriage to which the decree relates purported to have been celebrated in the Colony and to have been a Christian marriage or its civil equivalent.

(3) Nothing herein shall authorise the court to make any decree of judicial separation or of restitution of conjugal rights except where the marriage was a Christian marriage or its civil equivalent and where both the parties to the marriage were in the Colony at the time of the commencement of proceedings.

*Dissolution of Marriage.*

**Grounds for divorce.**

5.—(1) A husband may present a petition to the court praying that his marriage may be dissolved on the ground that his wife has since the solemnization thereof been guilty of adultery.

(2) A wife may present a petition to the court praying that her marriage may be dissolved on the ground that since the solemnization thereof her husband has been guilty of—

- (i) adultery; or
- (ii) rape, sodomy or bestiality.

**Contents of petition.**

(3) Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded.

**Adulterer to be made a co-respondent.**

6.—(1) Upon any such petition presented by a husband, the petitioner shall make the alleged adulterer a co-respondent to the said petition, unless he is excused from doing so on one of the following grounds, to be allowed by the court:—

- (a) that the respondent is leading the life of a prostitute and that the petitioner knows of no person with whom the adultery has been committed;
- (b) that the name of the alleged adulterer is unknown to the petitioner, although he has made due efforts to discover it;
- (c) that the alleged adulterer is dead.

(2) Upon any such petition presented by a wife the court, if it sees fit, may order the person with whom the husband is alleged to have committed adultery to be made a respondent.

**Scope of inquiry by the court. Absence of collusion or condonation.**

7. Upon any such petition for the dissolution of a marriage the court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the petitioner has been in any manner accessory to or conniving at the adultery, or has condoned the same, and shall also inquire into any countercharge which is made against the petitioner.

**Dismissal of petition.**

8. The court shall dismiss the petition if

- (a) it is not satisfied that the petitioner's case has been proved;
- (b) it is not satisfied that the alleged adultery has been committed;
- (c) it finds that the petitioner has during the marriage been accessory to or conniving at the adultery or has condoned the adultery; or
- (d) it finds that the petition is presented or prosecuted in collusion with either the respondent or the co-respondent.

9.—(1) If the court is satisfied that the petitioner's case has been proved, and does not find that the petitioner has been accessory to or connived at the adultery, or has condoned the adultery, or that the petition is presented or prosecuted in collusion, the court shall pronounce a decree *nisi* for the dissolution of the marriage. When petition shall be granted.

(2) The court shall not be bound to pronounce such decree if it finds that the petitioner has during the marriage been guilty Proviso.

(a) of adultery;

(b) of unreasonable delay in presenting or prosecuting the petition;

(c) of cruelty to the respondent;

(d) of having, without reasonable excuse, deserted or wilfully separated himself or herself from the respondent before the adultery complained of; or

(e) of such wilful neglect of or misconduct towards the respondent as has conduced to the adultery.

10. No adultery shall be deemed to have been condoned within the meaning of this Ordinance unless conjugal cohabitation has been continued or resumed. Condonation of adultery.

11. In any suit instituted for dissolution of marriage, if the respondent opposes the relief sought on the ground of the adultery, cruelty or desertion without reasonable excuse of the petitioner, the court may in such suit give the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief. Grant of relief to respondent, if petition opposed.

*Nullity of Marriage.*

12. A husband or wife may present a petition to the court praying that his or her marriage may be declared null and void. Petition for nullity of marriage.

13. Such decree may be made on any of the following grounds:— Grounds of decrea.

(a) that the respondent was impotent at the time of the marriage and at the time of the institution of the suit;

(b) that the parties are within the prohibited degrees of consanguinity or affinity, whether natural or legal;

(c) that either party was a lunatic or idiot at the time of the marriage;

(d) that the former husband or wife of either party was living at the time of the marriage and the marriage with such former husband or wife was then in force;

(e) that the consent of either party to the marriage was obtained by force or fraud in any case in which the marriage might be annulled on this ground by the law of England;

(f) that the marriage is invalid by the law of the Colony.

14. If the court finds that the petitioner's case has been proved, it shall pronounce a decree *nisi* declaring the marriage to be null and void. Decree of nullity.

Children  
of annulled  
marriage.

15. Where a marriage is annulled on the ground that a former husband or wife was living and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when a marriage is annulled on the ground of insanity, children begotten before the decree *nisi* is made shall be specified in the decree and shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.

*Decree Absolute.*

When  
decree *nisi*  
to be made  
absolute.

16.—(1) A decree *nisi* for dissolution of marriage or for nullity of marriage may be made absolute after the expiration of such time, not less than three months from the pronouncing thereof, as is prescribed or as is fixed by the court in any suit.

(2) During that period any party may, in such manner as is prescribed or as is directed by the court in any suit, show cause why the decree *nisi* should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not being brought before the court.

(3) At any time during the progress of the suit or before the decree is made absolute any person may give information to the Attorney General of any matter material to the due decision of the case or affecting the jurisdiction of the court, who may thereupon take such steps as he deems necessary or expedient.

(4) If from any such information or otherwise he suspects that any parties to the suit are or have been acting in collusion for the purpose of obtaining a decree of dissolution of marriage or of nullity of marriage contrary to the justice of the case, or that material facts have not been brought before the court, he may intervene in the suit and show cause why the decree *nisi* should not be made absolute.

(5) On cause being so shown, the court shall make the decree absolute, or reverse the decree *nisi*, or require further inquiry or otherwise deal with the case as justice demands.

(6) The court may order the costs arising from such cause being shown and from such intervention, including the costs of the Attorney General, to be paid by the parties or such one or more of them, including a wife if she has separate property, as it thinks fit.

(7) Whenever a decree *nisi* has been made and the petitioner fails to move within a reasonable time to have such decree *nisi* made absolute, the court may dismiss the suit.

*Judicial Separation.*

Grounds  
for judicial  
separation.

17.—(1) A husband or wife may present a petition to the court for a judicial separation on the ground of adultery or cruelty or desertion without reasonable excuse for two years or upwards.

(2) The court, on being satisfied that the statements in such petition are true and that there is no legal ground why



the application should not be granted, may decree judicial separation accordingly.

(3) A decree of judicial separation shall have the effect of a divorce *a mensa et thoro* under the existing law and such other legal effect as is hereinafter mentioned.

**18**—(1) The property of a wife who at the time of her death is judicially separated from her husband shall, in case she dies intestate, go as it would have gone if her husband had been then dead. Property of wife after judicial separation.

(2) Where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife and the same is not duly paid by the husband he shall be liable for necessaries supplied for her use.

(3) Nothing in this Ordinance shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

**19**—(1) Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may, at any time thereafter, present a petition to the court praying for a reversal of such decree on the ground that it was obtained in his or her absence and that there was reasonable excuse for the alleged desertion where desertion was the ground of such decree. Decree of judicial separation obtained during the absence of husband or wife may be reversed.

(2) The court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly.

*Restitution of Conjugal Rights.*

**20**—(1) When either the husband or the wife has without reasonable excuse withdrawn from the society of the other, either wife or husband may apply by petition to the court for restitution of conjugal rights. Petition for restitution of conjugal rights.

(2) The court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

**21**. Nothing shall be pleaded in answer to a petition for restitution of conjugal rights which would not be a ground for a suit for judicial separation. Answer to petition.

**22**—(1) A decree of restitution of conjugal rights shall not be enforced by attachment. Periodical payments in lieu of attachment.

(2) Where the application is by the wife the court may, at the time of making such decree or at any time afterwards, order that, in the event of such decree not being complied with within any time in that behalf limited by the Court, the respondent shall make to the petitioner such periodical payments as are just.

(3) The court may, if it thinks fit, order that the husband shall, to the satisfaction of the court, secure to the wife such periodical payments, and for that purpose may refer the matter to the Registrar or to some counsel and solicitor to settle and approve of a proper deed or instrument to be executed by all necessary parties.

Settlement  
of wife's  
property.

**23.** Where the application for restitution of conjugal rights is by the husband, if it is made to appear to the court that the wife is entitled to any property, either in possession or reversion, or is in receipt of any profits of trade or earnings, the court may, if it thinks fit, order a settlement to be made to the satisfaction of the court of such property or any part thereof for the benefit of the petitioner and of the children of the marriage or either or any of them, or may order such part as the court thinks reasonable of such profits of trade or earnings to be periodically paid by the respondent to the petitioner for his own benefit, or to the petitioner or any other person for the benefit of the children of the marriage or either or any of them.

Power to  
vary orders.

**24.** The court may vary or modify any order for the periodical payment of money, either by altering the times of payment or by increasing or diminishing the amount, or may temporarily suspend the same as to the whole or any part of the money so ordered to be paid, and again revive the same order wholly or in part, as the court thinks just.

Non-  
compliance  
with decree  
deemed to be  
desertion.

**25.** If the respondent fails to comply with a decree of the court for restitution of conjugal rights, such respondent shall thereupon be deemed to have been guilty of desertion without reasonable cause and a suit for judicial separation may forthwith be instituted, and a sentence of judicial separation may be pronounced although the period of two years have not elapsed since the failure to comply with the decree for restitution of conjugal rights.

#### *Damages and Costs.*

Husband  
may claim  
damages  
from  
adulterer.

**26.**—(1) Any husband may, either in a petition for dissolution of marriage or for judicial separation or in a petition to the court limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

(2) Such petition shall be served on the alleged adulterer and the wife, unless the court dispenses with such service or directs some other service to be substituted.

(3) The damages to be recovered on any such petition shall be ascertained by the court, although the respondents or either of them may not appear.

(4) After the decision has been given the court may direct in what manner such damages shall be paid or applied.

Costs  
against co-  
respondent

**27.**—(1) Whenever in any petition presented by a husband the alleged adulterer has been made a co-respondent and the adultery has been established, the court may order the co-respondent to pay the whole or any part of the costs of the proceedings.

Proviso.

(2) The co-respondent shall not be ordered to pay the petitioner's costs,

(a) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute; or

(b) if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman.

*Alimony.*

28.—(1) In any suit under this Ordinance, whether it is instituted by a husband or a wife, the wife may present a petition for alimony pending the suit. *Alimony pendente lite.*

(2) Such petition shall be served on the husband, and the court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it deems just.

(3) Alimony pending the suit shall in no case exceed one-fifth of the husband's average net income for the three years next preceding the date of the order, and shall continue, in case of a decree for dissolution of marriage, until the decree is made absolute.

29.—(1) On any decree absolute for dissolution of marriage or for nullity of marriage, or on any decree of judicial separation obtained by a wife, the court may, if it thinks fit, order that the husband shall, to the satisfaction of the court, secure to the wife such gross sum of money or such annual sum of money for any term not exceeding her life as, having regard to her fortune, if any, to the ability of the husband and to the conduct of the parties, it deems reasonable. and for that purpose may refer the matter to the Registrar or to some counsel and solicitor to settle and approve of a proper deed or instrument to be executed by all necessary parties, and the court may, if it thinks fit, suspend the pronouncing of its decree until such deed or instrument has been duly executed. *Permanent alimony.*

(2) In any such case the court may, if it thinks fit, make an order on the husband for payment to the wife during their joint lives of such monthly or weekly sum for her maintenance and support as the court thinks reasonable, and any such order may be made either in addition to or instead of an order under sub-section (1). *Power to order monthly or weekly payments.*

(3) If the husband afterwards from any cause becomes unable to make such payments, the court may discharge or modify the order or temporarily suspend the same as to the whole or any part of the money so ordered to be paid, and again revive the order wholly or in part as the court thinks fit. *Discharge or alteration of order for alimony.*

(4) Where the court has made any such order as is mentioned in sub-section (2) or (3), and the court is satisfied that the means of the husband have increased, the court may, if it thinks fit, increase the amount payable under the order. *How to increase alimony.*

30. In all cases in which the court makes any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved of by the court, and may impose any terms or *Court may direct payment of alimony to wife or to her trustee.*

restrictions which to the court seem expedient, and may from time to time appoint a new trustee if it appears to the court expedient so to do.

*Settlements.*

Settlement  
of the wife's  
property.

**31.**--(1) When a decree of dissolution of marriage or of judicial separation on account of the adultery of the wife is pronounced, and when the wife is entitled to any property, the court may order such settlement as it thinks reasonable to be made of such property, or any part thereof, for the benefit of the husband or of the children of the marriage, or of both.

(2) Any instrument executed pursuant to any order of the court at the time of or after the pronouncing of a decree of dissolution of marriage or judicial separation shall be deemed valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

(3) The court may direct that the whole or any part of the damages recovered under section 26 shall be settled for the benefit of the children of the marriage or as a provision for the maintenance of the wife.

Inquiry into  
existence of  
ante-nuptial  
or post-  
nuptial  
settlements.

**32.**--(1) After a decree absolute for dissolution of marriage or for nullity of marriage, the court may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders with reference to the application of the whole or a portion of the property settled, whether for the benefit of the husband or the wife, or of the children, if any, of the marriage, or of both children and parents, as to the court seems fit.

(2) The court shall not make any order for the benefit of the parents or either of them at the expense of the children.

Powers  
of the  
court as to  
settlements.

**33.** Where the court has power to direct any property to be settled, or to vary the terms of an existing settlement, it may

(a) appoint trustees;

(b) order the necessary instruments to be prepared containing such provisions as it thinks fit;

(c) order all necessary parties to execute the same;

(d) from time to time appoint new trustees; and

(e) do all such other acts as it deems necessary for carrying such directions into effect.

*Custody of Children.*

Custody of  
children.

**34.** In any suit for dissolution of marriage, or for nullity of marriage, or for judicial separation, or for restitution of conjugal rights, the court may, at any stage of the proceedings, or after a decree absolute has been pronounced, make

such orders as it thinks fit with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of such suit, and may vary or discharge the said orders, and may, if it thinks fit, direct proceedings to be taken for placing such children under the protection of the court.

*Procedure.*

**35.** Subject to the provisions herein, all proceedings under this Ordinance shall be regulated by the Code of Civil Procedure for the time being in force. Procedure.

**36.** The forms in the schedule with such variations as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule. Forms in schedule.

**37.—(1)** Every petition shall state the facts on which the claim is based and also all such facts as affect the jurisdiction of the court under section 4, shall be verified by affidavit, and may at the hearing be referred to as evidence. Contents of petition.

(2) Petitions for dissolution of marriage, or for nullity of marriage, or for judicial separation shall state that there is not any collusion or connivance between the petitioner and the respondent or between the petitioner and the co-respondent, if any.

**38.—(1)** Service out of the jurisdiction of any petition under this Ordinance may be allowed by the court and service shall be effected, as nearly as may be, in the manner in which service of a writ of summons is to be effected under the Code of Civil Procedure for the time being in force. Service of petition.

(2) The court may dispense with such service altogether or allow service by notice published in the Gazette, if it seems necessary or expedient to do so.

**39.—(1)** In suits under this Ordinance the parties and the husbands and wives of such parties shall be competent and compellable to give evidence. Evidence.

(2) No witness whether a party to the suit or not shall be liable to be asked or bound to answer any question tending to show that he or she has been guilty of adultery unless such witness has already given evidence in the same suit in disproof of his or her alleged adultery.

**40.** The whole or any part of any proceeding under this Ordinance may be heard, if the court thinks fit, with closed doors. Sittings in camera.

**41.** The court may adjourn the hearing of any petition under this Ordinance, and may require further evidence thereon if it sees fit so to do. Adjournment.

*Appeals.*

Enforcement of orders.  
Appeals.

42.—(1) All decrees and orders made by the court in proceedings under this Ordinance shall be enforced, and may be appealed from, as if they were decrees or orders made by the court in the exercise of its original civil jurisdiction.

(2) In suits for dissolution of marriage or for nullity of marriage no respondent or co-respondent not appearing and defending the suit on the occasion of the decree *nisi* being made shall appeal against the decree being made absolute unless the court gives leave to appeal at the time of the decree being made absolute.

(3) No appeal from any order absolute for dissolution of marriage, or for nullity of marriage, shall lie in favour of any party who, having had time and opportunity to appeal from the decree *nisi*, has not appealed therefrom.

(4) There shall be no appeal on the subject of costs only.

Appeal to King in Council.

43. Subject to such rules as are made from time to time by His Majesty in Council regarding appeals from Colonial courts, any person may appeal to His Majesty in Council from any decree or order under this Ordinance made by the Full Court if the Full Court declares that the case is a fit one for appeal.

*Re-marriage.*

Liberty to parties to re-marry.

44. When the time limited for appealing against a decree absolute of dissolution of marriage or of nullity of marriage has expired, and no appeal has been presented against such decree, or when any such appeal has been dismissed, but not sooner, the respective parties may marry again as if the prior marriage had been dissolved by death.

*Miscellaneous.*

Power to allow intervention on terms.

45. In any case in which any person is charged with adultery with any party to a suit, or in which the court considers, in the interest of any person not already a party to the suit, that such person should be made a party to the suit, the court may, if it thinks fit, allow that person to intervene upon such terms, if any, as the court thinks just.

Restriction on publication of reports of matrimonial proceedings.  
16 & 17 Geo. 5, c. 61, s. 1.

46.—(1) It shall not be lawful to print or publish, or cause or procure to be printed or published, in relation to any judicial proceedings for dissolution of marriage, for nullity of marriage, for judicial separation, or for restitution of conjugal rights, any particulars other than the following, that is to say :

(i) the names, addresses and occupations of the parties and witnesses;

(ii) a concise statement of the charges, defences and countercharges in support of which evidence has been given;

(iii) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon;

(iv) the summing-up of the judge and the finding of the jury (if any) and the judgment of the court and observations made by the judge in giving judgment :

(2) Notwithstanding anything contained in sub-section (1) it shall not be lawful to print or publish, or cause or procure to be printed or published, in relation to any such proceedings, any indecent matter or indecent medical, surgical or physiological details being matter or details the publication of which would be calculated to injure public morals.

(3) Nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the court; or to the printing or publishing of any matter in any separate volume or part of any *bonâ fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, or in any publication of a technical character *bonâ fide* intended for circulation among members of the legal or medical professions.

(4) Every person who contravenes any of the provisions of this section shall be liable upon summary conviction to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding six months.

(5) No prosecution under this section shall be instituted without the consent of the Attorney General.

47. No person competent to present a petition under sections 4 and 5 shall maintain a suit for criminal conversation with his wife.

Suits for criminal conversation abolished.

48.—(1) The Chief Justice may make rules to fix and regulate the fees and costs payable upon all proceedings in suits under this Ordinance, and also rules concerning the practice and procedure under this Ordinance as he considers expedient.

Power to make rules.

(2) Such rules may, amongst other things, vary any of the forms in the schedule, or may add new forms thereto.

(3) A copy of such rules made by the Chief Justice under this Ordinance, certified under the hand of the Chief Justice, shall be transmitted by him to the Governor, to be laid before the Legislative Council.

Rules to be laid before Legislative Council.

(4) No rule under this Ordinance shall come into operation until it has been approved by resolution of the Legislative Council at some meeting thereof subsequent to the meeting at which it was first laid upon the table.

Bringing rules into operation.

(5) Any rule so approved shall have the same force as though it had been enacted by this Ordinance.

(6) Unless otherwise provided by rule, the fees and costs payable shall be similar to the fees and costs payable in the Original Jurisdiction of the Supreme Court.

Suspend-  
ing clause.

49. This Ordinance shall not come into operation unless and until the Governor notifies by Proclamation that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation.

Passed the Legislative Council of Hong Kong, this 27th day of October, 1932.

R. A. C. NORTH,

*Deputy Clerk of Councils.*

### SCHEDULE.

(SECTION 36.)

FORMS.

No. 1.

*General Heading* (if Petition by Husband).

In the Supreme Court of Hong Kong.

Divorce.	}	Between A. B.,	Petitioner.
		and	
19 . No.		C. B.	Respondent.
		X. Y.	Co-Respondent.

To the Honourable the Judges of the Supreme Court.

This day of 19 .

*General Heading* (if Petition by Wife).

Divorce.	}	Between C. B.,	Petitioner.
		and	
19 . No.		A. B.	Respondent.

To the Honourable the Judges of the Supreme Court.

This day of 19 .

*General Heading*—(where Court directs Respondent to be added)

Divorce.	}	Between C. B.,	Petitioner.
		and	
		A. B.	Respondent.
19 . No.		E. F. intervening as	Respondent.

This day of 19

No. 2.

PETITION BY HUSBAND FOR DISSOLUTION OF MARRIAGE ON THE GROUND OF HIS WIFE'S ADULTERY (WITH DAMAGES AGAINST CO-RESPONDENT, as the case may be).

(*General Heading*).

The Petition of A. B. (*state description of the husband and the place of residence*).

SH EWETH :

1. That the domicile of your Petitioner and of his wife the said C. B. is within the Colony of Hong Kong.

2. That your Petitioner was, on the day of lawfully married to C. B., then C. D. (*spinster or widow as the case may be*) at (*the place at which the marriage was solemnized must be described with exactness*).

3. That the said marriage was a Christian marriage (*or the civil equivalent of a Christian marriage*).



4. That after his said marriage your Petitioner lived and cohabited with his said wife and that your Petitioner and his said wife have had issue of their said marriage children, of whom survive; that is to say (*give names and ages*).

5. That on the day of , and on other days between that day and the said C. B. at in committed adultery with X. Y.

(Or)

That during the years immediately preceding the day of , (*or as the case may be*) X. Y. frequently visited the said C. B. at , and that, on divers occasions during the said period at , the said C. B. committed adultery with the said X. Y.

6. That no collusion or connivance exists between your Petitioner and his said wife, or between your Petitioner and the said X, Y, for the purpose of obtaining a dissolution of the said marriage or for any other purpose.

Your Petitioner therefore humbly prays that this Honourable Court will decree a dissolution of the said marriage, that your Petitioner may have the custody of his said children (and that the said X. Y. do pay the sum of \$ as damages by reason of his having committed adultery with your Petitioner's said wife, such damages to be paid to your Petitioner or otherwise paid or applied as to this Honourable Court may seem fit, *or as the case may be*).

(Signed) A. B.

The address for service of the Petitioner is

I, A. B., make oath and say that the statements contained in the foregoing petition are to the best of my knowledge, information and belief in all respects true.

(Signed) A. B.

Sworn at the day of 19

Before me

Commissioner to administer oaths

No. 3.

PETITION BY A WIFE FOR DISSOLUTION OF HER MARRIAGE, CONTAINING EXAMPLES OF VARIOUS CHARGES ON WHICH SUCH A PETITION MAY BE GROUNDED.

(General Heading).

The Petition of C. B. (*state place of residence*).

SHEWETH:

1. That the domicile of your Petitioner and of her husband the said A. B. is within the Colony of Hong Kong.

2. That your Petitioner, then C. D. (*spinster or widow, as the case may be*), was on the day of lawfully married to A. B. (*description*), at present residing at (*insert place of marriage as in Form 2*).

3. That the said marriage was a Christian marriage (*or the civil equivalent of a Christian marriage*).

4. That after her said marriage your Petitioner lived and cohabited with her said husband and that your Petitioner and her said husband have had issue of their said marriage children, of whom survive; that is to say (*give names and ages*).

Charge of adultery.

5. That on or about the day of at in the said A. B. committed adultery with Y. Z. (*or with a female whose name is at present unknown to your Petitioner*).

(Or)

That from about the month of to about the month of the said A. B. at lived and cohabited and habitually committed adultery with a woman named Y. Z.

(Or)

Charge of rape, etc.

That on the day of at in the said A. B. committed rape on the person of (*or committed sodomy or bestiality*).

[*In every case conclude with a paragraph denying collusion or connivance, see 6 of Form No. 2.*]

Your Petitioner therefore humbly prays that this Honourable Court will decree her:

1. A dissolution of her said marriage.
2. The custody of her said children.
3. Such further and other relief as to this Honourable Court may seem fit.

(Signed) C. B.

[*Address and Affidavit as in Form No. 2.*]

#### No. 4.

#### CITATION BY HUSBAND.

#### (General Heading).

George the Fifth, by the Grace of God of Great Britain and Ireland and the British Dominions beyond the Seas, King, Defender of the Faith.

To

C. B. (*respondent*).

Whereas A. B. of in claiming to have been lawfully married to you, has filed his petition against you in the Registry of Our said Court, praying for a dissolution of marriage, wherein he alleges that you have been guilty of adultery:

Now this is to command you, that within eight days after service hereof on you, inclusive of the day of such service, you do appear in our said Court then and there to make answer to the said petition, a copy whereof sealed with the seal of Our said Court is herewith served upon you.

And take notice, that in default of your so doing, Our said Court will proceed to hear the said charge (*or charges*) proved in due course of law, and to pronounce sentence therein your absence notwithstanding. And take further notice that for the purpose aforesaid you are to attend in person, or by your solicitor, at the Registry of Our said Court at and there to enter an appearance

without which you will not be allowed to address the court, either in person or by counsel, at any stage of the proceedings in the cause

Dated at                                    this                                    day of

(Signed) Registrar.

(A citation has also to be issued against the Co-respondent.  
See Form No 6.)

No. 5.

CITATION BY WIFE.

(General Heading).

George the Fifth, by the Grace of God of Great Britain and Ireland and the British Dominions beyond the Seas, King, Defender of the Faith.

To

A. B. (*respondent*).

Whereas C. B. of                                    in  
claiming to have been lawfully married to you, has filed her petition against you in the Registry of Our said Court, praying for a dissolution of marriage, wherein she alleges that you have been guilty of (adultery or rape or as the case may be):

Now this is to command you, etc. (*as in Form No. 4*).

No. 6.

CITATION AGAINST CO-RESPONDENT.

(General Heading).

George the Fifth, by the Grace of God of Great Britain and Ireland and the British Dominions beyond the Seas, King, Defender of the Faith

To

X. Y. (*Co-respondent*).

Whereas A. B. of                                    in                                    claiming  
to have been lawfully married to C. B., has filed his petition against her in the Registry of Our said Court praying for a dissolution of marriage, wherein he alleges that you have been guilty of adultery with the said C. B.:

Now this is to command you, etc. (*as in Form No. 4*).

No. 7.

PRÆCIPUE FOR CITATION.

(General Heading).

Citation for                                    of                                    in  
to appear in a suit for                                    by reason of (*state reason*)

(Signed) Petitioner or his  
Solicitors

Address

Address of parties to be cited.

## No. 8.

## CERTIFICATE OF SERVICE OF CITATION.

This Citation was duly served by the undersigned (*name of Server*) on the within-named (*name of person cited*) at \_\_\_\_\_ day of \_\_\_\_\_ 19 .

(Signed)

## No. 9.

## AFFIDAVIT OF SERVICE OF CITATION.

(General Heading.)

I, \_\_\_\_\_, make oath and say:—

That the citation bearing date the \_\_\_\_\_ day of \_\_\_\_\_ issued under the seal of this Court against C. B., the respondent (or X. Y., the co-respondent), in this cause, and now hereunto annexed and marked A, was duly served by me on the said C. B. (or X. Y.) at \_\_\_\_\_ in \_\_\_\_\_, by showing to her (or him) the original under seal, and by leaving with her (or him) a true copy thereof, on the \_\_\_\_\_ day of \_\_\_\_\_. And I further make oath and say that I did at the same time and place deliver to the said C. B. (or X. Y.) personally a sealed copy of the petition filed in this cause.

(Signed)

Sworn at  
the \_\_\_\_\_ day of \_\_\_\_\_

Before me,

*Commissioner to administer oaths.*

## No. 10.

## ENTRY OF APPEARANCE.

(General Heading.)

The respondent C. B. (or the co-respondent X. Y.) appears in person (or G. H., the solicitor for C. B. the respondent or X. Y. the co-respondent, appears for the said respondent or co-respondent).

[Here insert the address for service.]

Entered this \_\_\_\_\_ day of \_\_\_\_\_

## No. 11.

## ANSWER BY WIFE TO PETITION FOR DISSOLUTION OF MARRIAGE.

(General Heading.)

The respondent C. B. in person (or by her solicitor), in answer to the petition filed in this cause, saith:—

1. That she denies that the domicile of the petitioner (or that her domicile) is within the Colony of Hong Kong.
2. That she denies that the marriage was a Christian marriage (or the civil equivalent of a Christian marriage).
3. That she denies that she has on divers or any occasions committed adultery with X. Y., as alleged in the fifth paragraph of the said petition.

Wherefore the respondent prays that this Honourable Court will reject the prayer of the said petition.

(Signed) C. B.

No. 12.

ANSWER BY WIFE TO HUSBAND'S PETITION, ALLEGING VARIOUS DEFENCES.

(General Heading.)

1. Denial as in Form No. 11, paragraphs 1, 2 and 3.
2. That the petitioner condoned the acts of adultery (if any) alleged in the said petition. Condonation.
3. That the petitioner has connived at the acts of adultery (if any) alleged in the said petition. Connivance.
4. That the said petition is collusive, and was presented (or prosecuted) by agreement between the petitioner, the respondent and the co-respondent. Collusion
5. That the petitioner has been guilty of unreasonable delay in presenting (or prosecuting) his said petition, for whereas the said supposed acts of adultery are alleged to have taken place on \_\_\_\_\_ yet the petitioner did not file his petition until \_\_\_\_\_ Unreasonable delay.
6. That the petitioner has been guilty of such neglect (or misconduct) as has conduced to the said alleged adultery (if any) inasmuch as (here set out the facts relied on). Neglect or misconduct.

The respondent therefore humbly prays that this Honourable Court will reject the prayer of the said petition, and that the respondent may have such further and other relief as to this Honourable Court may seem fit.

(Signed) C. B.

(Paragraphs 2 to 6 of this form or any paragraphs containing counter-charges must be verified by affidavit as follows:—

I, C. B., of \_\_\_\_\_, the respondent in the above cause (or the above-named respondent), make oath and say as follows:—

1. That the allegations contained in paragraphs \_\_\_\_\_ of my answer dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ are true to the best of my knowledge, information and belief.

Sworn, etc.

(Signed) C. B.

No. 13.

ANSWER BY HUSBAND TO A WIFE'S PETITION.

(General Heading.)

The respondent A. B. in person (or by his solicitor), in answer to the petition filed in this cause, saith:—

1. Denial of domicile of parties and nature of the marriage as in Form No. 11 with necessary variations.
2. That he denies that he has been guilty of the charges of adultery, (or rape as the case may be) alleged against him in the said petition, or any of them. Denial
3. That the petitioner condoned the acts of adultery (if any) alleged in the said petition. Condonation.

Connivance. 4. That the petitioner has connived at the adultery (if any) alleged in the said petition.

The respondent therefore humbly prays, etc.

Paragraphs 3 and 4 and any subsequent paragraphs containing counter-charges must be verified by affidavit. See Form No. 12.

No 14.

ANSWER BY CO-RESPONDENT.

(General Heading.)

X. Y., the co-respondent, in answer to the petition filed in this cause, saith:—

1. Denial of domicile of parties and nature of the marriage as in Form No. 11 with necessary variations.

2. That he denies that he committed adultery with the said C. B., as alleged in the said petition.

(Allege any countercharges as in Form No. 12, and add as a final paragraph):—

Denial of knowledge that respondent was a married woman.

That at the time when the co-respondent committed the acts of adultery (if any) alleged in the said petition he did not know that the respondent was a married woman.

Wherefore the said X. Y. prays that this Honourable Court will reject the prayer of the said petitioner and order him to pay the costs of and incidental to the said petition.

(Signed.)

(All countercharges and final paragraph must be verified by affidavit. See Form No. 12.)

No. 15.

REPLY TO FORM NO. 13.

(General Heading.)

The petitioner C. B. in person (or by his solicitor) says:—

1. That she denies that she condoned the acts of cruelty as alleged in the third paragraph of the statement in answer of the respondent.

2. That even if she had condoned the said adultery or cruelty, the same has been revived by the subsequent adultery with Y. Z. (or as the case may be) as set forth in the fifth paragraph of the petition herein.

(Signed) C. B.

No. 16.

CITATION BY RESPONDENT.

(General Heading.)

X, Y, of [illegible] in [illegible] Whereas C. B., of [illegible], claiming to have been lawfully married to A B., of [illegible] in [illegible] has filed her petition against him in the Registry of Our said Court,

praying for a dissolution of marriage, wherein she alleges that he has been guilty of adultery.

And whereas the said A. B. has filed in the said Registry his answer to the said petition, wherein he alleges that you have been guilty of adultery with the said C. B., and prays for a dissolution of marriage.

Now this is to command you that within eight days after service hercof on you, inclusive of the day of such service, you do appear in Our said Court, then and there to make reply to the said answer, a copy whereof sealed with the seal of the Court is herewith served upon you.

And take notice, etc. (as in Form No 4).

No. 17.

PETITIONS FOR NULLITY ON VARIOUS GROUNDS.

(General Heading.)

The petition of C. D., otherwise called C. B. (give place of residence).

SHEWETH:

1. That on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the Colony of Hong Kong a ceremony of marriage took place between your petitioner then a spinster (or widow as the case may be) and A. B. of (give place of residence). The said marriage purported to be a Christian marriage (or the civil equivalent of a Christian marriage).

2. That from the said \_\_\_\_\_ day of \_\_\_\_\_ until the month of \_\_\_\_\_ your petitioner lived and cohabited with the said A. B. at divers places.

3. That the marriage was invalid by the law of the said Colony, for the following reasons (state reasons).

4. That the said C. D. is the niece of the said A. B., being the natural and lawful daughter of his half-sister S. D., formerly S. B., spinster.

5. That the said A. B. was at the time of the said ceremony of marriage and has ever since been and still is wholly unable to consummate the said marriage by reason of the malformation, or frigidity and impotence of his parts of generation, or hysteria or from some other physical cause the exact nature of which is to your petitioner at present unknown.

6. That the said malformation, frigidity, impotence or other physical cause affecting the parts of generation, of the said A. B. is wholly incurable by art or skill and will so appear upon inspection.

7. That the said A. B. has never consummated the said pretended marriage.

8. That on the said \_\_\_\_\_ day of \_\_\_\_\_, when the said ceremony of marriage took place between your petitioner and the said A. B., the said A. B. was and for some time prior thereto had been of unsound mind and incapable of contracting marriage.

9. That the performance of the said ceremony of marriage was procured by the fraud and contrivance of the said A. B.

10. That prior to the said \_\_\_\_\_ day of \_\_\_\_\_, when the said ceremony of marriage took place between your petitioner and the said A. B., that is to say on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, the said A. B. was lawfully married to R. B., then R. S., spinster (or widow as the case may be) of (give place of residence) and that when the said ceremony of marriage took place between your petitioner and the said A. B., the said R. B., the wife of the said A. B., was still living.

11. That there is no collusion or connivance between her and the said A. B. with respect to the subject of this suit.

Your Petitioner therefore humbly prays that this Honourable Court will declare that the said marriage is null and void, and that your Petitioner may have such further and other relief as to this Honourable Court may seem fit.

(Signed) C. D.

(Affidavit as in Form No. 2).

No. 18.

CITATION IN SUIT FOR NULLITY.

(General Heading as in Form No. 16.)

To

C. B., otherwise C. D., of \_\_\_\_\_, in

Whereas A. B., of \_\_\_\_\_, in \_\_\_\_\_, has filed his petition against you in the Registry of Our said Court, praying that the ceremony of marriage which took place at \_\_\_\_\_ in the Colony of Hong Kong on the \_\_\_\_\_ day of \_\_\_\_\_ between him and you may be pronounced null and void, on the following grounds: (Set out the grounds alleged which must be grounds contained in section 13 of the Ordinance.)

Now this is to command you, etc. (as in Form No. 4).

No 19.

ANSWERS TO PETITIONS FOR NULLITY.

(General Heading as in Form No. 15.)

The respondent A. B., in person (or by his sclicitor), in answer to the petition filed in this cause, saith:—

1. Denial that the ceremony of marriage took place in the Colony and denial that it purported to be a Christian marriage (or the civil equivalent of a Christian marriage).

2. That on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ the said marriage took place, and it was a valid marriage.

3. That he denies that the said C. D. is related to him as alleged (state facts disproving the alleged relationship).

4. That he denies each and every one of the allegations contained in paragraphs 5, 6 and 9 of the said petition.

5. That the petitioner did consummate the said marriage and that the respondent was at the time of the said marriage, and thence hitherto hath been and still is, apt for coition, as will appear on inspection.

6. That the respondent always has been, and still is, willing to consummate the said marriage, but has been hitherto prevented from doing so by reason of the malformation, etc., of the petitioner.

7. That he denies that on the \_\_\_\_\_ day of \_\_\_\_\_ or at any time prior thereto he was of unscund mind or incapable of contracting marriage.

8. That he denies that he was on the \_\_\_\_\_ day of \_\_\_\_\_ or at any other time lawfully married to R. S., as alleged in the said petition.

Your petitioner therefore humbly prays, etc.



No. 20.

PETITION BY WIFE FOR JUDICIAL SEPARATION ON THE GROUND OF  
HUSBAND'S ADULTERY.

(General Heading.)

The petition of C. B., of \_\_\_\_\_, the wife of A. B.,  
residing at \_\_\_\_\_

SHEWETH:

1. That your petitioner and the said A. B. are in Colony of Hong Kong.

2. That on the \_\_\_\_\_ day of \_\_\_\_\_ your petitioner, then C. D. (spinster, or widow as the case may be) was lawfully married to A. B. at \_\_\_\_\_ in \_\_\_\_\_

The said marriage was a Christian marriage (or the civil equivalent of a Christian marriage).

3. That after her said marriage your petitioner cohabited with the said A. B. at \_\_\_\_\_ and at \_\_\_\_\_ and that your petitioner and her said husband have issue living of their said marriage children (give names and ages).

4. That on divers occasions in or about the months of \_\_\_\_\_ the said A. B. at \_\_\_\_\_ committed adultery with E. F., who was then living in the service of the said A. B. and your petitioner at their said residence \_\_\_\_\_ aforesaid.

5. That on divers occasions in the months of \_\_\_\_\_ the said A. B. at \_\_\_\_\_ aforesaid committed adultery with a female whose name the petitioner believes to be R. S. (or cohabited and habitually committed adultery with G. H.).

6. That no collusion or connivance exists between your petitioner and the said A. B. with respect to the subject of the present suit.

Your petitioner therefore humbly prays that this Honourable Court will decree a judicial separation to your petitioner from her said husband by reason of his aforesaid adultery, and that she may have the custody of her said children, together with such other and further relief in the premises as to this Honourable Court may seem fit.

(Signed) C. B.

(Affidavit as in Form No 2).

No. 21.

ANSWER TO WIFE'S PETITION FOR JUDICIAL SEPARATION ON  
GROUND OF HUSBAND'S ADULTERY.

(General Heading.)

The respondent A. B. in person (or by his solicitor), in answer to the petition filed in this cause, saith:—

1. Denial that either party, or both parties, were in the Colony at the time of the Commencement of the proceedings and denial that the marriage was a Christian marriage (or the civil equivalent of a Christian marriage).

2. That he denies that he committed adultery with E. F., as in the fourth paragraph of the petition alleged.

3. That the petitioner condoned the said adultery with E. F., (if any).

4. That he denies that he committed adultery with R. S. (or with G. H.) as in the fifth paragraph of the petition alleged.

5. That the petitioner condoned the said adultery with R. S., if any (or as the case may be).

Wherefore the respondent prays that this Honourable Court will reject the prayer of the said petition

(Signed) A. B.

(Affidavit as in Form No. 12).

No. 22.

REPLY TO FORM NO. 21.

*(General Heading.)*

The petitioner C. B. in person (or by her solicitor) says:—

1. That she denies that she condoned the said adultery of the respondent with E. F., as in the third paragraph of the statement in answer alleged.

2. That even if she had condoned the said adultery, the same has been revived by the subsequent adultery with R. S. (or G. H. as the case may be) as set forth in the fifth paragraph of the petition.

*(Signed)* C. B.

No. 23.

PETITION BY WIFE FOR JUDICIAL SEPARATION ON GROUND OF  
HUSBAND'S CRUELTY.

*(General Heading.)*

The petition of C. B. (wife of A. B.) residing at

SHEWETH:

1. *(As in paragraph 1 of Form No. 20.)*

2. That on the                    day of                    your petitioner, then C. D. spinster (or widow), was lawfully married to A. B. at

The said marriage was a Christian marriage (or the civil equivalent of a Christian marriage).

3. That from her said marriage your petitioner lived and cohabited with her said husband at                    until the day of                   , when your petitioner separated from her said husband as hereinafter more particularly mentioned, and that your petitioner and her said husband have had no issue of their said marriage.

4. That from and shortly after your petitioner's said marriage the said A. B. habitually conducted himself towards your petitioner with great harshness and cruelty, frequently abusing her in the coarsest and most insulting language, and beating her with his fists, with a cane, or with some other weapon.

5. That on an evening in or about the month of                    the said A. B. in the highway and opposite to the house in which your petitioner and the said A. B. were then residing at aforesaid, endeavoured to knock your petitioner down, and was prevented from so doing only by the interference of F. D., your petitioner's brother.

6. That subsequently on the same evening the said A. B. in his said house at                    aforesaid, struck your petitioner with his clenched fist a violent blow on her face.

7. That on one Saturday night in the month of                    the said A. B. in                    without provocation, threw a knife at your petitioner, thereby inflicting a severe wound on her right hand.

8. That on the afternoon of the                    day of                    your petitioner, by reason of the great and continued cruelty practised towards her by her said husband, with assistance withdrew from the house of her said husband to the house of her father at                   ; that from and after the said day of                    your petitioner hath lived separate and apart from her said husband, and hath never returned to his house or to cohabitation with him.

9. That there is no collusion or connivance between your petitioner and her said husband with respect to the subject to the present suit.

Your petitioner therefore humbly prays that this Honourable Court will decree a judicial separation between your petitioner and the said A. B., and also order that the said A. B. do pay the costs of and incidental to these proceedings.

(Signed) C. B.

[Affidavit as in Form No. 2.]

No. 24.

ANSWER TO WIFE'S PETITION FOR JUDICIAL SEPARATION ON GROUND OF HUSBAND'S CRUELTY.

(General Heading.)

A. B., the respondent, in answer to the petition filed in this cause, by his solicitor, saith:—

1. Denal as in Form No. 21.

2. That he denies that he has been guilty of cruelty towards the said C. B., as alleged in the said petition.

(Signed) A. B.

No. 25.

CITATION IN SUIT FOR JUDICIAL SEPARATION.

(General Heading.)

George the Fifth, (etc. as in Form No. 4).

To

A. B. of

Whereas C. B. of , claiming to have been lawfully married to you, has filed her (or his) petition against you in the Registry of Our said Court, praying for a judicial separation, wherein she (or he) alleges that you have been guilty of adultery, or cruelty towards her (or him), or desertion of her (or him) without cause for two years and upwards, or as the case may be;

or

praying for a judicial separation, you having failed to comply with a decree made by the court in a suit instituted by him (or her), for restitution of conjugal rights, and dated the day of

Now this is to command you, etc. (as in Form No. 4).

No. 26.

PETITION FOR REVERSAL OF DECREE OF JUDICIAL SEPARATION.

(General Heading.)

The petition of A. B. of in

SHEWETH:

1. That your petitioner was on the day of lawfully married to at

The said marriage was a Christian marriage (or the civil equivalent of a Christian marriage).

2. That on the \_\_\_\_\_ day of \_\_\_\_\_, this Honourable Court at the petition of \_\_\_\_\_ in a cause then depending in this Court, entitled A. B. against C. B., pronounced a decree affecting the petitioner to the effect following; to wit—

(Here set out the decree.)

3. That such decree was obtained in the absence of your petitioner, who was then residing at \_\_\_\_\_ (State facts tending to show that the petitioner did not know of the proceedings: and further, that, had he known, he might have offered a sufficient defence.)

(Or)

That there was reasonable ground for your petitioner leaving his said wife, for that his said wife \_\_\_\_\_ (Here state any legal grounds justifying the petitioner's separation from his wife.)

Your petitioner therefore humbly prays that this Honourable Court will reverse the said decree.

(Signed) A. B.

[Affidavit as in Form No. 2.]

No. 27.

PETITION FOR RESTITUTION OF CONJUGAL RIGHTS.

(General Heading.)

The petition of C. B. of \_\_\_\_\_ in \_\_\_\_\_

SHEWETH:

1. (As in paragraph 1 of Form No. 20.)

2. That your petitioner was on the \_\_\_\_\_ day of \_\_\_\_\_ lawfully married to A. B. at \_\_\_\_\_, in \_\_\_\_\_

The said marriage was a Christian marriage (or the civil equivalent of a Christian marriage).

3. That after her said marriage your petitioner lived and cohabited with the said A. B. at divers places and at \_\_\_\_\_

4. That the said A. B. did, on the \_\_\_\_\_ day of \_\_\_\_\_ withdraw from cohabitation with your Petitioner, and has kept and continued away from her without any just cause whatsoever, and from that date hitherto has refused and still refuses to render her conjugal rights.

Your petitioner therefore humbly prays that this Honourable Court will be pleased to decree her:

1. Restitution of conjugal rights.
2. The costs of and incidental to this petition.
3. Such further and other relief as to this Honourable Court may seem fit.

(Signed) C. B.

[Affidavit as in Form No. 2.]

No. 28.

ANSWER TO SUIT FOR RESTITUTION OF CONJUGAL RIGHTS.

(General Heading.)

1. Denial as in Form No. 21.

2. That he denies that he has without any just cause refused or still refuses to permit the petitioner to live and cohabit with him or to render her conjugal rights.

(Or)

That by reason of the circumstances hereinafter set forth, the respondent had and still has reasonable cause for refusing to permit the petitioner to live and cohabit with him, and for refusing to render her conjugal rights.

*(Proceed to countercharge adultery, cruelty, or desertion, or any other misconduct of which the petitioner may have been guilty, and conclude with prayer for rejection of Petition and for the relief asked for, as "judicial separation," "custody of children," etc.*

*If the respondent desires to allege nullity it should be done, and relief prayed in one of the Forms of Petition for Nullity of Marriage. Verify all countercharges by affidavit, and state that there is no collusion or connivance between the parties.)*

No. 29.

CITATION IN SUIT FOR RESTITUTION OF CONJUGAL RIGHTS.

*(General Heading.)*

George the Fifth, (etc. as in Form No. 4).

To

A. B. of \_\_\_\_\_ in

Whereas C. B. of \_\_\_\_\_, claiming to have been lawfully married to you, has filed her petition against you in the Registry of Our said Court, praying for a restitution of conjugal rights.

Now this is to command you, etc. (as in Form No. 4).

No. 30.

PETITION FOR ALIMONY PENDING THE SUIT OR PERMANENT ALIMONY.

*(General Heading.)*

The Petition of C. B., the lawful wife of A. B.

SHEWETH

1. That the said A. B. has for some years carried on the business of \_\_\_\_\_, at \_\_\_\_\_, and from such business derives the net annual income of from \$ \_\_\_\_\_ to

2. That the said A. B. is possessed of plate, furniture, linen, and other effects at his said house, \_\_\_\_\_ aforesaid, all of which he acquired in right of your petitioner as his wife, or purchased with money he acquired through her, of the value of \$ \_\_\_\_\_

3. That the said A. B. is entitled, under the will of his father, subject to the life interest of his mother therein, to property of the value of \$ \_\_\_\_\_ or some other considerable amount (a).

(a) The petitioner should state her husband's income as accurately as possible.

*(In the same manner state particulars of any other property which the husband may possess.)*

Your petitioner therefore prays that this Honourable Court will decree such sum or sums of money by way of alimony, pending the suit (or permanent alimony as the case may be) as to this Honourable Court may seem fit.

(Signed) C. B.

[Affidavit as in Form No. 2.]

No. 31.

## ANSWER TO PETITION FOR ALIMONY.

*(General Heading.)*

I, A. B. of \_\_\_\_\_, the above-named respondent, in answer to the Petition for alimony, pending the suit of C. B., make oath and say as follows:—

1. In answer to the first paragraph of the said petition, I say that I have for the last \_\_\_\_\_ years carried on the business of \_\_\_\_\_, at \_\_\_\_\_, and that, from such business, I have derived a net annual income of \$ \_\_\_\_\_ but not less than \$ \_\_\_\_\_

2. In answer to the second paragraph of the said petition, I say that I am possessed of plate, furniture, linen and other chattels and effects at my said house \_\_\_\_\_ aforesaid, of the value of \$ \_\_\_\_\_, but as I verily believe of no larger value. And I say that a portion of the said plate, furniture and other chattels and effects of the value of \$ \_\_\_\_\_, belonged to my said wife before our marriage, but the remaining portions thereof I have since purchased with my own moneys. And I say that, save as hereinbefore set forth, I am not possessed of the plate and other effects as alleged in the said paragraph in the said petition, and that I did not acquire the same as in the said petition also mentioned.

3. I admit that I am entitled under the will of my father, subject to the life interest of my mother therein, to property of the value of \$ \_\_\_\_\_, that is to say, I shall be entitled under my said father's will, upon the death of my mother, to a legacy of \$ \_\_\_\_\_, out of which I shall have to pay my father's executors the sum of \$ \_\_\_\_\_ the amount of a debt owing by me to his estate, and upon which debt I am now paying interest at the rate of five per cent. per annum.

4. And, in further answer to the said petition, I say that I have no income whatever, except that derived from my aforesaid business, that such income, since my said wife left me, which she did on the \_\_\_\_\_ day of \_\_\_\_\_ last, has been considerably diminished, and that such diminution is likely to continue. And I say that out of my said income I have to pay the annual sum of \$ \_\_\_\_\_ for such interest as aforesaid to my late father's executors and also to support myself and my two eldest children.

5. And, in further answer to the said petition, I say that, when my wife left my dwelling-house on the \_\_\_\_\_ day of \_\_\_\_\_ last, she took with her, and has ever since withheld and still withholds from me, plate, watches, and other effects in the second paragraph of this my answer mentioned, of the value of, as I verily believe, \$ \_\_\_\_\_ at the least; and I also say that, within five days of her departure from my house as aforesaid, my said wife received bills due to me from certain lodgers of mine, amounting in the aggregate to \$ \_\_\_\_\_, and that she has ever since withheld and still withholds from me the same sum.

Sworn, etc.

*(Signed)* A. B.

No. 32

## PETITION FOR VARIATION OF SETTLEMENTS.

*(General Heading.)*

The Petition of C. B., the lawful wife of A. B.

SHEWETH:

1. That on the \_\_\_\_\_ day of \_\_\_\_\_ this Honourable Court pronounced a decree *nisi* for the dissolution of the marriage of your petitioner with the said A. B.

*(If the petition is filed after a decree of nullity of marriage the above must be altered accordingly).*

2. That by an ante-nuptial (or post-nuptial) settlement bearing date the \_\_\_\_\_ day of \_\_\_\_\_, a copy whereof is hereto annexed, it was witnessed that certain trustees therein named should stand possessed of (*here set out particulars of the settled property*) upon trust, during the joint lives of the petitioner and the respondent, to pay two-thirds of the interest, dividends, etc., to the petitioner or to such persons as she should direct for her separate use, and the remaining one-third of the interest, dividends, etc., to the respondent for his own use and benefit; and from and after the decease of either of them to pay the whole of the interest, dividends, etc., to the survivor during his or her life; and from or after the decease of the survivor upon trust, for all or any of the children of the said marriage, according to the joint appointment of the petitioner and respondent, or the appointment of the survivor, or in default of appointment, for all the children of the said marriage who being a son or sons should attain twenty-one, or being a daughter or daughters should attain that age or be married with the consent of their parents or guardians, with an ultimate trust, on failure of children for the petitioner, if she should survive the respondent, but if not, then for such persons as she should by will appoint; and in default of such appointment, in trust for such persons as would be entitled to her moveable property if she had died intestate and had survived the respondent.

*(The deed of settlement need not be filed).*

3. That there are \_\_\_\_\_ children of the marriage as set forth in paragraph \_\_\_\_\_ of the petition filed in this suit, to which your petitioner craves leave to refer.

4. That all the said trust funds mentioned in the said settlement were the sole property of your petitioner.

5. That the respondent has never given to nor settled upon the petitioner any property.

Wherefore your petitioner humbly prays:—That this Honourable Court will be pleased to decree that the said settlement may be varied by (*here set out manner in which it is desired that the settlement should be varied*), or in such other manner as to this Honourable Court may seem meet, and that your petitioner may have such further and other relief in the premises as is meet.

*(Signed)* C. B.

No. 33.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR DECREE ABSOLUTE.

*(General Heading.)*

I, L. M. of \_\_\_\_\_, for A. B., the petitioner in this cause, make oath and say that on the \_\_\_\_\_ day of \_\_\_\_\_ I carefully searched the books kept in the Registry of this Court for the purpose of entering appearances, from and including the \_\_\_\_\_ day of \_\_\_\_\_, the day of the date of the decree *nisi* made in this cause, to the \_\_\_\_\_ day of \_\_\_\_\_, and that during such period no appearance has been entered in the said book by the Attorney General, or by or on behalf of any other person or persons whomsoever: And I further make oath and say, that I have also carefully searched the books kept in the said Registry for entering the minutes of proceedings had in this cause from and including the said \_\_\_\_\_ day of \_\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_ and that no leave has been obtained by the Attorney General, or by any other person or persons whomsoever, to intervene in this cause, and that no affidavit or affidavits, instruments, or other documents whatsoever has been filed in this cause by the Attorney General or

any other person whomsoever during such period, or at any other period during the dependence of this cause, in opposition to the said decree *nisi* being made absolute.

(Signed) L. M.

Sworn at

this day of

Before me,

Commissioner to administer oaths.

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No. 681.—His Majesty the KING has not been advised to exercise his power of disallowance with respect to the following Ordinance:—

Ordinance No. 20 of 1932.—An Ordinance to amend the Liquors Ordinance, 1931.

R. A. C. NORTH,  
*Deputy Clerk of Councils.*

COUNCIL CHAMBER,  
25th October, 1932.

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#### APPOINTMENTS, &c.

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No. 682.—His Excellency the Officer Administering the Government has been pleased to appoint Sir WILLIAM WOODWARD HORNELL, Kt., C.I.E., M.A., to be a Member of the Board of Education for a further period of two years, with effect from the 17th October, 1932.

27th October, 1932.

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No. 683.—His Excellency the Officer Administering the Government has been pleased to appoint Mr. MARCUS THEODORE JOHNSON to be a Visiting Justice to the Po Leung Kok *vice* the late Mr. ALAN GRIFFITHS COPPIN.

27th October, 1932.

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No. 684.—His Excellency the Officer Administering the Government has been pleased, under the provisions of the Statute 4 of the Second Schedule of the University Ordinance, 1911, Ordinance No. 10 of 1911, to nominate Mr. TANG SHIU-KIN as a member of the Court of the University of Hong Kong for a period of three years, with effect from 13th October, 1932.

28th October, 1932.