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No. 134.

PROCLAMATION.

HERCULES G. R. ROBINSON.

By His Excellency SIR HERCULES GEORGE ROBERT ROBINSON, Knight, Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same.

Whereas the Commands of Her Most Gracious Majesty The QUEEN, conveyed through The Right Honorable EDWARD CARDWELL, M.P., Principal Secretary of State for the Colonies, have been received, approving of and confirming the following Ordinance; namely:—

No. 7 of 1864, entitled—“*An Ordinance for compiling a New Edition of the Ordinances of this Colony:*”

Now, therefore, it is hereby declared, that the said Ordinance has been so approved and confirmed, as aforesaid.

By His Excellency's Command,

W. T. MERCER,
Colonial Secretary.

GOD SAVE THE QUEEN.

Given at Victoria, Hongkong, this 24th Day of August, 1864.

GOVERNMENT NOTIFICATION.

The following Bills, which were read a first time at the Meeting of the Legislative Council of the 15th Instant, are published for general information.

By Order,

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

Council Chamber, Hongkong, 24th August, 1864.

HONGKONG.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

No. of 1864.

By His Excellency SIR HERCULES GEORGE ROBERT ROBINSON, Knight, 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.

An Ordinance to amend the Laws of Trade and Commerce.

Title.

[August, 1864.]

Whereas it is expedient that the matters embraced by Ordinance No. 3 of 1857 should be provided for by separate and distinct Ordinances: Be it enacted by His Excellency the Governor of Hongkong with the Advice of the Legislative Council thereof as follows:

Preamble.

Part of Ordinance
No. 3 of 1857 repealed.

I. So much of Ordinance No. 3 of 1857 as relates to "The Mercantile Law Amendment Act, 1856" (Imperial) shall be and the same hereby is repealed, except as to anything done before, or any proceeding pending at, the time of the passing of this Ordinance.

Protection to Per-
sons acquiring Title to
goods before seizure,
&c. under writ against
seller.

II. No Writ of *Fieri Facias* or other Writ of Execution and no Writ of Attachment against the Goods of a Debtor shall prejudice the Title to such Goods acquired by any Person *boná fide* and for a valuable consideration before the actual seizure or attachment thereof by virtue of such Writ, provided such Person had not at time when he acquired such Title, Notice that such Writ or any other Writ by virtue of which the goods of such owner might be seized or attached had been delivered to and remained unexecuted in the hands of the Sheriff.

Specific Delivery of
goods.

III. In all Actions and Suits in either Court of Record in this Colony for Breach of contract to deliver specific goods for a price in money on the application of the Plaintiff and by leave of the Judge before whom the cause is tried, the Jury or if the case be tried without a Jury, the Judge shall, if they or he find the Plaintiff entitled to recover, find by their verdict or his decision, as the case may be, what are the goods in respect of the non-delivery of which the Plaintiff is entitled to recover and which remain undelivered; what (if any) is the sum the Plaintiff would have been liable to pay for the delivery thereof; what Damages (if any), the Plaintiff would have sustained if the goods should be delivered under Execution, as hereinafter mentioned and what Damages, if not so delivered; and thereupon if judgment shall be given for the Plaintiff the Court at its discretion, on the application of the Plaintiff shall have power to order execution to issue for the delivery, on payment of such sum, (if any) as shall have been found to be payable by the Plaintiff as aforesaid, of the said goods without giving the Defendant the option of retaining the same upon paying the Damages assessed; and such writ of Execution may be for the delivery of such goods; and if such goods so ordered to be delivered, or any part thereof cannot be found, and unless the Court shall otherwise order the Sheriff or other Officer of such Court of Record shall distrain the Defendant by all his lands and chattels in the Colony till the Defendant deliver such goods, or at the option of the Plaintiff cause to be made of the Defendant's goods the assessed value or damages or a due proportion thereof; provided that the Plaintiff shall either by the same or a separate writ of Execution be entitled to have made of the Defendant's goods the Damages, Costs, and Interest in such action or suit.

Consideration for
guarantee need not
appear by writing.

IV. No special promise to be made by any Person, after the passing of this Ordinance to answer for the Debt, Default, or Miscarriage of another Person being in writing, and signed by the party to be charged therewith, or some other Person by him thereunto lawfully authorized shall be deemed invalid to support an action, suit, or other Proceeding to charge the Person by whom such promise shall have been made, by reason only that the consideration for such promise does not appear in writing or by necessary reference from a written document.

Guarantee to or for
a Firm to cease upon
a change in the Firm
except in special cases.

V. No promise to answer for the Debt, Default, or Miscarriage of another made to a firm consisting of two or more persons, or to a single person trading under the name of a firm, and no promise to answer for the Debt, Default, or Miscarriage of a firm consisting of two or more persons, or of a single person trading under the name of a firm, shall be binding on the person making such promise in respect of anything done or omitted to be done after a change shall have taken place in any one or more of the persons constituting the firm, or in the person trading under the name of a firm, unless the intention of the parties, that such promise shall continue to be binding notwithstanding such change, shall appear either by express stipulation or by necessary implication from the nature of the firm or otherwise.

A Surety who dis-
charges the Liability
to be entitled to As-
signment of all Secu-
rities held by the Cre-
ditor.

VI. Every person who, being surety for the debt or duty of another, or being liable with another for any debt or duty, shall pay such debt or perform such duty, shall be entitled to have assigned to him, or to a trustee for him, every judgment, specialty, or other security which shall be held by the creditor in respect of such debt or duty, whether such judgment, specialty, or other security shall or shall not be deemed at law to have been satisfied by the payment of the debt or performance of the duty, and such person shall be entitled to stand in the place of the creditor, and to use all the remedies, and, if need be, and upon a proper indemnity, to use the name of the creditor, in any action or other proceeding, at law or in equity, in order to obtain from the principal debtor, or any co-surety, co-contractor, or co-debtor, as the case may be, indemnification for the advances made and loss sustained by the person who shall have so paid such debt or performed such duty, and such payment or performance so made

by such surety shall not be pleadable in bar of any such action or other proceeding by him: Provided always, that no co-surety, co-contractor, or co-debtor, shall be entitled to recover from any other co-surety, co-contractor, or co-debtor, by the means aforesaid, more than the just proportion to which, as between those parties themselves, such last-mentioned person shall be justly liable.

VII. No acceptance of any bill of exchange, whether inland or foreign, made after the 14th day of February 1857, shall be sufficient to bind or charge any person, unless the same be in writing on such bill, or if there be more than one part of such bill, on one of the said parts, and signed by the acceptor or some person duly authorized by him.

Acceptance of any Bill of Exchange to be in writing.

VIII. All actions of account or for not accounting, and suits for such accounts, as concern the trade of merchandise between merchant and merchant, their factors or servants, shall be commenced and sued within six years after the cause of such actions or suits, and no claim in respect of a matter which arose more than six years before the commencement of such action or suit shall be enforceable by action or suit by reason only of some other matter of claim comprised in the same account having arisen within six years next before the commencement of such action or suit.

Limitation of Actions for "Merchants Accounts."

IX. No person or persons who shall be entitled to any action or suit with respect to which the period of limitation within which the same shall be brought is fixed by the Act 21 Jac. 1. c. 16. s. 3, or by the Act 4 Anne, c. 16. s. 17, or by the Act 53 Geo. 3. c. 127. s. 5, or by the Act 3 & 4 Will. 4. c. 27. ss. 40, 41, and 42, and c. 42. s. 3, or by the Act 16 & 17 Vict. c. 113. s. 20, shall be entitled to any time within which to commence and sue action or suit beyond the period so fixed for the same by the enactments aforesaid, by reason only of such person, or some one or more of such persons, being at the time of such cause of action or suit accrued absent from the Colony, or in the cases in which by virtue of any of the aforesaid enactments imprisonment is now a disability, by reason of such person or some one or more of such persons being imprisoned at the time of such cause of action or suit accrued.

Absence or Imprisonment of a Creditor not to be a Disability.

X. Where such cause of action or suit with respect to which the period of limitation is fixed by the enactments aforesaid or any of them lies against two or more joint debtors, the person or persons who shall be entitled to the same shall not be entitled to any time within which to commence and sue any such action or suit against any one or more of such joint debtors who shall not be absent from the Colony at the time such cause of action or suit accrued, by reason only that some other one or more of such joint debtors was or were at the time such cause of action accrued so absent, and such person or persons so entitled as aforesaid shall not be barred from commencing and suing any action or suit against the joint debtor or joint debtors who was or were so absent at the time the cause of action or suit accrued after his or their return to this Colony, by reason only that judgment was already recovered against any one or more of such joint debtors who was not or were not absent at the time aforesaid.

Period of Limitation to run as to Joint Debtors in Colony though some absent.

XI. In reference to the provisions of the Imperial Acts 9 Geo. 4. c. 14. ss. 1. and 8, and the 16 & 17 Vict. c. 113. s. 24, an acknowledgment or promise made or contained by or in a writing signed by an agent of the party chargeable thereby, duly authorized to make such acknowledgment or promise, shall have the same effect as if such writing had been signed by such party himself.

Imperial Acts extended to acknowledgments by Agents.

XII. In reference to the provisions of the Imperial Acts 21 Jac. 1. c. 16. s. 3, and of the Act 3 & 4 Will. 4. c. 42. s. 3, and of the Act 16 & 17 Vict. c. 113. s. 20, when there shall be two or more co-contractors or co-debtors, whether bound or liable jointly only or jointly and severally, or executors or administrators of any contractor, no such co-contractor or co-debtor, executor, or administrator shall lose the benefit of the said enactments or any of them, so as to be chargeable in respect or by reason only of payment of any principal, interest, or other money, by any other or others of such co-contractors or co-debtors, executors, or administrators.

Part payment by one Contractor, &c., not to prevent Bar by certain Statutes of Limitations in favor of another Contractor.

XIII. It shall be lawful for the Chief Justice to make Rules and Regulations and to frame Writs and Proceedings for the purpose of giving effect to this Ordinance, and from time to time to amend such Rules, orders and Firms, and such Rules, orders or Firms, or amended Rules, orders and Firms shall be submitted to the Legislative Council who may allow, disallow, or alter the same, and the Rules, Orders and Forms so allowed or altered shall be of the same force and effect as if they had been specially inserted herein.

Rules and Regulations may be made and Writs and Proceedings framed for the Purposes of this Ordinance.

HONGKONG.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

No. of 1864.

By His Excellency SIR HERCULES GEORGE ROBERT ROBINSON, Knight, 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.

Title. *An Ordinance to facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon.*

[August, 1864.]

Preamble. Whereas it is expedient that the several matters embraced by Ordinance No. 5 of 1856 should be provided for by separate and distinct Ordinances: Be it enacted by His Excellency the Governor of Hongkong with the Advice of the Legislative Council thereof as follows:

Part of Sec. 2 of Ordinance No. 5 of 1856, repealed. I. So much of Section 2 of Ordinance No. 5 of 1856, as relates to the Imperial Enactment entitled "The Summary Procedure on Bills of Exchange Act, 1855," shall be repealed except as to the proceedings in any Action upon a Bill of Exchange or Promissory Note commenced before the passing of this Ordinance.

All Actions upon Bills of Exchange, &c., may be by Writ of Summons as Form in Schedule A. Plaintiff on filing Affidavit of Personal Service may at once sign final Judgment as Form in Schedule B. II. All Actions upon Bills of Exchange or Promissory Notes commenced within Six Months after the same shall have become due and payable may be by Writ of Summons in the Special Form contained in Schedule A to this Ordinance annexed and indorsed as therein mentioned, and it shall be lawful for the Plaintiff, on filing an Affidavit of Personal Service of such Writ within the Jurisdiction of the Court, or an Order for leave to proceed and a Copy of the Writ of Summons and the Indorsements thereon, in case the Defendant shall not have obtained leave to appear and have appeared to such Writ according to the exigency thereof at once to sign final Judgment in the Form contained in Schedule B to this Ordinance annexed for any Sum not exceeding the sum indorsed on the Writ together with interest, at the rate specified (if any) to the Date of the Judgment, and a Sum for Costs to be fixed by the Registrar subject to the approval of the Chief Justice, unless the Plaintiff claim more than such fixed sum, in which case the Costs shall be taxed in the ordinary way, and the Plaintiff may upon such Judgment issue Execution forthwith.

Defendant shewing a Defence upon the Merits to have leave to appear. III. The Chief Justice shall upon application within the Period of Twelve Days from such Service, give leave to appear to such Writ, and to defend the Action, on the Defendant paying into Court the Sum indorsed on the Writ, or upon affidavits satisfactory to the Chief Justice which disclose a legal or equitable Defence, or such Facts as would make it incumbent on the Holder to prove consideration, or such other Facts as the Chief Justice may deem sufficient to support the Application and on such Terms, as to Security or otherwise as to the Chief Justice may seem fit.

Chief Justice may under special circumstances set aside Judgment. IV. After Judgment the Chief Justice may under special circumstances set aside the Judgment, and, if necessary stay or set aside Execution and may give leave to appear to the Writ and to defend the Action, if it shall appear to be reasonable to him so to do, and on such Terms as to him may seem just.

Chief Justice may Order Bill to be deposited with Registrar. V. In any Proceedings under this Ordinance it shall be competent to the Chief Justice to order the Bill or Note sought to be proceeded upon to be forthwith deposited with the Registrar, and further to order that all Proceedings shall be stayed until the Plaintiff shall have given Security for the Costs thereof.

Holder may issue One Summons against all or any of the Parties to Bill. VI. The Holder of every dishonoured Bill of Exchange or Promissory Note shall have the same Remedies for the recovery of the expenses incurred in noting the same for Non-acceptance or Non-payment or otherwise by reason of such Dishonour, as he has under this Ordinance for the recovery of the Amount of such Bill or Note.

Holder may issue One Summons against all or any of the Parties to Bill. VII. The Holder of any Bill of Exchange or Promissory Note may, if he think fit, issue One Writ of Summons according to this Ordinance against all or any number of the Parties to such Bill or Note, and such Writ of Summons shall be the commencement of an Action or Actions against the Parties therein named respectively, and all subsequent Proceedings against such respective Parties shall be in like manner, so far as may be, as if separate Writs of Summons had been issued.

VIII. The Provisions of "The Common Law Procedure Act, 1852," and of "The Common Law Procedure Act, 1854," and all Rules made under or by virtue of either of the said Acts shall, so far as the same are by other Ordinances extended to this Colony and may be made applicable, extend and apply to all Proceedings to be had or taken under this Ordinance.

Incorporation of
Common Law Procedure
Acts and Rules.

IX. In citing this Ordinance in any Instrument, Document or Proceeding it shall be sufficient to use the expression "The Summary Procedure on Bills of Exchange Ordinance, 1864."

Short Title.

SCHEDULES REFERRED TO IN THE FOREGOING ORDINANCE.

A.

VICTORIA, BY THE GRACE OF GOD, &c.

To C. D. of

We warn you, that unless within Twelve Days after the Service of this Writ on you, inclusive of the Day of such Service you obtain leave from the Chief Justice to appear, and do within that Time appear in the Supreme Court in an Action at the Suit of A. B. The said A. B. may proceed to Judgment and Execution.

Witness, &c.

Memorandum to be Subscribed on the Writ.

N.B.—This Writ is to be served within Six Calendar Months from the Date hereof, or if renewed, from the Date of such Renewal, including the Day of such Date and not afterwards.

Indorsement to be made on the Writ before Service thereof.

This Writ was issued by E. F. of _____ Attorney for the Plaintiff.
Or this Writ was issued in Person by A. B. who resides at [here insert an accurate description of the Plaintiff's Residence.]

Indorsement.

The Plaintiff claims [_____ Dollars Principal and Interest] or _____ Dollars
Balance of Principal and Interest due to him as the Payee [or Indorsee] of a Bill of Exchange or Promis-
sory Note of which the following is a Copy. [Here Copy Bill of Exchange or Promissory Note, and all
Indorsements upon it.]

And if the Amount thereof be paid to the Plaintiff or his Attorney within _____ Days
from the Service hereof, further Proceedings will be stayed.

Notice.

Take Notice, that if the Defendant do not obtain leave from the Chief Justice within Twelve Days after having been served with this Writ inclusive of the day of such Service to appear thereto, and do within such time cause an appearance to be entered for him in the Supreme Court the Plaintiff will be at liberty at any time after the expiration of such Twelve Days to sign final Judgment for any sum not exceeding the sum above claimed, and the sum of _____ Dollars for costs and issue Execution for the same.

Leave to appear may be obtained on an Application at the Chief Justice's Chambers supported by Affidavit shewing that there is a Defence to the Action on the Merits, or that it is reasonable that the Defendant should be allowed to appear in the Action.

Indorsement to be made on Writ after Service thereof.

This Writ was served by X. Y. on L. M. (the Defendant _____ the Defendants) on
Monday the _____ day of _____ 186 .

By X. Y.

B.

IN THE SUPREME COURT OF HONGKONG,

On the day of

A.D. 186

Hongkong (to wit) A. B. in his own Person [or by his Attorney]
sued out a writ against C. D. indorsed as follows.

[Here copy Indorsement of Plaintiff's claim]

And the said C. D. has not appeared

Therefore it is

HONGKONG.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

No. of 1864.

By His Excellency SIR HERCULES GEORGE ROBERT ROBINSON, Knight, 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.

Title. *An Ordinance for preventing Frauds upon Creditors by Secret Bills of Sale of
Personal Chattels.*

[August, 1864.]

Preamble.

Whereas it is expedient that the several matters embraced by Ordinance No. 5 of
1856 should be provided for by separate and distinct Ordinances: Be it enacted by
His Excellency the Governor of Hongkong with the advice of the Legislative Council
thereof as follows:

Part of Section 2 of
Ordinance No. 5 of
1856 repealed.

I. So much of Section 2 of Ordinance No. 5 of 1856 as relates to the Imperial
Enactment entitled "An Act for preventing Frauds upon Creditors by Secret Bills of
Sale of personal Chattels" shall be repealed except as to the proceedings which may have
been taken thereunder before the passing of this Ordinance.

Bills of Sale to be
void unless the same
or a Copy thereof be
filed within Twenty-
one Days.

II. Every Bill of Sale of personal Chattels made after the passing of this Ordinance,
either absolutely or conditionally, or subject or not subject to any Trusts, and whereby
the Grantee or Holder shall have power, either with or without notice, and either
immediately after the making of such Bill of Sale, or at any future time, to seize or take
possession of any Property and Effects comprised in or made subject to such Bill of
Sale, and every Schedule or Inventory which shall be thereto annexed or therein referred
to, or a true copy thereof, and of every Attestation of the Execution thereof shall
together with an Affidavit of the time of such Bill of Sale being made or given and a
Description of the Residence and Occupation of the Person making or giving the same,
or, in case the same shall be made or given by any Person under or in the Execution
of any Process, then a Description of the Residence and Occupation of the Person
against whom such Process shall have issued, and of every Attesting Witness to such
Bill of Sale be filed with the Registrar of the Supreme Court within Twenty-one Days
after the making or giving of such Bill of Sale, otherwise such Bill of Sale shall, as
against all Assignees of the Estate and Effects of the Person whose Goods or any of
them are comprised in such Bill of Sale under the Laws relating to Bankruptcy or
Insolvency, or under any Assignment for the Benefit of the Creditors of such Person,
and as against all Sheriffs Officers and other Persons seizing any Property or Effects
comprised in such Bill of Sale in the Execution of any Process of any Court of Law or
Equity authorising the Seizure of the Goods of the Person by whom or of whose Goods
such Bill of Sale shall have been made, and against every Person on whose Behalf such
Process shall have been issued, be null and void to all Intents and Purposes whatsoever,
so far as regards the Property in or Right to the Possession of any personal Chattels
comprised in such Bill of Sale which at or after the time of such Bankruptcy or of the
Execution by the Debtor of such Assignment for the Benefit of his Creditors or of
executing such Process (as the case may be), and after the Expiration of the said
Period of Twenty-one Days, shall be in the Possession or apparent Possession of the
Person making such Bill of Sale, or of any Person against whom the Process shall have
issued under or in the Execution of which such Bill of Sale shall have been made or
given as the case may be.

III. If such Bill of Sale shall be made or given subject to any Defeasance or Condition or Declaration of Trust not contained in the Body thereof such Defeasance or Condition or Declaration of Trust shall, for the purposes of this Ordinance be taken as part of such Bill of Sale and shall be written on the same Paper on which such Bill of Sale shall be written, before the time when the same or a Copy thereof respectively shall be filed, otherwise such Bill of Sale shall be null and void to all Intents and Purposes as against the same Person and as regards the same Property and Effects, as if such Bill of Sale or a Copy thereof had not been filed according to the Provisions of this Ordinance.

Defeasance or Conditions of every Bill of Sale to be written on the same Paper.

IV. The Registrar shall cause every Bill of Sale, and every such Schedule and Inventory as aforesaid, and every such Copy filed in his said Office under the Provisions of this Ordinance to be numbered and shall keep a Book in his said Office in which he shall cause to be fairly entered an alphabetical List of every such Bill of Sale, containing therein the Name, Addition and Description of the Person making or giving the same, or in case the same shall be made or given by any Person under or in the Execution of Process as aforesaid, then the Name, Addition and Description of the Person against whom such Process shall have issued, and also of the Person to whom or in whose favor the same shall have been given, together with the Number and the Dates of the Execution and filing of the same, and the Sum for which the same has been given, and the time or times (if any) when the same is thereby made payable according to the Form contained in the Schedule to this Ordinance, which said Book and every Bill of Sale or Copy thereof filed in the said Office may be searched and viewed by all Persons at all reasonable times paying to the Registrar for every search against one Person the Sum of

Registrar to keep a Book containing Particulars of each Bills of Sale.

and no more; and that in addition to the last mentioned Book the Registrar shall keep another Book or Index in which he shall cause to be fairly inserted, as and when such Bills of Sale are filed in manner aforesaid the Name, Addition and Description of the Person making or giving the same, or of the Person against whom such Process shall have issued as the case may be, and also of the Persons to whom or in whose Favor the same shall have been given but containing no further Particulars thereof; which last mentioned Book or Index all Persons shall be permitted to search for themselves paying to the Registrar for such last mentioned Search the Sum of

V. A Fee of shall be paid for filing and entering every such Bill of Sale and the Registrar shall account therefor in like manner as is now done with respect to other Fees recovered by him by virtue of his said Office.

A Fee of for filing Bill of Sale and Registrar to account for the same.

VI. Any Person shall be entitled to have an Office Copy or an Extract of every Bill of Sale or of the Copy thereof filed as aforesaid, upon paying for the same at the like rate as for Office Copies of Judgments.

Office Copies or Extracts to be given on paying as for Copies of Judgment.

VII. It shall be lawful for the Chief Justice to order a Memorandum of Satisfaction to be written upon any Bill of Sale or Copy thereof respectively as aforesaid if it shall appear to him that the Debt (if any) for which such Bill of Sale is given as Security shall have been satisfied or discharged.

Satisfaction may be entered.

VIII. In construing this Ordinance the following Words and Expressions shall have the meanings hereby assigned to them unless there be something in the Subject or Context repugnant to such constructions; (that is to say) the Expression "Bill of Sale" shall include Bills of Sale, Assignments, Transfers, Declaration of Trust without Transfer and other Assurances of Personal Chattels and also Powers of Attorney, Authorities or Licenses to take possession of Personal Chattels as Security for any Debt but shall not include the following Documents, that is to say, Assignments for the Benefit of the Creditors of the Person making or giving the same, Marriage Settlements, Transfers, or Assignments of any Ship or Vessel or any Share thereof; Transfers of Goods in the Ordinary Course of Business of any Trade or Calling; Bills of Sale of Goods in Foreign Parts or at Sea; Bills of Lading; India Warrants; Warehouse Keeper's Certificates; Warrants or Orders for the Delivery of Goods or any other Documents used in the Ordinary Course of Business as Proof of the Possession or Control of Goods, or authorizing or purporting to authorize either by Endorsement or by Delivery the Possessor of such Document to transfer or receive Goods thereby represented.

Interpretation of Terms.

The Expression "personal Chattels" shall mean Goods, Furniture, Fixtures and other Articles capable of complete Transfer by Delivery and shall not include Chattel, Interests in Real Estate nor Shares or Interest in the Stock, Funds, or Securities of any Government, or in the Capital or Property of any incorporated or Joint Stock Company nor Choses in Action nor any Stock or Produce upon any Farm or Lands which by

virtue of any Covenant or Agreement or of the Custom of the Country, ought not to be removed from any Farm where the same shall be at the time of the making or giving of such Bill of Sale.

Personal Chattels shall be deemed to be in the "apparent possession" of the Person making or giving the Bill of Sale so long as they shall remain or be in or upon any House, Mill, Warehouse, Building Works, Yard, Land, or other Premises occupied by him, or as they shall be used and enjoyed by him, in any Place whatsoever, notwithstanding that formal Possession thereof may have been taken by or given to any other Person.

SCHEDULE.

Name, &c., of the Person making or giving the Bill of Sale or of the Person divested of Property.	Name, &c., of the Person to whom made or given.	Whether Bill of Sale Assignment Transfer or what other Assurance and whether Absolute or Conditional and Number.	Date of Execution.	Date of Filing.	Sum of which made or given.	When and how payable.

HONGKONG.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

No. of 1864.

By His Excellency SIR HERCULES GEORGE ROBERT ROBINSON, Knight, 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.

Title. *An Ordinance to authorize the Commissioners appointed to compile a New Edition of the Ordinances to make certain alterations therein.*

[August, 1864.]

Be it enacted by His Excellency the Governor of Hongkong with the Advice of the Legislative Council thereof as follows:

Power to Commissioners to make certain alterations in the New Edition of the Ordinances.

I. It shall be lawful for the Commissioners appointed to compile a new Edition of the Ordinances to make therein the alterations hereinafter mentioned, that is to say;—

(1.) Wherever there shall occur at or near the Commencement of any Ordinance the words: "Be it enacted and ordained by His Excellency the Governor of Hongkong and its Dependencies with the Advice of the Legislative Council thereof" or words to that effect, to substitute therefor the words following: "Be it enacted by His Excellency the Governor of Hongkong with the Advice of the Legislative Council thereof."

(2.) Whenever by reason of the omission of the preliminary part of an Ordinance it shall not appear by whom the enactment was made, to insert the words: "Be it enacted by His Excellency the Governor of Hongkong with the Advice of the Legislative Council thereof as follows:"

(3.) Whenever the preamble, the enacting words, and the matter of the first Section of any Ordinance are continuous and numbered as Section I, to separate them thus:

Whereas, &c.

Be it enacted by His Excellency the Governor of Hongkong with the Advice of the Legislative Council thereof as follows:

I, &c.

(4.) Whenever there shall occur at or near the commencement of any Section the words: "And be it further enacted that," to omit such words.

(5.) Whenever in the Title, Preamble, or subsequent part of an Ordinance there occur unnecessarily the words: "within the Island of Hongkong and its Dependencies," "in Hongkong," "of Hongkong," "within the said Colony," or words to the like effect, to omit such words.

(6.) Whenever a Section of any Ordinance is divided into Paragraphs to number such Paragraphs and enclose such number within brackets.

(7.) Whenever the words "Chief Justice of the Supreme Court" or the like occur in any Ordinance, to omit the words "of the Supreme Court."

(8.) Whenever the words "the said," or "such" shall in any Ordinance unnecessarily precede words descriptive of any Court, Public Officer, or the like, to substitute therefor the word "the."

II. There shall be expunged from Section 7 of Ordinance No. 8 of 1844 the words following: "and any overplus of such last mentioned moiety or half part shall be paid to the said Chief Magistrate for the purposes aforesaid." Part of Section 7 of Ordinance No. 8 of 1844, to be expunged.

III. Ordinance No. 6 of 1858 is hereby repealed, and Ordinance No. 9 of 1857, Section 5 is hereby amended by inserting after the concluding words of the said Section the words following, that is to say: "Provided always that the hours hereinbefore specified in that behalf may be from time to time altered by His Excellency the Governor in Executive Council, and every such alteration when so made shall be forthwith notified in English and Chinese in the *Hongkong Government Gazette*." Ordinance No. 6 of 1858 repealed, and Ordinance No. 9 of 1857 Sec. 5 amended.

IV. Ordinance No. 7 of 1859 is hereby repealed, and Ordinance No. 8 of 1858 Section 28 is hereby amended by substituting for the words: "he shall also if His Excellency in Council shall so decide, be deported to any place in the Chinese Empire or elsewhere" in paragraph 9, the words following: "be deported to his native Country, or with the consent of such offender, to any other place if His Excellency the Governor shall so decide." Ordinance No. 7 of 1859 repealed, and Ordinance No. 8 of 1858, Sec. 28 amended.

V. Ordinance No. 7 1862 is hereby amended by inserting after Section 32 the following new Section: Ordinance No. 7 of 1862 amended.

"XXXIII. The Judge of the Court of Summary Jurisdiction shall frame Rules and Orders for regulating the practice of the said Court, its times of sitting and the forms of proceedings therein, and from time to time shall amend such rules, orders and forms, and such rules, orders and forms or amended rules, orders and forms certified under the hand of such Judge shall be submitted to the Chief Justice who, if he shall think fit, shall submit the same to the Legislative Council who may allow, disallow or alter the same, and the rules, orders and forms or amended rules, orders and forms so allowed or altered shall, from a day to be named by the said Council, be in force in the said Court;"

And also by renumbering the remaining Sections of the same Ordinance to the end beginning with Section 33 which shall be renumbered 34 and so on in due arithmetical order.

VI. "The Bankruptcy Ordinance, 1864," shall be amended by inserting after Section 190 the Words following: "The Bankruptcy Ordinance 1864" amended.

"As to Costs."

"CXCI. The Court may give Costs in all cases in which it shall appear right and just." "Court may give costs."

“As to concealed Property, &c.”

And also by renumbering the remaining Sections of the same Ordinance to the end beginning with 191 which shall be renumbered 192, and so on in due arithmetical order.

Sections 2 and 3 of
Ordinance No. 6 of
1864 amended.

VII. Ordinance No. 6 of 1864 shall be amended by expunging from Sections 2 and 3 of the same Ordinance the Words “or Declaration was administered,” and by substituting therefor in each Section the Words “Declaration or Warning was administered to, made by or given to.”

No. 135.

GOVERNMENT NOTIFICATION.

The question of compensation for the Chinese dispossessed from the South West point of Kowloon Peninsula having now been disposed of, it becomes necessary to consider the position of the Chinese Owners and Occupiers of Land and Houses in the remainder of that district.

The propriety of this measure will be apparent from the inconvenience of two different systems of tenure within the Colony and the possible injury that would befall such Owners and Occupiers if a title in law were not granted them for their respective holdings, sufficient under the altered circumstances of occupancy.

All persons therefore having proprietary claims as above are called on to send in a statement of their titles, with full particulars as to the position and extent of their holdings to Lieut. WILLIAMS, R.E., on or before 30th September next; when to all able to substantiate their claims Crown Leases for 999 years will be granted free of expense, subject only to the same rent as they were formerly liable for to the Chinese Government.

Occupiers of Lands or Houses within the territory lately ceded, who shall not be provided with Crown Leases after the 1st January next, will be considered *Squatters* and held liable to be dispossessed at any time, subject to the payment of *Squatters' Rent* until such dispossession.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 24th August, 1864.

No. 136.

GOVERNMENT NOTIFICATION.

Tenders will be received at the Surveyor General's Office on or before Monday the 12th proximo for the repairs of the Quarry Bay, Stanley, Pokfulum and Aberdeen Roads during the 3 months ending 31st December next.

Specifications may be seen on application between the hours of 11 A.M. and 3 P.M.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Victoria, 27th August, 1864.

No. 137.

GOVERNMENT NOTIFICATION.

Government Notification No. 133 of the 20th Instant, respecting Squatter's Licenses, is hereby cancelled.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 27th August, 1864.

No. 131.

GOVERNMENT NOTIFICATION.

Tenders will be received at the Surveyor General's Office on or before Monday, the 29th Instant, for the erection of a Portion of the Gaol at Stone Cutters' Island. Plans and Specification may be seen on application between the hours of 11 A.M. and 3 P.M.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 13th August, 1864.