

GOVERNMENT NOTIFICATION.—No. 90.

His Excellency the Officer Administering the Government has given his assent, in the name and on behalf of the Queen, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 1 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to empower the Colonial Treasurer to pay otherwise than to Executors or Administrators small Sums due on account of Pay or Allowances to Persons deceased.*

Ordinance No. 2 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, for the better Apportionment of Rents and other Periodical Payments.*

Ordinance No. 3 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to amend the Law relating to Larceny and Embezzlement.*

Ordinance No. 4 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to amend the Law relating to the Custody of Infants.*

Ordinance No. 5 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to amend the Law relating to Sales of Reversions.*

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 10th March, 1886.

LS W. H. MARSH.

No. 1 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to empower the Colonial Treasurer to pay otherwise than to Executors or Administrators small Sums due on account of Pay or Allowances to Persons deceased.

[10th March, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. On the Death of any Person or Persons to whom respectively any Sum or Sums of Money not exceeding five hundred Dollars may be payable by a Public Department within the Colony in respect of Civil Pay or Allowances or Annuities granted either under the Authority of the Government of the Colony or of the British Government, it shall be lawful for the Treasurer on being satisfied of the Expediency of dispensing with Probate or Letters of Administration, to authorize the Payment of such Sum or Sums to such Person or Persons as the Treasurer may consider entitled thereto, without requiring the production of Probate or of Letters of Administration, payment to be made under such Regulations as the Treasurer may direct.

2. Any Payment made in pursuance of this Ordinance shall be valid against all Persons whatever, and all Persons acting under its Provisions shall be absolutely discharged from all Liability in respect of any Monies duly paid or applied by them under this Ordinance.

3. This Ordinance shall not come into force until Her Majesty's Confirmation or Allowance thereof shall have been proclaimed.

Treasurer, &c.
may, on Death
of Persons in
Civil Service
entitled to
Sums under
§500, direct
Payment
thereof
without
Production of
Letters of
Administra-
tion. [31 and
32 V. c. 90, s. 1.]

Indemnity.
[31 and 32 V.
c. 90, s. 2.]

Commence-
ment of Ordina-
nce.

ARATHOON SETH,
Clerk of Councils.

(LS) W. H. MARSH.

No. 2 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, for the better Apportionment of Rents and other Periodical Payments.

[10th March, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as *The Apportionment Ordinance, 1886.*

2. From and after the commencement of this Ordinance all Rents, Annuities, Dividends, and other periodical Payments in the nature of income (whether reserved or made payable under an instrument in writing or otherwise) shall, like interest on money lent, be considered as accruing from day to day, and shall be apportionable in respect of time accordingly.

3. The apportioned part of any such Rent, Annuity, Dividend, or other Payment shall be payable or recoverable in the case of a continuing Rent, Annuity, or other such Payment, when the entire portion of which such apportioned part shall form part, shall become due and payable, and not before; and in the case of a Rent, Annuity, or other such Payment determined by re-entry, death, or otherwise, when the next entire portion of the same would have been payable if the same had not so determined, and not before.

4. All persons and their respective Executors, Administrators, and Assigns, and also the Executors, Administrators, and Assigns respectively of persons whose interests determine with their own deaths, shall have such or the same remedies at law and in equity for recovering such apportioned parts as aforesaid when payable (allowing proportionate parts of all just allowances) as they respectively would have had for recovering such entire portions as aforesaid if entitled thereto respectively; provided that persons liable to pay Rents reserved out of or charged on Lands or Tenements, and the same Lands or Tenements, shall not be resorted to for any such apportioned part forming part of an entire or continuing Rent as aforesaid specifically, but the entire or continuing Rent, including such apportioned part, shall be recovered and received by the person who, if the Rent had not been apportionable under this Ordinance, or otherwise, would have been entitled to such entire or continuing Rent, and such apportioned part shall be recoverable from such person by the Executors or other parties entitled under this Ordinance to the same by suit or action.

5. In the construction of this Ordinance,—

The word *Rents* shall include all periodical payments or renderings in lieu of or in the nature of Rent.

The word *Annuities* shall include salaries and pensions.

The word *Dividends* shall include (besides dividends strictly so called) all payments made by the name of Dividend, Bonus, or otherwise out of the revenue of Trading or other Public Companies, divisible between all or any of the members of such respective Companies, whether such payments shall be usually made or declared at any fixed times or otherwise; and all such divisible revenue shall, for the purposes of this Ordinance, be deemed to have accrued by equal daily increment during and within the period for or in respect of which the payment of the same revenue shall be declared or expressed to be made, but the said word *Dividends* shall not include payments in the nature of a return or reimbursement of capital.

6. Nothing in this Ordinance contained shall render apportionable any annual sums made payable in Policies of Assurance of any description.

7. The provisions of this Ordinance shall not extend to any case in which it is or shall be expressly stipulated that no apportionment shall take place.

Short Title.
[33 and 34 V.
c. 35, s. 1.]

Rents, &c. to
accrue from
day to day,
and be
apportionable
in respect of
time.
[*Ibid.* s. 2.]

Apportioned
part of rent,
&c. to be
payable when
the next
entire portion
becomes due.
[*Ibid.* s. 3.]

Persons shall
have the same
remedies for
recovering
apportioned
parts as for
entire
portions.
[*Ibid.* s. 4.]

Proviso as to
rents reserved
in certain
cases.

Interpreta-
tion of terms.
[*Ibid.* s. 5.]

Ordinance not
to apply to
Policies of
Assurance.
[*Ibid.* s. 6.]

Nor where
stipulation
made to the
contrary.
[*Ibid.* s. 7.]

ARATHOON SETH,
Clerk of Councils.

LS W. H. MARSH.

No. 3 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to amend the Law relating to Larceny and Embezzlement.

[10th March, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as *The Larceny and Embezzlement Amendment Ordinance 1886*, and shall be read and construed with Ordinance 7 of 1865 and all Ordinances amending the same.

2. If any person, being a member of any copartnership or being one of two or more beneficial owners of any Money, Goods or Effects, Bills, Notes, Securities, or other property, shall steal or embezzle any such Money, Goods or Effects, Bills, Notes, Securities, or other property belonging to any such copartnership or to such joint beneficial owners, every such person shall be liable to be dealt with, tried, convicted and punished for the same as if such person had not been or was not a member of such copartnership or one of such beneficial owners.

Short Title.

Member of Partnership guilty of converting to his own use, &c. partnership property, liable to be tried as if not a Member [31 and 32 v. c. 116, § 1.]

ARATHOON SETH,
Clerk of Councils.

LS W. H. MARSH.

No. 4 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to amend the Law relating to the Custody of Infants.

[10th March, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as *The Infants Custody Ordinance, 1886*.

2. From and after the commencement of this Ordinance it shall be lawful for the Supreme Court upon the petition presented in a Summary way of the mother (by her next friend if necessary) of any infant or infants under the age of sixteen years to order that the Petitioner shall have access to such infant or infants at such time and subject to such regulations as the Court shall deem proper or to order that such infant or infants shall be delivered to the mother and remain in or under her custody or control or shall if already in her custody or under her control remain therein until such infant or infants shall attain such age not exceeding sixteen years as the Court shall direct; and further, to order that such custody or control shall be subject to such regulations as regards access by the father or guardian of such infant or infants and otherwise as the Court shall deem proper.

3. No agreement contained in any separation deed made between the father and mother of an infant or infants shall be or be deemed to be invalid by reason only of its providing that the father of such infant or infants shall give up the custody or control thereof to the mother: Provided always that no Court shall enforce any such agreement if the Court shall be of opinion that it will not be for the benefit of the infant or infants to give effect thereto.

Short Title.

Supreme Court may order mother to have access to and custody of infants under 16 years. [36 v. c. 12, s. 1]

Separation deed agreement to give up custody. [36 v. c. 12, s. 2.]

ARATHOON SETH,
Clerk of Councils.

(LS) W. H. MARSH.

No. 5 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to amend the Law relating to Sales of Reversions.

[10th March, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Short Title.

1. This Ordinance may be cited for all purposes as *The Sales of Reversions Ordinance, 1886.*

No bona fide purchase of Reversions to be set aside for undervalue merely [31 V. c. 4 s. 1.]

2. From and after the commencement of this Ordinance no Purchase made *bona fide* and without fraud or unfair dealing of any Reversionary Interest in property of any kind within the Colony shall hereafter be opened or set aside merely on the ground of undervalue.

Interpretation. [Ibid. s. 2.]

3. The word *Purchase* in this Ordinance shall include every kind of Contract, Conveyance or Assignment under or by which any beneficial interest in any kind of property may be acquired.

ARATHOON SETH,
Clerk of Councils.

GOVERNMENT NOTIFICATION.—No. 88.

His Excellency the Officer Administering the Government has been pleased to grant to the Honourable E. L. O'MALLEY, Attorney General, Twelve months' leave of absence, viz.: Four months' vacation leave, and Eight months' leave on half salary.

Consequent on Mr. O'MALLEY's departure, His Excellency has been pleased to make the following temporary appointments:—

EDWARD JAMES ACKROYD, Esquire, Barrister-at-Law, Registrar of the Supreme Court, to be Acting Attorney General.

ALFRED GASCOYNE WISE, Esquire, Barrister-at-Law, Police Magistrate, to be Acting Registrar of the Supreme Court, Official Trustee, Registrar of Companies, and Land Officer.

ERNEST MACKEAN, Esquire, Barrister-at-Law, to be Acting Police Magistrate.

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 9th March, 1886.

GOVERNMENT NOTIFICATION.—No. 91.

His Excellency the Officer Administering the Government has been pleased to recognise provisionally, and until further notice, JULIEN RIGOREAU, Esquire, as in charge of the French Consulate at this Port, during the absence of LÉON DEJARDIN, Esquire.

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 9th March, 1886.