

GOVERNMENT NOTIFICATION.

The following Bills, which were read a first time at a Meeting of the Legislative Council held this day, are published for general information.

By Command,

CECIL C. SMITH,
for the Clerk of Councils.

Council Chamber, Hongkong, 26th October, 1874.

Title. An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to apply a Sum not exceeding Seven hundred and Thirty thousand Dollars to the Public Service of the Year 1875.

[, 1874.]

Preamble. WHEREAS the Expenditure required for the Service of this Colony for the Year 1875 has been estimated at the Sum of Seven hundred and Twenty-nine thousand Four hundred and Forty-three Dollars and Sixty Cents: Be it enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Estimates, 1875. I. A Sum not exceeding Seven hundred and Thirty thousand Dollars shall be, and the same is hereby charged upon the Revenue of this Colony for the Service of the Year 1875, and the said Sum so charged shall be expended as hereinafter specified; that is to say:—

ESTABLISHMENTS.		\$	c.
Governor, -	-	-	740.00
Colonial Secretary, -	-	-	7,880.00
Colonial Treasurer, -	-	-	3,072.00
Auditor General, -	-	-	14,799.00
Clerk of Councils, -	-	-	100.00
Surveyor General, -	-	-	21,062.00
Postmaster General, -	-	-	27,486.00
Registrar General, -	-	-	10,198.00
Harbor Master, -	-	-	26,762.00
Light Houses, -	-	-	6,428.00
Collector of Stamp Revenue, -	-	-	4,078.00
Judicial, -	-	-	20,180.00
Official Trustee, -	-	-	960.00
Registrar of Companies, -	-	-	192.00
Ecclesiastical, -	-	-	1,230.00
Educational, -	-	-	17,136.00
Medical, -	-	-	15,600.00
Police Magistrates, -	-	-	6,100.00
Police, -	-	-	150,478.80
Gaol, -	-	-	16,694.00
Fire Brigade, -	-	-	8,112.00
Government Gardens, -	-	-	4,660.80

SERVICES EXCLUSIVE OF ESTABLISHMENTS.

Colonial Treasurer, -	-	-	1,700.00
Surveyor General, -	-	-	720.00
Postmaster General, -	-	-	4,640.00
Registrar General, -	-	-	50.00
Harbor Master, -	-	-	60.00
Judicial, -	-	-	200.00
Educational, -	-	-	3,620.00
Medical, -	-	-	18,870.00
Police Magistrates, -	-	-	390.00
Police, -	-	-	36,925.00
Gaol, -	-	-	15,000.00
Charitable Allowances, -	-	-	3,300.00
Transport, -	-	-	4,500.00
Works and Buildings, -	-	-	104,000.00
Roads, Streets and Bridges, -	-	-	37,220.00
Light Houses, -	-	-	2,000.00
Miscellaneous Services, -	-	-	36,300.00
Land and Houses Purchased, -	-	-	-
Military Contribution, -	-	-	96,000.00
Total, -	-	-	\$729,443.60

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to provide for the security of properties vested in the "Official Trustee."

Title.

[, 1874.]

WHEREAS it is expedient to provide for the greater security of money and other properties vested in the Official Trustee: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Preamble.

I. Instead of paying the same into a banking establishment as directed by the first section of Ordinance No. 7 of 1873, all trustees, executors, administrators or other persons having in their hands any monies belonging to any trust whatsoever, or the major part of them, shall be at liberty, on filing an affidavit shortly describing the instrument creating the trust according to the best of their knowledge and belief, to pay the same with the privity of the Official Trustee into the Colonial Treasury to the account of the Official Trustee (by his official designation), in the matter of the particular trust (describing the same by the names of the parties as accurately as may be, for the purpose of distinguishing it), in trust to attend the orders of the Court.

Trust funds to be paid into the Colonial Treasury instead of a Bank.

II. The Colonial Treasurer shall not pay out any such monies except upon an order of the Court and upon a certificate by the Official Trustee as to the identity of the person entitled to payment under such order.

Monies to be paid out upon order of Court and certificate of the Official Trustee.

III. When monies are to be paid out for the purchase of land or of any interest therein, or for investment on mortgage of land, or of any interest therein, the monies shall only be paid to or in such manner as is directed by the vendor or mortgagor or his authorised agent.

Monies for the purchase or mortgage of land to be paid to the vendor, or mortgagor or as he directs.

IV. When monies are to be paid out for the purchase of the securities of any Government or of shares in a public company, or for any other investment approved by the Court, the monies shall only be paid to the broker or other person authorised by the Court to effect the purchase or investment.

Monies for the purchase of shares to be paid to the broker authorised by the Court.

V. Such monies shall not be paid out except upon delivery to the Colonial Treasurer of the instrument of transfer or mortgage or other assurance duly executed together with all deeds, writings, certificates and other evidences of title to the property which forms the subject matter of the investment.

Monies to be paid only upon delivery of documents of title.

VI. Whenever registration is required to perfect the title made by any such instrument of transfer, mortgage, or other assurance, the Colonial Treasurer may deliver to the Official Trustee, taking his receipt therefor, all necessary documents to enable him to obtain the required registration, and the Official Trustee shall immediately after registration deliver the perfected documents to the Colonial Treasurer, who shall retain the same and keep them and all other documents delivered to him under this Ordinance, in safe custody in the Colonial Treasury, to attend the orders of the Court.

If registration required, the necessary documents may be delivered to Official Trustee.

VII. The Official Trustee may, unless the Court otherwise order, receive the income dividends and annual produce of the several investments to be made as aforesaid, and shall apply the same according to the terms of the trust relating thereto.

The Official Trustee may receive dividends unless otherwise ordered.

VIII. Whenever Trustees or other persons desire to deposit any shares, stocks, or securities in the name of the Official Trustee in a bank as provided in the first section of Ordinance No. 7 of 1873, instead of making the deposit in such bank as in the said section mentioned, they shall deposit the shares, stocks, or securities in the name of the Official Trustee in the Colonial Treasury in the matter of the particular trust (describing the same by the names of the parties as accurately as may be for the purpose of distinguishing it), in trust to attend the orders of the Court.

Trustees may deposit securities in the Colonial Treasury instead of in a bank.

IX. Whenever under the provisions of any will or other testamentary document, or of any instrument *inter vivos*, any property of any kind becomes vested in the Official Trustee upon trust for any purpose, the Official Trustee shall hold such property in trust to attend the orders of the Court.

Property vested directly in the Official Trustee to be held in trust to attend the orders of the Court.

X. If any part of such property consist of monies, the Official Trustee shall pay the same into the Colonial Treasury to his account (by his official designation) in the particular trust (describing the same by the names of the parties as accurately as may be for the purpose of distinguishing it) in trust to attend the orders of the Court, and all such monies shall thereafter be dealt with in the same manner as is hereinbefore directed for other monies paid into the Colonial Treasury under this Ordinance.

Monies to be paid into the Colonial Treasury.

- Securities to be deposited in the Colonial Treasury. XI. If any part of such property consist of shares, stocks, or securities, the Official Trustee shall deposit the same in his name in the Colonial Treasury in the matter of the particular trust (describing the same by the names of the parties as accurately as may be for the purpose of distinguishing it), in trust to attend the orders of the Court.
- The Colonial Auditor may at any time inspect the books and accounts of the Official Trustee. XII. The Colonial Auditor may, at any time, inspect and audit the books and vouchers of the Official Trustee, and may require the Official Trustee to afford him any assistance or information that he thinks fit to ask for, and if the Official Trustee fails to comply with such requisition, the Colonial Auditor may report the same to the Court, and the Court may make such order in the matter as it thinks just.
- "Interpretation of Court." "The Court" shall mean The Supreme Court of Hongkong. XIII. Wherever it occurs in this Ordinance, the expression "The Court" shall mean The Supreme Court of Hongkong.
- This Ordinance to be read with Ordinance No. 7 of 1873, and may be cited for all purposes as No. 7 of 1873. "The Official Trustee Ordinance, 1874." XIV. This Ordinance shall be read as if it were part of Ordinance No. 7 of 1873, and may be cited for all purposes as No. 7 of 1873. "The Official Trustee Ordinance, 1874."
- Short title.

Statement of Objects and Reasons.

This Ordinance is the result of correspondence that has passed between the Secretary of State and His Excellency the Governor upon the subject of obtaining more complete safety for monies and securities transferred to the Official Trustee under the Ordinance No. 7 of 1873.

This object is effected in sections I to VIII, by substituting the Colonial Treasury as the place of deposit for a Bank as directed by the above mentioned Ordinance, and by giving detailed instructions as to the mode of dealing with such properties after they have been received at the Treasury.

Sections IX to XI introduce a new subject, and extend the principle of the Ordinance of 1873 to cases where persons desire to nominate the Official Trustee directly as Trustee of their property.

There is no provision for this at present, and property can now only come to the Official Trustee from private Trustees, who desire to be relieved of their responsibilities.

JOHN BRAMSTON,
Attorney General.

Hongkong, October, 1874.

- Title.** An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to control recruiting in the Colony of Hongkong, for the service of Foreign States.
- [, 1874.]
- Preamble.** WHEREAS it is expedient that the Governor in Council should exercise full control over recruiting in this Colony for the service of Foreign States: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council, as follows:—
- Short Title.** I. This Ordinance may be cited for all purposes as "The Foreign Recruiting Ordinance, 1874": and shall come into force on the passing thereof.
- Commencement.** II. In this Ordinance,—
- Interpretation clause.** "Foreign State" includes any person or persons exercising or assuming to exercise the powers of Government in or over any country, colony, province, or people beyond the limits of this Colony.
- "Foreign State."** III. If any person is, within the limits of this Colony, obtaining or attempting to obtain recruits for the service of any Foreign State in any capacity, the Governor in Council may, by order in writing signed by the Colonial Secretary, either prohibit such person from so doing, or permit him to do so subject to any conditions which the Governor in Council thinks fit to impose.
- Power to prohibit or permit recruiting.** IV. The Governor in Council may, from time to time, by general order notified in the *Government Gazette*, either prohibit recruiting for the service of any Foreign State, or impose upon such recruiting any conditions which he thinks fit.
- Power to impose conditions.** V. The Governor in Council may rescind or vary any order made under this Ordinance in such manner as he thinks fit.
- Power to rescind or vary orders.** VI. Whoever, in violation of the prohibition of the Governor in Council, or of any condition subject to which permission to recruit may have been accorded:—
- Offences.**

- (a.) Induces or attempts to induce any person to accept or agree to accept or to proceed to any place with a view to obtaining any commission or employment in the service of any Foreign State or;
- (b.) Knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or in any other way whatever,—
- shall be liable to imprisonment for any period not exceeding seven years, or to fine to such amount as the Court thinks fit, or to both.

VII. Any offender against this Ordinance shall be tried Place of Trial. before the Supreme Court.

Statement of Objects and Reasons.

This Ordinance is prepared by desire of the Secretary of State for the purpose of enabling the Governor in Council to control persons recruiting for Foreign States.

JOHN BRAMSTON,
Attorney General.

No. 170.

GOVERNMENT NOTIFICATION.

It is hereby notified for general information, that a Memorial of Re-entry by the Crown of Kowloon Garden Lots Nos. 31 and 32 has been registered according to Law.

By Command,

CECIL C. SMITH,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 28th October, 1874.

No. 171.

GOVERNMENT NOTIFICATION.

The following Copy of "An Act to amend the Colonial Attornies Relief Act," is published for general information.

By Command,

CECIL C. SMITH,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 28th October, 1874.

CHAPTER 41.

An Act to amend "The Colonial Attornies Relief Act."

A.D. 1874.

[30th July 1874.]

WHEREAS by the Colonial Attornies Relief Act certain provisions are made for 20 & 21 Vict. regulating the admission of attornies and solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in England in certain cases, and it is considered just and equitable to amend the said Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. So much of the Colonial Attornies Relief Act as enacts that no person shall be deemed qualified to be admitted as attorney or solicitor under the provisions of the said Act unless he shall pass an examination to test his fitness and capacity, and shall further make affidavit that he has ceased for the space of twelve calendar months at the least to practise as attorney or solicitor in any colonial court of law, and also so much of the said Act and of any orders and regulations made thereunder as relate to such examination, shall not apply to nor shall compliance therewith respectively be required of any person seeking to be admitted as attorney or solicitor under the provisions of the said Act who shall have been in actual practice for the period of seven years at the least as attorney and solicitor in any colony or dependency as to which an Order in Council has been or may be made as mentioned in the said Act, and who shall have served under articles and passed an examination previously to his admission as attorney and solicitor in any such colony or dependency.

2. The expression "The Colonial Attornies Relief Act" shall henceforth be deemed to include this Act.

Examination and
ceasing to
practise dispensed
with where
colonial attorney
and solicitor has
actually practised
for seven years,
and passed
examination
previous to
admission.

Short Title.