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VICTORIA, SATURDAY, 30<sup>TH</sup> MAY, 1863.

VOL. X.

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL  
OF HONGKONG.

No. 5 of 1863.

WEDNESDAY, 13<sup>TH</sup> MAY, 1863.

PRESENT:

His Excellency the ACTING GOVERNOR and all the Members, except the ACTING COLONIAL SECRETARY and the COLONIAL TREASURER who were absent from indisposition, and the SURVEYOR GENERAL absent at Canton.

The Council met to-day by special Summons.

The Minutes of the Council held on the 26th February last, were read and approved.

Read a first time a Bill, entitled "An Ordinance to repeal Ordinance No. 1 of 1853, and to provide Gaols and Debtors' Wards, and for the due control of Prisoners therein."

Read a first time a Bill, entitled "An Ordinance for the better assessing and collecting the Police and Lighting Rates within the Colony of Hongkong."

The Council adjourned to Tuesday, the 26th Instant, at noon.

W. T. MERCER,  
*Acting Governor.*

Read and approved this 26th Day of May, 1863.

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

HONGKONG.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

No. 3 of 1863.

By His Excellency WILLIAM THOMAS MERCER, Esquire, Acting Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council of Hongkong.

W. T. MERCER.

*An Ordinance for Vesting all Estates and Property occupied by or for the Naval Service of the United Kingdom of Great Britain and Ireland in this Colony in the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, of the said United Kingdom for the time being.*

Title.

[26th May, 1863.]

Whereas divers messuages, lands, tenements, and hereditaments have been at various times purchased for the use of the Naval Service of the United Kingdom of Great Britain and Ireland, and conveyed to several different persons in trust for Her Majesty and Her Royal Predecessors and Her and their Heirs and Successors, and the same have been placed under the charge of the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom for the time being, and it is ex-

Preamble.

pedient that the same and all other messuages, lands, tenements, and hereditaments that may be hereafter purchased, or in any manner used and occupied by or for the said service, should be vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the time being: Be it enacted and ordained by His Excellency the Acting Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Lands now held in any manner for the use of the Naval Service in Hongkong to vest in Lord High Admiral or the Commissioners to execute his Office.

I. From and after the passing of this Ordinance all messuages, lands, tenements, and hereditaments, erections, buildings, and property whatever which have been conveyed to or are vested in any person or persons, or are held or in any manner occupied by or in the name of any person or persons in trust for Her Majesty or Her Royal Predecessors and Her or their Heirs or Successors for the use of the Naval Service of the said United Kingdom, or of any of the Departments of or belonging to the said Naval Service within this Colony by whatever mode of conveyance or by whatever title or for whatever estate or interest therein, the same shall have been conveyed or be vested, held or occupied, together with the rights, members, easements, and appurtenances to the same respectively belonging, shall be and become and remain and continue vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the time being, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively in trust for Her Majesty, Her Heirs and Successors for the Public Service.

Lands hereafter to be so acquired in Hongkong to vest in the Lord High Admiral or the Commissioners to execute his Office.

II. From and after the purchase and conveyance grant or demise thereof all other messuages, lands, tenements, and hereditaments which shall at any time or times hereafter be purchased, taken, held, or occupied by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid for the time being, or by any person or persons by his or their order for the Naval Service of the said United Kingdom, or of any of the Departments of or belonging to the said Naval Service and all erections and buildings which shall then or may be thereafter erected or built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, shall in like manner be and become and remain and continue vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the time being and his or their Successors in the said Office according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively in trust as aforesaid.

To be so held in perpetual succession.

III. Upon the death, resignation, or removal of the present Commissioners for executing the Office of Lord High Admiral of the said United Kingdom or of any of them, or of any future such Commissioners, or of any Lord High Admiral of the said United Kingdom, all such messuages, lands, tenements, and hereditaments respectively shall become vested in and be held by the succeeding Commissioners for executing the Office of Lord High Admiral aforesaid, or the Lord High Admiral aforesaid, as the case may be, and so in perpetual succession, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively in trust as aforesaid.

What sufficient Title of Commissioners in conveyances.

IV. In all Deeds, Conveyances, Leases, Contracts, and other Instruments touching any estate, property, matter, or thing relating to the Naval Service of the said United Kingdom or to any Department under the control of the Commissioners for executing the Office of Lord High Admiral aforesaid, or whereto they or any of them shall be parties, it shall be sufficient to describe them generally by the style and title of "The Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland," without expressing their names, and all such Deeds, Conveyances, Leases, Contracts, and other Instruments, wherein the said Commissioners shall be so described, and the execution or signature thereof by any two of them, shall be as valid and effectual to all intents and purposes as if they or any of them had been expressly named therein and had executed or signed the same.

Power of Sale, &c., given to Commissioners.

V. It shall and may be lawful for the Commissioners for executing the Office of Lord High Admiral aforesaid for the time being or any two or more of them, or the Lord High Admiral aforesaid, to sell, exchange, or in any manner dispose of, or let, or demise any of the messuages, lands, tenements, and hereditaments respectively which shall be vested in them under or by virtue of this Ordinance with their respective appurtenances either by public auction or private contract, and in due form of Law to convey, surrender, assign, or make over or to grant or demise the same respectively, as

the case may require, to any person or persons who shall be willing to purchase or take the same respectively, and also to do any other act, matter, or thing in relation to any such messuages, lands, tenements, and hereditaments which they or he shall deem beneficial for the Public Service in relation thereto or for the better management thereof which might be done by any person or persons having a like interest in any such messuages, lands, tenements, or hereditaments.

VI. It shall be lawful for the said Commissioners for executing the Office of Lord High Admiral aforesaid for the time being, or the Lord High Admiral aforesaid for the time being, and they are hereby authorized and empowered to bring, prosecute, and maintain any action, suit, or other proceeding at law or in equity, for recovering possession of any messuages, lands, tenements, or hereditaments, by this Ordinance vested in them or him as aforesaid, and to distrain or sue for any arrears of rent which shall have or shall become due for or in respect thereof, under any demise from the said Commissioners or Lord High Admiral, or any person or persons on their or his behalf, or on behalf of Her Majesty, and also to bring, prosecute, or maintain or to defend any other action or suit in respect of, or in relation to, the said messuages, lands, tenements, or hereditaments, or any trespass or encroachment committed thereon, or damage or injury done thereto; and that in every such action or suit the said Commissioners shall be called "The Commissioners for executing the Office of Lord High Admiral of Great Britain and Ireland," without naming them; and no such action or suit shall abate, by the death, resignation, or removal of such Commissioners, or any of them, or of such Lord High Admiral, any law, custom, or usage to the contrary notwithstanding: And the said Commissioners, or Lord High Admiral shall be entitled to recover costs for and on behalf of Her Majesty, where judgment shall be given for the Crown, and shall be liable to pay costs where judgment shall be given against the Crown, in any such action, suit, or other proceeding in like manner, and subject to the same rules and provisions as though such action, suit, or other proceeding had been had between subject and subject:

Power to sue and distrain in respect of such Lands given to Commissioners, and as to costs of suit.

VII. Provided always, that nothing in this Ordinance contained shall empower or be construed, deemed or taken to empower the Lord High Admiral or the Commissioners aforesaid for the time being to sell or dispose of (otherwise than by way of surrender to Her Majesty, Her Heirs, or Successors) any property reserved or granted by His Excellency the Governor for naval or public purposes and held or accepted by the Lord High Admiral or the Commissioners aforesaid for the time being under any Grant, Lease, License or Appropriation made by the Governor on that behalf.

No property reserved by the Governor for Naval purposes to be alienable except by way of surrender.

Passed the Legislative Council of Hongkong, this 26th Day of May, 1863.

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

HONGKONG.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

No. 4 of 1863.

By His Excellency WILLIAM THOMAS MERCER, Esquire, Acting Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council of Hongkong.

W. T. MERCER.

*An Ordinance to repeal Ordinance No. 1 of 1853 and to provide Gaols and Debtors' Wards, and for the due control of Prisoners therein.*

Title.

[26th May, 1863.]

Whereas the present Gaol is insufficient for the Prisoners now incarcerated therein and it is advisable to repeal the Ordinance No. 1 of 1853 and to provide further Prison accommodation and for due management and control of Prisoners: Be it therefore enacted by His Excellency the Acting Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Preamble.

I. The Ordinance No. 1 of 1853 intituled "An Ordinance for the Regulation of the Gaol of Hongkong" is hereby repealed.

Ordinance No. 1 of 1853 repealed.