

HONGKONG  
ANNO TRICESIMO TERTIO  
VICTORIÆ REGINÆ.

SIR RICHARD GRAVES MACDONNELL, Knight, C.B.,  
*Governor and Commander-in-Chief.*

No. 2 OF 1869.

Title. An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to make further Provision in relation to Criminal Law and Procedure.

[24th September, 1869.]

Preamble. WHEREAS it is expedient to make further Provision in relation to Criminal Law and Procedure: Be it enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Repealing Clause. I. Sections III, IV and V of Ordinance No. 3 of 1865 and Section III of Ordinance No. 11 of 1866 are hereby repealed.

Criminal Sessions.

II. The ordinary Sessions for the Despatch of the Criminal Business of the Supreme Court shall commence on the Eighteenth Day of every Month (except during Vacation) or if the Eighteenth Day be a "dies non" then on the lawful Day next following. Provided always that the Chief Justice may, upon due Notice thereof being given, from Time to Time change the Day so appointed, and may hold at any Time a Special Session in addition to the ordinary Sessions whenever it may be necessary or expedient so to do.

Information as valid as Presentment by Grand Jury.

III. For the Purpose of bringing any Criminal Case under the Cognizance of the Supreme Court, an Information signed by the Attorney General or in certain Cases by the Colonial Secretary as hereinafter provided, shall be as valid and effectual in all Respects as an Indictment presented by a Grand Jury.

Colonial Secretary may sign in certain Cases.

IV. In Case the Attorney General shall at any Time be unable to sign such Information by Reason of Illness or any other sufficient Cause, it shall be lawful for the Governor to direct that the same be signed by the Colonial Secretary.

Form of Information.

V. Every Information shall bear Date on the Day when the same is signed, and with such Additions and Modifications as shall be necessary to adapt it to the Circumstances of each Case, may be in the following Form:

IN THE SUPREME COURT OF HONGKONG.  
The Day of 18... At the General Criminal Session of the Supreme Court holden at Victoria for the Month of 18... [Or in Case of a Special Session] At the Special Criminal Session of the Supreme Court holden at Victoria on the 18... THE COURT IS INFORMED by the Attorney General [or Colonial Secretary] on behalf of our Lady the QUEEN, that A B did feloniously steal, take, and carry away [ ] the Property of C D at Victoria, in this Colony on the Day of 18...

And if there be more than One Count, then the Second and every subsequent Count, if any, may with the like Additions and Modifications, be in the following Form:

And also that the said A B feloniously wilfully and of his malice aforethought, did kill and murder one C. D at Victoria, in this Colony on the Day of 18...

Coin and Bank Notes may be described simply as Money.

VI. In every Information in which it shall be necessary to make any Averment as to any Money or any Note of the Bank of England or any other Bank it shall be sufficient to describe such Money or Bank Note simply as Money without specifying any particular Coin or Bank Note; and such Allegation so far as regards the description of the Property shall be sustained by Proof of any Amount of Coin or of any Bank Note, although the particular Species of Coin or of which such Amount was composed, or the particular Nature of the Bank Note, shall not be proved, and in Cases of Embezzlement and obtaining Money or Bank Notes by false Pretences, by Proof that the Offender embezzled or obtained any Piece of Coin or any Bank Note, or any Portion of the Value thereof, although such Piece of Coin or Bank Note may have been delivered to him in Order that some Part of the Value thereof should be returned to the Party delivering the same, or to any other Person and such Part shall have been returned accordingly.

Punishment for certain indictable Misdemeanors.

VII. Whenever any Person shall be convicted of any One of the Offences following as an indictable Misdemeanor; that is to say, any Cheat or Fraud punishable at Common Law; any Conspiracy to cheat or defraud, or to extort Money or Goods, or falsely to accuse of any Crime, or to obstruct, prevent, pervert, or defeat the Course of Public Justice; any Escape or Rescue from lawful Custody on a

criminal Charge; any public and indecent Exposure of the Person; any public Selling, or exposing for public Sale or to public View, of any obscene Book, Print, Picture, or other indecent Exhibition, it shall be lawful for the Court to sentence the Offender to be imprisoned for any Term now warranted by Law, and also, in its Discretion, to be kept to Hard Labor during the whole or any Part of such Term of Imprisonment.

VIII. The Chief Justice may in his Discretion reserve for further <sup>Crown Cases</sup> Consideration any Question of Law which may arise upon the Trial reserved. of any Information and in Case the Person tried shall be convicted, may postpone Judgment until such Question shall have been considered and decided, and in the meanwhile may commit the Person convicted to Prison or take a Recognizance of Bail with One or Two sufficient Sureties and in such Sum as he shall think fit conditioned to appear at such Time or Times as he shall direct and to receive Judgment; and upon such further Consideration of the Question so reserved as aforesaid it shall be lawful for the Chief Justice to affirm or quash the Conviction.

IX. Whenever any Person charged before a Magistrate with <sup>Power to</sup> any Crime or Offence shall be committed for Trial at the Supreme <sup>Magistrate</sup> Court and the Attorney General shall be of Opinion that further <sup>to re-open a</sup> Investigation is required before such Trial, or that the Case is <sup>Case com-</sup> One which should be determined in a summary Manner by <sup>mitted for</sup> a Magistrate or by Two Magistrates sitting together under the <sup>Trial in</sup> Provisions of Ordinance No. 1 of 1863, it shall be lawful for the Attorney General to direct that the original Depositions be returned to the committing Magistrate who may thereupon re-open the Case and deal with it in all Respects as if such Person had not been committed for Trial, and if the Case be One which may be tried in a summary Manner by the Magistrate or by Two Magistrates sitting together, it may, if thought expedient, be determined accordingly.

X. Whenever any Person who shall have been committed to <sup>Bail on</sup> Prison by the Coroner charged by the Verdict of the Coroner's <sup>Committal by</sup> Jury with the Crime of Murder or Manslaughter shall also be <sup>Coroner in</sup> charged before a Magistrate with the same Crime, it shall be lawful for the Magistrate, in Case he shall admit such Person to Bail upon such Charge, to order the Superintendent of Victoria Gaol to discharge such Person from Custody under the Coroner's <sup>certain Cases.</sup> Committal, and such Person shall be discharged accordingly.

XI. The Registrar of the Supreme Court for the Time being <sup>Master of the</sup> shall *ex officio* be "Master of the Crown Office" within this <sup>Crown Office.</sup> Colony.

XII. This Ordinance and Ordinance No. 3 of 1865 shall be <sup>Ordinance to</sup> construed together and for all requisite Purposes be deemed and <sup>be construed</sup> taken as One Ordinance, and nothing therein contained shall affect <sup>with No. 3 of</sup> any other Form of Criminal Procedure which may now by Law <sup>1865.</sup> exist in the Colony.

Passed the Legislative Council of Hongkong, this 24th Day of September, 1869.

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

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No. 3 OF 1869.

An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to empower His Excellency the Governor in Council to grant Licenses for the Distillation of Spirits and the Rectifying and Compounding thereof within the Colony.

Title.

[24th September, 1869.]

**W**HEREAS by Ordinance No. 8 of 1844 the Distillation of <sup>Preamble.</sup> Spirits and the Rectifying and Compounding thereof within the Colony are absolutely prohibited, and it is expedient that the same should be permitted subject to certain Conditions and Restrictions: Be it enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—