

LEGISLATIVE COUNCIL.

No. S. 226.—The following Bills were read a first time at a meeting of the Council held on the 28th August, 1919:—

A BILL

INTITULED

An Ordinance to amend the Law relating to Indictments in Criminal Cases, and matters incidental or similar thereto.

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

Short title. 1. This Ordinance may be cited as the Indictments Ordinance, 1919.

Rules as to indictments. (5 & 6 Geo. 5, c. 90 s. 1.) 2. The rules contained in the First Schedule to this Ordinance with respect to indictments shall have effect as if enacted in this Ordinance, but those rules may be added to, varied, or annulled by further rules made by the Rule Committee under this Ordinance.

Powers of Rule Committee. (*Ibid* s. 2.) 3.—(1.) There shall be established for the purposes of this Ordinance a Rule Committee consisting of the Chief Justice, the Attorney General, the Registrar of the Supreme Court, the Senior Police Magistrate for the time being, and the President of the Law Society, three of whom shall form a quorum.

(2.) The Rule Committee shall have power from time to time to make rules varying or annulling the rules contained in the First Schedule to this Ordinance and to make further rules with respect to the matters dealt with in those rules, and those rules shall have effect subject to any modifications or additions so made.

(3.) Any rules made by the Rule Committee shall be laid, as soon as may be, before the Legislative Council, and if that Council disapproves of such rules or any of them the rules so disapproved of shall thenceforth be void, but without prejudice to the validity of anything done thereunder.

General provisions as to indictments. (*Ibid* s. 3.) 4.—(1.) Every indictment shall contain, and shall be sufficient if it contains, a statement of the specific offence or offences with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

(2.) Notwithstanding any rule of law or practice, an indictment shall, subject to the provisions of this Ordinance, not be open to objection in respect of its form or contents if it is framed in accordance with the rules under this Ordinance.

Joinder of charges in the same indictment. (*Ibid* s. 4.) 5.—(1.) Subject to the provisions of the rules under this Ordinance, charges for more than one felony or for more than one misdemeanour, and charges for both felonies and misdemeanours, may be joined in the same indictment, but where a felony is tried together with any misdemeanour, the jury shall be sworn and the person accused shall have the same right of challenging jurors as if all the offences charged in the indictment were felonies.

(9 of 1899 s. 19 (4).) (2.) If one sentence is passed upon any verdict of guilty on an indictment containing more counts than one, the sentence shall be good if any of the counts upon which such verdict has been returned would have justified such sentence.

Orders for amendment of indictment, separate trial, and postponement of trial. (5 & 6 Geo. 5, c. 90 s. 5.) 6.—(1.) Where, before trial, or at any stage of a trial, it appears to the Court that the indictment is defective, the Court shall make such order for the amendment of the indictment as the Court thinks necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice, and may make such order as to the payment of any costs incurred owing to the necessity for amendment as the Court thinks fit.

(2.) Where an indictment is so amended, a note of the order for amendment shall be endorsed on the indictment.

(3.) Where, before trial, or at any stage of a trial, the Court is of opinion that a person accused may be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same indictment, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in an indictment, the Court may order a separate trial of any count or counts of such indictment.

(4.) Where, before trial, or at any stage of a trial, the Court is of opinion that the postponement of the trial of a person accused is expedient as a consequence of the exercise of any power of the Court under this Ordinance to amend an indictment or to order a separate trial of a count, the Court shall make such order as to the postponement of the trial as appears necessary.

(5.) Where an order of the Court is made under this section for a separate trial or for the postponement of a trial—

(a) if such an order is made during a trial the Court may order that the jury are to be discharged from giving a verdict on the count or counts the trial of which is postponed or on the indictment, as the case may be; and

(b) the procedure on the separate trial of a count shall be the same in all respects as if the count had been found in a separate indictment; and the procedure on the postponed trial shall be the same in all respects (if the jury has been discharged) as if the trial had not commenced; and

(c) the Court may make such order as to costs and as to admitting the accused person to bail, and as to the enlargement of recognizances and otherwise as the Court thinks fit.

(6.) Any power of the Court under this section shall be in addition to and not in derogation of any other power of the Court for the same or similar purposes.

7.—(1.) Nothing in this Ordinance or the rules there- Savings and under shall affect the law or practice relating to the interpreta- jurisdiction of a Court or the place where an accused person tion. can be tried, nor prejudice or diminish in any respect the (5 & 6 Geo. 5, obligation to establish by evidence according to law any c. 90 s. 8.) acts, omissions, or intentions which are legally necessary to constitute the offence with which the person accused is charged, nor otherwise affect the laws of evidence in criminal cases.

(2.) In this Ordinance, unless the context otherwise requires, the expression "the Court" means the Court before which any indictable offence is tried or prosecuted.

8.—(1.) The enactments specified in the Second Repeals. Schedule to this Ordinance are hereby repealed to the extent mentioned in the third column of that schedule.

(2.) This Ordinance shall come into operation on the Commence- day of _____, 1919, but shall not ment of apply to indictments in the case of persons committed for Ordinance. trial before that date, or to the trial of any such person.

SCHEDULES.

FIRST SCHEDULE.

RULES.

1.—(1.) A description of the offence charged in an Mode in indictment, or where more than one offence is charged in which an indictment, of each offence so charged, shall be set out offences are to be in the indictment in a separate paragraph called a count. charged.

(2.) A count of an indictment shall commence with a statement of the offence charged, called the statement of offence.

(3.) The statement of offence shall describe the offence shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and if the offence charged is one created by statute, shall contain a reference to the section of the statute creating the offence.

(4.) After the statement of the offence, particulars of such offence shall be set out in ordinary language, in which the use of technical terms shall not be necessary :

Provided that where any rule of law or any statute limits the particulars of an offence which are required to be given in an indictment, nothing in this rule shall require any more particulars to be given than those so required.

(5.) The forms set out in the Appendix to these rules or forms conforming thereto as nearly as may be shall be used in cases to which they are applicable, and in other cases forms to the like effect or conforming thereto as nearly as may be shall be used, the statement of offence and the particulars of offence being varied according to the circumstances in each case.

(6.) Where an indictment contains more than one count, the counts shall be numbered consecutively.

Provision as to statutory offences.

2.—(1.) Where an enactment constituting an offence states the offence to be the doing or the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of any different intentions or states any part of the offence in the alternative, the acts, omissions, capacities, or intentions, or other matters, stated in the alternative in the enactment, may be stated in the alternative in the count charging the offence.

(2.) It shall not be necessary, in any court charging a statutory offence, to negative any exception or exemption from or qualification to the operation of the statute creating the offence.

Description of property.

3.—(1.) The description of property in a count in an indictment shall be in ordinary language and such as to indicate with reasonable clearness the property referred to, and if the property is so described it shall not be necessary (except when required for the purpose of describing an offence depending on any special ownership of property or special value of property) to name the person to whom the property belongs or the value of the property.

(2.) Where property is vested in more than one person, and the owners of the property are referred to in an indictment, it shall be sufficient to describe the property as owned by one of those persons by name with others, and if the persons owning the property are a body of persons with a collective name, such as "Inhabitants", "Trustees", "Commissioners", or "Club" or other such name, it shall be sufficient to use the collective name without naming any individual.

Description of persons.

4. The description or designation in an indictment of the accused person, or of any other person to whom reference is made therein, shall be such as is reasonably sufficient to identify him, without necessarily stating his correct name, or his abode, style, degree, or occupation ; and if, owing to the name of the person not being known, or for any other reason, it is impracticable to give such a description or designation, such description or designation shall be given as is reasonably practicable in the circumstances, or such person may be described as "a person unknown".

Description of document.

5. Where it is necessary to refer to any document or instrument in an indictment, it shall be sufficient to describe it by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy thereof.

6. Subject to any other provisions of these rules, it shall be sufficient to describe any place, time, thing, matter, act, or omission whatsoever to which it is necessary to refer in any indictment, in ordinary language in such a manner as to indicate with reasonable clearness the place, time, thing, matter, act or omission referred to. General rule as to description.

7. It shall not be necessary in stating any intent to defraud, deceive or injure to state an intent to defraud, deceive or injure any particular person, where the statute creating the offence does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the offence. Statement of intent.

8. The Interpretation Ordinance, 1911, applies for the interpretation of these rules as it applies for the interpretation of an Ordinance. Interpretation.
(Ordinance 31 of 1911.)

9. These rules may be cited as the Indictment Rules, 1919, and these rules, together with any rules made under section 2 of this Ordinance, may be cited together by such collective title as may be prescribed by the last-mentioned rules. Short title.

APPENDIX TO RULES.

FORMS OF INDICTMENT.

1.

STATEMENT OF OFFENCE.

Murder.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, murdered *J.S.*

2.

STATEMENT OF OFFENCE.

Accessory after the fact to murder.

PARTICULARS OF OFFENCE.

A.B., well knowing that one, *H.C.*, did on the _____ day of _____, at Victoria in this Colony, murder *C.C.*, did on the _____ day of _____, at Victoria in this Colony, and on other days thereafter receive, comfort, harbour, assist, and maintain the said *H.C.*

3.

STATEMENT OF OFFENCE.

Manslaughter.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, unlawfully killed *J.S.*

4.

STATEMENT OF OFFENCE.

Rape.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, had carnal knowledge of *E.F.* without her consent.

5.

STATEMENT OF OFFENCE.

First Count.

Wounding with intent, contrary to section 17 of the Offences against the Person Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, wounded *C.D.*, with intent to do him grievous bodily harm, or to maim, disfigure, or disable him, or to resist the lawful apprehension of him the said *A.B.*

STATEMENT OF OFFENCE.

Second Count.

Wounding, contrary to section 19 of the Offences against the Person Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, maliciously wounded *C.D.*

6.

STATEMENT OF OFFENCE.

Larceny, contrary to section 54 of the Larceny Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, being clerk or servant to *M.N.*, stole from the said *M.N.* ten yards of cloth.

7.

STATEMENT OF OFFENCE.

Robbery with violence, contrary to section 31 of the Larceny Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, robbed *C.D.* of a watch, and at the time of or immediately before or immediately after such robbery did use personal violence to the said *C.D.*

8.

STATEMENT OF OFFENCE.

First Count.

Larceny after a previous conviction.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, stole a bag, the property of *C.D.*

A.B. has been previously convicted of burglary on the _____ day of _____, at the Criminal Sessions of _____ January, 19 _____.

STATEMENT OF OFFENCE.

Second Count.

Receiving stolen goods, contrary to section 79 of the Larceny Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the day of , at Victoria in this Colony, did receive a bag, the property of *C.D.*, knowing the same to have been stolen.

9.

STATEMENT OF OFFENCE.

Burglary and larceny, contrary to section 48 of the Larceny Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., in the night of the day of , at Victoria in this Colony, did break and enter the dwelling-house of *C.D.* with intent to steal therein, and did steal therein one watch, the property of *S.T.*, the said watch being of the value of dollars.

10.

STATEMENT OF OFFENCE.

Sending threatening letter, contrary to section 34 of the Larceny Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the day of , at Victoria in this Colony, sent, delivered or uttered to or caused to be received by *C.D.*, a letter accusing or threatening to accuse the said *C.D.* of an infamous crime with intent to extort money from the said *C.D.*

11.

STATEMENT OF OFFENCE.

Obtaining goods by false pretences, contrary to section 75 of the Larceny Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the day of , at Victoria in this Colony, with intent to defraud, obtained from *S.P.* five yards of cloth by falsely pretending that he, the said *A.B.*, was a servant to *J.S.*, and that he, the said *A.B.*, had then been sent by the said *J.S.*, to *S.P.* for the said cloth, and that he, the said *A.B.*, was then authorised by the said *J.S.* to receive the said cloth on behalf of the said *J.S.*

12.

STATEMENT OF OFFENCE.

Conspiracy to defraud.

PARTICULARS OF OFFENCE.

A.B. and *C.D.* on the day of and on divers days between that day and the day of , at Victoria in this Colony, conspired together with intent to defraud by means of an advertisement inserted by them, the said *A.B.* and *C.D.*, in the *H.S.* newspaper, falsely representing that *A.B.* and *C.D.* were then carrying on a genuine business as jewellers at Victoria in this Colony, and that they were then able to supply certain articles of jewellery to whomsoever would remit to them the sum of dollars.

13.

STATEMENT OF OFFENCE.

First Count.

Arson, contrary to section 3 of the Malicious Damage Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, maliciously set fire to a dwelling-house, one *F.G.* being therein.

STATEMENT OF OFFENCE.

Second Count.

Arson, contrary to section 4 of the Malicious Damage Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, maliciously set fire to a house with intent to injure or defraud.

14.

STATEMENT OF OFFENCES.

A.B., arson, contrary to section 4 of the Malicious Damage Ordinance, 1865 ;

C.D., accessory before the fact to same offence.

PARTICULARS OF OFFENCES.

A.B., on the _____ day of _____, at Victoria in this Colony, set fire to a house with intent to injure or defraud.

C.D., on the same day, at Victoria in this Colony, did counsel, procure, and command the said *A.B.* to commit the said offence.

15.

STATEMENT OF OFFENCE.

First Count.

Offence under section 27 (a) (1) of the Malicious Damage Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, displaced a sleeper belonging to the Kowloon-Canton Railway with intent to obstruct, upset, overthrow, injure, or destroy any engine, tender, carriage or truck using the said railway.

STATEMENT OF OFFENCE.

Second Count.

Obstructing railway, contrary to section 27 (a) (2) of the Malicious Damage Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the _____ day of _____, at Victoria in this Colony, by unlawfully displacing a sleeper belonging to the Kowloon-Canton Railway did obstruct or cause to be obstructed an engine or carriage using the said railway.

16.

STATEMENT OF OFFENCE.

Damaging trees, contrary to section 21 of the Malicious Damage Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the day of , at Victoria in this Colony, maliciously damaged a fir tree there growing.

A.B. has been twice previously convicted of an offence under section 21 of the Malicious Damage Ordinance, 1865, namely, at , on the day of , and at , on the day of .

17.

STATEMENT OF OFFENCE.

Uttering counterfeit coin, contrary to section 8 of the Coinage Offences Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the day of , at a shop called “ ,” at Victoria in this Colony, uttered a counterfeit dollar, knowing the same to be counterfeit.

18.

STATEMENT OF OFFENCE.

Uttering counterfeit coin contrary to section 11 of the Coinage Offences Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the day of , at a shop called “ ,” at Victoria in this Colony, uttered a counterfeit dollar, knowing the same to be counterfeit.

A.B. has been previously convicted of a misdemeanour under section 8 of the Coinage Offences Ordinance, 1865, on the day of at .

19.

STATEMENT OF OFFENCE.

Libel.

PARTICULARS OF OFFENCE.

A.B., on the day of , at Victoria in this Colony, published a defamatory libel concerning *E.F.*, in the form of a letter [book, pamphlet, picture, or as the case may be].

[Innuendo should be stated where necessary].

20.

STATEMENT OF OFFENCE.

First Count.

Publishing obscene libel.

PARTICULARS OF OFFENCE.

E.M., on the day of , at Victoria in this Colony, sold, uttered, and published and caused or procured to be sold, uttered, and published an obscene libel the particulars of which are deposited with this indictment.

[Particulars to specify pages and lines complained of where necessary, as in a book.]

STATEMENT OF OFFENCE.

Second Count.

Procuring obscene libel [or thing] with intent to sell or publish.

PARTICULARS OF OFFENCE.

E.M., on the day of , at Victoria in this Colony, procured an obscene libel [or thing], the particulars of which are deposited with this indictment, with intent to sell, utter or publish such obscene libel [or thing].

21.

STATEMENT OF OFFENCE.

First Count.

Falsification of accounts, contrary to section 74 of the Larceny Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the day of , at Victoria in this Colony, being clerk or servant to *C.D.*, with intent to defraud, made or concurred in making a false entry in a cash book belonging to the said *C.D.*, his employer, purporting to show that on the said day 100 dollars had been paid to *L.M.*

STATEMENT OF OFFENCE.

Second Count.

Same as first count.

PARTICULARS OF OFFENCE.

A.B., on the day of , at Victoria in this Colony, being clerk or servant to *C.D.*, with intent to defraud, omitted or concurred in omitting from or in a cash book belonging to the said *C.D.*, his employer, a material particular, that is to say, the receipt on the said day of 50 dollars from *H.S.*

22.

STATEMENT OF OFFENCE.

First Count.

Fraudulent conversion of property, contrary to section 62 (1) (a) of the Larceny Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the day of , at Victoria in this Colony, fraudulently converted to his own use and benefit certain property, that is to say, 100 dollars entrusted to him by *H.S.*, in order that he, the said *A.B.*, might retain the same in safe custody.

STATEMENT OF OFFENCE.

Second Count.

Fraudulent conversion of property, contrary to section 62 (1) (b) of the Larceny Ordinance, 1865.

PARTICULARS OF OFFENCE.

A.B., on the day of , at Victoria in this Colony, fraudulently converted to his own use and benefit certain property, that is to say, the sum of 200 dollars received by him for and on account of *L.M.*

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Number of Ordinance.	Short title.	Extent of Repeal.
4 of 1865.	The Forgery Ordinance, 1865.	Sections forty-two and forty-three <i>in toto</i> , and section forty-four down to the words "any particular person ; and".
5 of 1865.	The Larceny Ordinance, 1865.	Sub-section two of section seventy-four. Sub-section two of section seventy-five down to the words "valuable security and".
6 of 1865.	The Malicious Damage Ordinance, 1865.	Sub-section one of section fifty-one.
1 of 1887.	The Defamation and Libel Ordinance, 1887.	Section twenty-one.
9 of 1889.	The Criminal Procedure Ordinance, 1889.	Sections nineteen, twenty-two, fifty-five, and fifty-six.

Objects and Reasons.

1. The object of this Bill is to introduce into this Colony, with the necessary modifications, the provisions of the English Act of 1915, 5 & 6 Geo. V, c. 90, with the object of simplifying indictments and the rules relating to the forms thereof.

2. It has not been thought necessary to enact here the provisions of section 6 of the Home Act as to the costs of defective or redundant indictments ; nor the provisions of section 7 as we have not adopted in this Colony the Vexatious Indictments Acts.

3. Rules 1 and 2 of the First Schedule have not been adopted as we have no Grand Jury in this Colony and it seemed unnecessary to adopt rule 3 as it is practically enacted in the body of the Bill by clause 5.

4. Rule 12 has not been adopted as we have no Ordinance corresponding with the Children's Act, 1908, in force in this Colony.

5. Rule 13 seems unnecessary as it has always been the practice to serve a copy of the indictment on the accused.

6. With regard to the Appendix to the Rules, it has been found necessary to alter the numbers of the sections in the headings in accordance with our local laws.

7. In regard to the Second Schedule many of the Acts in the Second Schedule to the Indictments Act, 1915, are not only inapplicable to this Colony but have had no corresponding provisions to them enacted here, and consequently it has been found possible to make the Second Schedule to the local Ordinance much shorter than the Second Schedule to the Home Act.

H. E. POLLOCK,
Attorney General.

22nd July, 1919.

A BILL

INTITLED

An Ordinance for the acquisition and disposal of Rice by the Hongkong Government, and for validating acts previously done.

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

Short title. 1. This Ordinance may be cited as the Rice Ordinance, 1919.

Validating of acts previously done, and indemnity therefor. 2. All acts heretofore done by the Officer Administering the Government of Hongkong, or by any Officer of the Hongkong Government or by any person acting under the direction of the said Officer Administering the Government or of any Officer of the Hongkong Government in regard to the seizure and taking possession of or the prohibition of the exportation of rice are hereby made and declared to be lawful and are confirmed as on and from the time of the performance of such acts and the said Officer Administering the Government and every such officer or person as aforesaid are hereby freed acquitted discharged and indemnified, as well against the King's Most Gracious Majesty his heirs and successors as against all and every person and persons whatever, from all legal proceedings of any kind whatever, whether civil or criminal, in respect of any such acts as aforesaid.

Power to Governor to seize and sell rice. 3.—(1.) The Governor may, at any time when he thinks fit, and in time of peace as well as in time of war, order the seizure and taking possession of any rice within the limits of the Colony, and may sell such rice for consumption in the Colony.

Payment of compensation. (2.) The Governor shall, out of the public funds of the Colony, pay to every person whose rice shall be taken, by virtue of sub-section (1) of this section, such compensation as shall be agreed on between the Governor and such person, and, in default of agreement, such compensation as shall be awarded by a Board constituted as hereinafter mentioned, whose award shall be final.

Board to fix compensation. (3.) For the purpose of determining the amount of compensation payable for any rice taken under sub-section (1) of this section the Governor shall appoint a Board consisting of five persons, of whom one shall be a Judge or Stipendiary Magistrate, two shall be officers either in the Civil Government of the Colony or in His Majesty's naval or military service, and the other two shall be inhabitants of the Colony. All questions referred to the said Board shall, in case of a difference of opinion, be decided by the votes of the majority of the members. The Judge or Stipendiary Magistrate shall be the Chairman of the Board.

No addition for compulsory purchase. (4.) The said Board, in fixing the price to be paid for rice taken under sub-section (1) of this section, shall not make any addition on account of the purchase being compulsory.

Prohibition of non-compliance with order. (5.) Every person who refuses or neglects to obey or comply with any order made under this section or does anything whereby the execution of any such order is prevented or hindered, or with intent to prevent or hinder the execution of any such order, shall be guilty of an offence against this Ordinance.

4. If any person shall, by obeying any order made under sub-section (1) of section 3, be prevented from fulfilling any contract, such person shall not be deemed to have thereby committed a breach of contract, but such contract shall be deemed to be cancelled by such order so far as its fulfilment is thereby rendered impossible.

Effect of order on prior contracts.

5. The total proceeds of all sales of rice for consumption in the Colony shall not recoup to the Government more than the total cost of purchasing the same together with the expenses incidental to such purchase and sale.

Prohibition of profit by Government on total proceeds of sales of rice.

6. No person shall take or cause or permit to be taken out of the Northern District of the New Territories any rice hulled or unhulled or in any form whatsoever without the permission in writing of the District Officer.

Prohibition against export of rice from Northern District.

7. The Governor may, by proclamation, prescribe the price for which any particular quality of rice may be sold by retail in any particular district of the Colony, and any person who after such proclamation, and until it shall have been revoked, shall sell any such quality of rice at a price other than the price so prescribed shall be deemed guilty of an offence against this Ordinance.

Power to Governor to fix retail price of rice and prohibition of sale except at such price.

8. The qualities of rice for which a price is fixed in any particular district of the Colony shall be determined by persons to be appointed for the purpose by the Governor. Samples of the qualities so determined shall be kept at all Police Stations and shall be open to inspection. Such samples shall conform to sealed samples kept in the offices of the Superintendent of Imports and Exports and the District Officer, and such sealed samples shall be known as standard Government qualities.

Determination of standard Government qualities of rice.

9. Any person who sells rice purporting to be of one of the standard Government qualities which differs from such quality to the prejudice of the purchaser shall be guilty of an offence against this Ordinance.

Prohibition of selling rice of inferior quality.

10. Any person who sells any rice supplied by the Government except under licence issued by an Officer appointed by the Governor for that purpose shall be guilty of an offence against this Ordinance.

Prohibition on sale of Government rice.

11. No person who is authorised to sell rice supplied by the Government shall mix one standard Government quality of such rice with any other standard Government quality of such rice or with any rice not supplied by the Government or with any foreign substance.

Prohibition against mixing rice with other qualities or with foreign substance.

12. Any person authorised by the Governor in writing in that behalf may enter upon and into any land, house, or other building in the Colony, for the purpose of inspecting the stock of rice therein, and of taking samples thereof, and, in case of opposition or obstruction, may use force to effect such entry and inspection, and shall not be liable for any damage directly or indirectly occasioned by such forcible entry.

Power of entry and inspection and taking samples.

13. Every person who is guilty of an offence against this Ordinance or of a breach of any of the provisions thereof or of any of the regulations made thereunder shall, on summary conviction, be liable to a fine of not less than \$500 or to imprisonment for a term not exceeding 6 months and any rice in connection with which any such offence has been committed shall be forfeited.

Penalty.

14. It shall be lawful for the Governor in Council to make regulations for the registration and supervision of persons dealing in rice supplied by the Government.

Power to make regulations.

Saving of
other
powers.

15. Any powers conferred by this Ordinance shall be in addition to and not in substitution for any powers possessed by the Governor of this Colony either under the Order in Council of Her late Majesty Queen Victoria dated the 26th day of October, 1896, as amended by the Order in Council of His Majesty King George V dated the 21st day of March, 1916, or under any other instrument or writing.

Objects and Reasons.

The objects of this Bill are as follows:—

1. Clause 2 removes any doubts as to the validity of any acts heretofore done by the Government and by its Officers or any person acting under its direction to cope with the recent abnormal rise in the price of rice.
2. Clause 3 gives the Governor power to requisition and resell rice on payment of compensation either agreed upon between the parties or settled by a Board therein provided, and prohibits any person neglecting to obey or impeding the execution of any such orders.
3. Clause 4 excuses a breach of contract in so far as it has been caused by any requisition.
4. Clause 5 enacts that the Government shall not make a profit on the total proceeds of all sales of rice.
5. Clause 6 prohibits the removal from the Northern District of any rice without the permission in writing of the district officer.
6. Clause 7 provides for the fixing of retail prices of particular qualities of rice.
7. Clause 8 provides for Standard Government qualities of rice.
8. Clause 9 makes it an offence to sell rice purporting to be of Standard Government quality when it is not such.
9. Clause 10 prohibits the sale of any rice supplied by the Government except under a licence from an officer appointed by the Governor.
10. Clause 11 prohibits the mixing of different qualities of rice and their mixture with any foreign substance.
11. Clause 12 contains a power of entry and inspection and of taking samples.
12. Clause 13 is a penalty clause.
13. Clause 14 gives power to the Governor in Council to make Regulations.
14. Clause 15 contains a saving of other powers.

H. E. POLLOCK,
Attorney General.

25th August, 1919.