ORDINANCE No. 1 OF 1851.

A.D. 1851.

Ordinance No. 2 of 1851, with Ordinance No. 10 of 1871 incorporated.

AN ORDINANCE to regulate the Jurisdiction of the Civil Courts of the Colony in certain cases.

[5th April, 1851.]

WHEREAS, from the vicinity of this Colony to the dominions of the Emperor of China, it is of frequent occurrence that Chinese subjects visiting the Colony for a limited time and for the purposes of trade implead and cause each other to be arrested for causes of action arising within the said dominions; and whereas such proceedings are not only inconvenient from the difficulty of procuring proper evidence and for other reasons, but are frequently resorted to for the purpose of extortion, and likewise tend to the injury of traffic within the Colony:

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

Short title.

1. This Ordinance may be cited as the Chinese Subjects (Civil Proceedings) Ordinance, 1851.

Prohibition of civil proceedings in Courts between Chinese subjects, except in certain cases.

2. Neither the Supreme nor any other Court within the Colony shall have or exercise jurisdiction in any civil proceeding as between persons born within the dominions of the Emperor of China where the cause of action has originated out of the Colony, unless the defendant has been a resident therein for six consecutive months prior to the time of commencing any action, suit, or proceeding grounded on such cause of action: Provided always that, notwithstanding anything contained in this Ordinance, it shall be lawful for any such Court to have and exercise jurisdiction in any such civil proceeding if only it is made to appear, to the satisfaction of the presiding Judge of such Court, that such jurisdiction may be had and exercised without the mischief contemplated by this Ordinance.

ORDINANCE No. 1 OF 1852.

A.D. 1852.

Ordinance No. 2 of 1852.

AN ORDINANCE to increase in certain cases the Powers of Magistrates as regards Publicans, Boarding-house Keepers, and others, with the view of suppressing Desertion in Her Majesty's Forces, Naval and Military, within the Colony.

[18th May, 1852.]

WHEREAS the offence of desertion in Her Majesty's Forces, Naval and Military, serving in this Colony, has of late considerably increased; and whereas such offence has heretofore had inception in, and facility of commission from, public and boarding houses and other places:

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

Short title.

1. This Ordinance may be cited as the Suppression of Desertion Ordinance, 1852.

Interpretation of term.

2. For the purposes of this Ordinance, the word "Sailor" shall be deemed to extend to every person serving for the time being in any ship then under the orders of the Commander-in-Chief of Her Majesty's Naval Forces in the East Indies and China Seas.

Penalty on publican, boarding-house keeper, or other person inducing soldier, sailor, or marine to desert, etc.

3. Any publican or keeper of a boarding-house, or any other person whosoever, who,—

(1.) by words or by any other means whatsoever, directly or indirectly procures any soldier, sailor, or marine to desert; or,

(2.) by words or by any other means whatsoever, attempts to procure or persuade any soldier, sailor, or marine to desert; or,

(3.) knowing that any soldier, sailor, or marine is about to desert, aids or assists him in deserting; or,

(4.) knowing any soldier, sailor, or marine to be a deserter, conceals such deserter, or aids or assists such deserter in concealing himself,

shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in a summary manner before a Magistrate, be liable for every such offence to a penalty not exceeding one thousand dollars.

Portion of penalty payable to informer.

4. A portion not exceeding one-half of every such penalty shall be payable to the person or persons by whose information or evidence the conviction of such offender is made.

Forfeiture of licence of publican, etc., convicted under the Ordinance.

5. Any publican or keeper of a boarding-house who is convicted of any one or more of the above-mentioned offences shall, in addition to the penalty above provided, forthwith forfeit any licence or licences then held by him as a publican or boarding-house keeper in the Colony, and he shall be and is hereby declared incapable of holding thereafter any licence as such publican or boarding-house keeper within the Colony.

Saving of right to refer case for trial at Supreme Court.

6. Nothing in this Ordinance shall prevent any Magistrate acting under this Ordinance from sending any case arising out of any of the said offences for trial at the Supreme Court, which, in the exercise of his discretion, he may consider should be investigated there.