

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Enactment entitled "An Act for preventing Frauds upon Creditors by Secret Bills of Sale of personal Chattels" shall be repealed, except as to the proceedings which may have been taken thereunder before the passing of this Ordinance. Part of Section 2 of Ordinance No. 5 of 1856 repealed.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

Defeasance or Con-
ditions of every Bill of
Sale to be written on
the same Paper.

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.

Registrar to keep a
Book containing Par-
ticulars of each Bills
of Sale.

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 Fifty Cents and no more.

A Fee of One Dollar
for filing Bill of Sale
and Registrar to ac-
count for the same.

V. A Fee of One Dollar 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 received by him by virtue of his said Office.

Office Copies or Ex-
tracts to be given on
paying as for Copies
of Judgment.

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.

Satisfaction may be
entered.

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.

Interpretation of
Terms.

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.

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, notwith-

standing that formal Possession thereof may have been taken by, or given to any other Person.

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

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

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 for which made or given.	When and how payable.

MINUTE BY THE GOVERNOR.

Under Instructions from the Right Honorable the Secretary of State for the Colonies, His Excellency the GOVERNOR is pleased to direct that in the case of the Surveyor General and Assistant Surveyor General, when debarred from private practice, those Officers shall be allowed the benefit of Five additional Years in regard of Pension on the ground of Professional Services, as in the cases of the Judge of the Summary Jurisdiction Court, and the Colonial Chaplain; and the Pension Minute of 5th May, 1862, (published in the *Government Gazette* of 29th November, 1862,) is accordingly hereby amended in this respect.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 3rd September, 1864.

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.