

HONGKONG.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

SIR RICHARD GRAVES MACDONNELL, Knight, C.B.,
Governor and Commander-in-Chief.

No. 5 OF 1867.

An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to amend Ordinance No. 9 of 1858.

Title.

[22nd May, 1867.]

Whereas it is expedient to amend Ordinance No. 9 of 1858, and to make further Provision for the Letting of Buildings, Shops and Stalls in the Markets, and the Granting of Privileges to Slaughter Cattle and other incidental Matters: Be it enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Preamble.

I. This Ordinance may be cited as "The Markets Ordinance 1867."

Short Title.

II. Sections XII and XX of Ordinance No. 9 of 1858 are hereby repealed: Sections XII and XX of Ordinance 9 of 1858 repealed. Provided that every Act duly done and every Instrument duly made or granted before this Ordinance comes into operation shall continue and be of the same force and effect as if the said Sections had not been repealed; and that every Action, Prosecution, and other Proceeding which shall have been commenced before this Ordinance comes into operation or shall thereafter be commenced in respect of any such Matter or Thing may be prosecuted, continued, and defended in the same manner as if this Ordinance had not been passed.

III. All the Powers and Authorities vested in the Surveyor General by Ordinance No. 9 of 1858, except such as relate to the erection, alteration and maintenance of Buildings as provided by Sections V and XVII of the said Ordinance shall from and after the commencement of this Ordinance be vested solely in the Registrar General and for that purpose Ordinance No. 9 of 1858, shall except as to the two Sections aforesaid be read as if the words Registrar General were inserted therein in lieu of the words Surveyor General. Powers transferred to Registrar General except &c.

IV. All Houses, Shops, Lans, or other Tenements in Markets shall be let by the Registrar General either by Public Tender or Private Contract for such Rent, Premium, or Consideration and for such Period and upon such Conditions as shall from time to time be fixed by the Registrar General with the approval of the Governor in Council. Mode of letting Houses, &c., in Markets.

V. A sufficient number of fit and proper Slaughter Houses to meet the requirements of the Colony shall be provided by the Government and it shall be lawful for the Governor in Council to grant to any Person or Persons the sole Privilege of Slaughtering Cattle within the Colony or within any Particular District or Locality therein, for such Rent, Premium, or Consideration and for such Period and upon such Conditions as shall be deemed expedient. Slaughter Houses to be provided, & Privilege of Slaughtering how granted.

VI. In case the Lessee or Tenant of any House, Shop, Lan, or other Tenement under Section IV of this Ordinance or the Grantee of a Privilege to slaughter Cattle under the last preceding Section shall fail to comply with any condition of his holding or Grant as to the Execution of any Repairs or other Works whatever, the Surveyor General may summon such Lessee, Tenant, or Grantee before a Magistrate who may summarily order him to execute such Repairs or other Works within a reasonable time to be specified in such Order and in case he shall not comply with such Order within such time as aforesaid or within such further time as the Court may allow he shall be guilty of a Misdemeanor and liable to a Fine not exceeding One hundred Dollars or to Imprisonment for any Term not exceeding Three Months. If Lessee, &c. breaks condition of his holding as to repairs, &c., he may be summoned before Magistrate.

VII. Every Person being at the time of the passing of this Ordinance a Lessee or Tenant of any Shop, Lan or Stall who shall not within One Month after the commencement of this Ordinance have complied with the Provisions of Section XV of Ordinance No. 9 of 1858 and every Person hereafter becoming such Lessee or Tenant as aforesaid who shall fail to comply with the said Provisions shall be liable on Summary Conviction to a Fine not exceeding One hundred Dollars and not less than Twenty-five, and upon every such Conviction the Registrar General may summarily cancel and determine the Lease or Tenancy of such Person. Penalty on Person not complying with Section XV of Ordinance 9 of 1858.

Definition of Expression "District of Victoria" in Ordinance No. 9 of 1858.

VIII. The Expression "District of Victoria" in Ordinance No. 9 of 1858 shall mean the Nine Districts of the City of Victoria established and defined by Section III of the "Victoria Registration Ordinance 1866" and shall extend to and include such other Localities in the Colony as the Governor in Council may from time to time direct and as shall be signified by Proclamation under the hand of the Governor.

Ordinance No. 9 of 1858 to be construed with this Ordinance.

IX. This Ordinance and so much of Ordinance No. 9 of 1858 as is not hereby repealed, shall be construed together and for all requisite purposes shall be deemed and taken as One Ordinance.

When to come into operation.

X. This Ordinance shall commence and take effect on such Day as shall hereafter be fixed by Proclamation under the hand of the Governor.

Passed the Legislative Council of Hongkong, this 22nd Day of May, 1867.

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

GOVERNMENT NOTIFICATION.

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

By Order,

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

Council Chamber, Hongkong, 23rd May, 1867.

Title. *An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to amend the Law of Partnership.*

Preamble.

Whereas it is expedient to extend to this Colony the Provisions of an Act of the Imperial Parliament passed in the 28th and 29th Years of the Reign of Her Majesty Queen Victoria intituled "An Act to amend the Law of Partnership:" Be it therefore enacted and ordained by the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

The advance of money on contract to receive a share of profits not to constitute the lender a Partner.

I. The advance of money by way of Loan to a Person engaged or about to engage in any Trade or Undertaking upon a contract in writing with such Person that the Lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such Trade or Undertaking, shall not, of itself, constitute the Lender a Partner with the Person or the Persons carrying on such Trade or Undertaking or render him responsible as such.

The remuneration of Agents, &c., by share of profits not to make them Partners.

II. No contract for the remuneration of a Servant or Agent of any Person engaged in any Trade or Undertaking by a share of the profits of such Trade or Undertaking shall, of itself, render such Servant or Agent responsible as a Partner therein, nor give him the rights of a Partner.

Certain Annuitants not to be deemed Partners.

III. No Person being the widow or child of the deceased Partner of a Trader, and receiving by way of annuity a portion of the profits made by such Trader in his business, shall, by reason only of such receipt, be deemed to be a Partner of or to be subject to any liabilities incurred by such Trader.

Receipt of profits in consideration of sale of goodwill not to make the Seller a Partner.

IV. No Person receiving by way of annuity or otherwise a portion of the profits of any business, in consideration of the sale by him of the goodwill of such business, shall, by reason only of such receipt, be deemed to be a Partner of or be subject to the liabilities of the Person carrying on such business.

In case of Bankruptcy, &c., Lender not to rank with other Creditors.

V. In the event of any such Trader as aforesaid being adjudged a Bankrupt, or entering into an arrangement to pay his Creditors less than the full amount of their respective claims or dying in insolvent circumstances, the Lender of any such Loan as aforesaid shall not be entitled to recover any portion of his principal or of the profits or interest payable in respect of such Loan, nor shall any such Vendor of a goodwill as aforesaid be entitled to recover any such profits as aforesaid until the claims of the other Creditors of the said Trader for valuable consideration in money or money's worth have been satisfied.

Interpretation of "Person."

VI. In the construction of this Ordinance the word "Person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation.