

HONGKONG.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

No. 9 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.

HERCULES G. R. ROBINSON.

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

[5th September, 1864.]

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

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

(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 1, 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," or words to that effect, 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," or the like.

(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 VII 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," and there shall be inserted in lieu thereof the words following: "and if such last mentioned moiety or any portion thereof shall not be claimed within Six Months, then the same shall be disposed of as the first mentioned moiety." Part of Section 7 of Ordinance No. 8 of 1844, to be expunged.

Ordinance No. 6 of 1858 repealed, and Ordinance No. 9 of 1857 Sec. 5 amended.

III. Ordinance No. 6 of 1858 is hereby repealed, and Ordinance No. 9 of 1857, Section V 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. 7 of 1859 repealed, and Ordinance No. 8 of 1858, Sec. 28 amended.

IV. Ordinance No. 7 of 1859 is hereby repealed, and Ordinance No. 8 of 1858 Section XXVIII 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 1862 amended.

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

"Judge to frame Rules and Orders."

"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 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 Section of the same Ordinance as Section XXXIV.

"The Bankruptcy Ordinance 1864" amended.

VI. "The Bankruptcy Ordinance 1864" shall be amended by repealing Section LVI and by inserting in lieu thereof the Words and figures following, that is to say:

"Portion of Pay, Half Pay, Salary, or Pension of Bankrupt to be applicable to Creditors with sanction of Chief Officer of Department."

"LVI. The Court may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt as the Chief Officer of the Department to which such Bankrupt may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt may officially sanction to be paid to the Assignee, to be applied in payment of the Debts of such Bankrupt."

"The Bankruptcy Ordinance 1864" further amended.

VII. "The Bankruptcy Ordinance 1864" shall be further amended by repealing Section CLXXXIX and by inserting in lieu thereof the Words and figures following, that is to say:

"Affidavits, Declarations, &c., before whom to be sworn to be available."

"CLXXXIX. No Affidavit, Declaration or Affirmation shall be used in any Matter or Proceeding under this Ordinance unless the same shall have been sworn or made in manner following, that is to say:

"(1) In this Colony before the Court or before any Officer appointed by the Court for that purpose or before a Magistrate."

"(2.) In any Colony, Island, Plantation or Place under the Dominion of Her Majesty, before any Court, Judge, or person lawfully authorized to take and receive Affidavits, Declarations or Affirmations."

"(3.) In any Foreign Parts out of Her Majesty's Dominions before a Judge or Magistrate, his Signature being authenticated by the Official Seal of the Court to which he is attached, or by a Public Notary, or before a *British* Minister, Consul or Vice-Consul."

"The Bankruptcy Ordinance 1864" amended.

VIII. "The Bankruptcy Ordinance, 1864," shall be further amended by inserting after Section CXI the Words following:

"As to Costs."

"Court may give costs."

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

"As to concealed Property, &c."

And also by renumbering the remaining Sections of the same Ordinance to the end, begin-

ning with CXCI which shall be renumbered CXCII, and so on in due arithmetical order.

IX. Ordinance No. 6 of 1864 shall be amended by expunging from Sections II and III 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." Sections 2 and 3 of Ordinance No. 6 of 1864 amended.

Passed the Legislative Council of Hongkong, this 5th Day of September, 1864.

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

HONGKONG.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

No. 10 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.

HERCULES G. R. ROBINSON.

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

[5th September, 1864.]

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: Preamble.

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

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