

GOVERNMENT NOTIFICATION.--No. 336.

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

J. G. T. BUCKLE,
Clerk of Councils.

Council Chamber, Hongkong, 25th July, 1898.

A BILL

ENTITLED

An Ordinance for the Naturalization of TONG YUK, alias TONG LAI TS'ÜN.

WHEREAS TONG YUK (唐玉), alias TONG LAI TS'ÜN (唐麗泉), a native of Heung Shan (香山) district, in the Kwang Tung (廣東) Province, in the Empire of China, and employed as compradore by the firm of Messieurs MEYERINK & Co. at No. 6, Queen's Road Central, in this Colony, has resided in this Colony for the last twenty-six years, and has declared his intention of residing here permanently, and has petitioned to be naturalized as a British subject, within the limits of this Colony, and whereas it is expedient that he should be so naturalized.

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

1. TONG YUK (唐玉), alias TONG LAI TS'ÜN (唐麗泉), shall be, and he is, hereby, naturalized as a British subject, within this Colony, and shall enjoy therein, but not elsewhere, all the rights, advantages and privileges of a British subject, on his taking the Oath of Allegiance under the Promissory Oaths Ordinance, 1869.

Naturaliza-
tion of TONG
YUK.

A BILL

ENTITLED

An Ordinance for the Naturalization of CHAU TUNG SHANG.

WHEREAS CHAU TUNG SHANG (周東生), a native of Nam Hoi (南海) district, in the Province of Kwang Tung (廣東), in the Empire of China, at present a Director of the National Bank of China, Limited, in this Colony, has resided in this Colony for more than nine years, and has declared his intention of residing here permanently, and has petitioned to be naturalized as a British subject, within the limits of this Colony, and whereas it is expedient that he should be so naturalized.

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

1. CHAU TUNG SHANG (周東生) shall be, and he is, hereby, naturalized as a British subject, within this Colony, and shall enjoy therein, but not elsewhere, all the rights, advantages and privileges of a British subject, on his taking the Oath of Allegiance under the Promissory Oaths Ordinance, 1869.

Naturaliza-
tion of
CHAU TUNG
SHANG.

A BILL

ENTITLED

An Ordinance to amend The Kowloon Godowns
Tramways Ordinance, 1897.

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

- Short title. **1.** This Ordinance may be cited as The Kowloon Godowns Tramways Amendment Ordinance, 1898.
- Construction. **2.** This Ordinance shall be construed as one with Ordinance No. 18 of 1897 in this Ordinance referred to as the principal Ordinance, and that Ordinance and this Ordinance may be cited together as The Kowloon Godowns Tramways Ordinances, 1897 and 1898.
- Amendment of section 6 of Ordinance No. 18 of 1897. **3.** Section 6, sub-section 2, of the principal Ordinance is hereby amended by adding the words "under the superintendence and to the satisfaction" between the words "authority" and "of."
- Powers to make rules and regulations. **4.** It shall be lawful for the Hongkong and Kowloon Wharf and Godown Company, Limited, and their assigns from time to time to make such rules and regulations as may be necessary for the use and due maintenance of the Tramways referred to in the principal Ordinance: Provided always that no such rules and regulations, nor any repeal or variation thereof, shall come into force until the same shall have been approved by the Governor in Council, and shall have been published in the *Gazette*.
- Penalty for breach of rules and regulations. **5.** Every person who shall commit a breach of any of the rules and regulations made in pursuance of this Ordinance shall, on summary conviction thereof before a Magistrate, be liable to a fine not exceeding fifty dollars.
- Proof of rules and regulations. **6.** In all proceedings before any Court, the rules and regulations in force for the time being under this Ordinance, shall be sufficiently proved by the production of a copy of the *Gazette* in which the same shall be published and contained.
- Governor in Council may make rules and regulations in certain events. **7.** If the said Hongkong and Kowloon Wharf and Godown Company, Limited, or their assigns shall fail to make or vary such rules and regulations as, in the opinion of the Governor in Council, are requisite for the protection of the rights of the inhabitants of the Colony, or for the public safety, the Governor in Council may make an order to be served upon the said Hongkong and Kowloon Wharf and Godown Company, Limited, or their assigns, limiting a time for the making or varying of such rules and regulations, and if such rules and regulations are not made or varied by the time prescribed in such order, the Governor in Council may make or vary such rules and regulations which, when made or varied, and published in the *Gazette*, shall have the same force and effect as if they were specially enacted herein.
- Rules and regulations to be painted and exhibited. **8.** The said Hongkong and Kowloon Wharf and Godown Company, Limited, and their assigns shall, from time to time, cause to be painted on boards, or to be printed and attached in large and legible characters in English and Chinese, a statement of the rules and regulations in force, and shall cause such boards containing such statement to be fixed on some conspicuous part of their premises.

Objects and Reasons.

The amendments contained in this Ordinance are made by direction of the Secretary of State for the Colonies and are similar to the provisions of the corresponding sections in Ordinance number 19 of 1884.

Memorandum on The Trade Marks Ordinance, 1898.

Since the Ordinance to provide for the Registration of Trade Marks (No. 16 of 1873) was passed, a considerable development has occurred in the demand for registration not only in England but in Hongkong. The Merchandise Marks Ordinance 1863, referred to in the Ordinance of 1873, has been replaced by The Merchandise Marks Ordinance, 1890. Moreover, The Patents, Designs, and Trade Mark Acts, 1883 and 1888, and the Rules thereunder have considerably modified the English practice, while the local Ordinance of 1873, as amended by Ordinance 20 of 1895, is very imperfect, and makes no provision for the classification of goods, the assignment and transmission of trade marks, the removal of trade marks after 14 years registration in default of extended registration upon payment of an additional fee, and some other matters duly provided for in England.

Patents are not granted in this Colony, unless they have been previously granted in England, (See Ordinance 2 of 1892), but, although a similar provision, requiring the registration of a Trade Mark in England before registration in this Colony, would prevent some abuses, such requirement is not feasible in Hongkong, because many applicants desire the registration, here, of Trade Marks used only locally and many of such applicants are foreigners.

It is the practice in this Colony for the Colonial Secretary to refer every application to the Attorney-General, who used, until my appointment, to receive a fee of \$25 for his report. This fee was abolished some years ago, and, as the number of applications has greatly increased during the last few years, a considerable amount of gratuitous extra work has been thrown upon the Attorney General, while the task of the clerk in the Colonial Secretary's Office of searching the Register to see whether similar marks have been already registered, is daily increasing as the Register grows in bulk.

At present, many marks are submitted for registration which are not Trade Marks, according to the English definition, at all; and in the absence, under the 1873 Ordinance, of any definition, the Attorney General has endeavoured to follow the English practice in deciding whether a Trade Mark should be allowed registration and has often been obliged to apply for the "essential particulars" and a "disclaimer" of added matter. Questions, which are easily answered by the Comptroller in England aided by a competent staff, occasionally require much consideration by the Attorney General in this Colony who has, practically, no assistance whatever, while the absence of any Rules makes his task more difficult.

I have accordingly drafted a fresh Ordinance and a set of Rules which will, I trust, prove of use to those interested in these matters. The alterations in the new Ordinance and the new Rules are based on the English practice with some local modifications.

In England, applications for the registration of the same mark in different classes of goods are treated as separate and distinct applications, and I see no valid reason why a similar rule should not obtain here.

I am afraid that, owing to the absence of such rule, applications have occasionally been made to register trade marks in respect of goods as to which the marks never have been used, nor are likely to be used by the applicant forthwith. I suspect this has been done, occasionally, with a view to prevent others from using similar marks in respect of goods or classes of goods in which they deal, but which are really not dealt in by the applicants at all.

It is very necessary, too, that an applicant should state, to the best of his belief, whether the mark he desires to have registered locally has been registered previously in England. I should not be surprised to learn that, in the absence of such requirement, some few marks registered in A's name in England or marks closely resembling them have been registered in B's name in Hongkong, without A's knowledge or consent.

All such practices should be discouraged, and I trust the new Ordinance and Rules will put matters on a more satisfactory basis.

W. MEIGH GOODMAN,
Attorney General.

A BILL

ENTITLED

An Ordinance to amend the Law relating to the
Registration of Trade Marks.

Preamble. WHEREAS, the persons entitled to the benefit and protection of the law in force in this Colony relating to fraudulent marks as applied to merchandise are, in many cases, resident in places situated at a distance from this Colony, and, by reason thereof, the proof of trade marks and of the right to the exclusive use thereof in legal proceedings under such law is attended with difficulty, delay, and expense; and whereas it is expedient to amend the law providing for the registration of trade marks in this Colony:

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

Short title. 1. This Ordinance may be cited for all purposes as The Trade Marks Ordinance, 1893.

Register of Trade Marks. 2. There shall be kept a book or books in this Colony, to be called The Register of Trade Marks wherein shall be entered the names and addresses of proprietors of trade marks registered in this Colony, notifications of assignments, and of transmissions of trade marks, and such other matters as the Governor may, from time to time, prescribe. Such register shall be kept as heretofore in the Office of the Colonial Secretary, unless and until the Governor shall, by notification in the Government Gazette, appoint any other place for the keeping thereof.

The Register of Trade Marks kept under any enactment repealed by this Ordinance shall be deemed part of the Register kept under this Ordinance.

Trade mark. Essential particulars and disclaimer. 3. (1.) For the purposes of this Ordinance, a trade mark must consist of or contain at least one of the following essential particulars:—

(a.) A name of an individual or firm printed, impressed or woven in some particular and distinctive manner; or

(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark; or

(c.) A distinctive device, mark, brand, heading, label, or ticket; or

(d.) An invented word or invented words; or

(e.) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

(2.) There may be added to any one or more of the essential particulars, mentioned in this section, any letters, words or figures, or combination of letters, words or figures, or of any of them, but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

(3.) Provided as follows:—

(i) A person need not, under this section, disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.

(ii) Any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures used as a trade mark before the thirteenth day of August one thousand eight hundred and seventy-five, may be registered as a trade mark under this Ordinance if it is already registered in England.

Application for leave to register trade mark. 4. Any person claiming the right to the exclusive use of any trade mark, either solely or jointly with others, may apply to the Governor for leave to register the same in The Register of Trade Marks.

Mode of application. 5. Every such application shall be made to the Governor of the Colony in the Form A in the Schedule hereto, and shall be accompanied by a *facsimile* or specimen of the trade mark sought to be registered, and an additional specimen on a separate paper, and also by a statutory declaration, in the Form B in the Schedule hereto or an affidavit to the

same effect: Provided always that such application shall not be granted unless notice by advertisement of such application having been made shall have been inserted by the applicant at least once a month in the Government Gazette and in one or more of the Hongkong daily newspapers for a period of at least three months before the granting thereof. Such advertisement shall be in the Form C in the Schedule hereto.

6. Upon compliance with the formalities prescribed by this Ordinance and by any Rules thereunder, for the time being in force, including payment of the prescribed fees, it shall be lawful for the Governor, if he shall, in his discretion, think fit, to grant the application and to order the registration of the said trade mark in The Register of Trade Marks and the filing in connection therewith of all affidavits, statutory declarations, and such other documents as may be directed to be filed:

Governor may order registration and filing of documents.

Provided that the Governor, unless satisfied that two or more parties are entitled to be registered as proprietors of the same Trade Mark, shall not register, in respect of the same goods or description of goods, a Trade Mark identical with one already on the Register or having such a resemblance to a Trade Mark already in the Register, with respect to such goods or description of goods, as to be calculated in his opinion to deceive.

7. Notice of the registration of a trade mark under this Ordinance shall be published by the Colonial Secretary in the Gazette, and The Register of Trade Marks shall be open to public inspection, at all reasonable times, on payment of such fee as may be fixed in manner hereinafter mentioned.

Notice of registration in Gazette.

8. It shall be lawful for the Governor-in-Council, from time to time, to make Rules for regulating the practice with regard to registration under this Ordinance and matters incidental thereto and for the classification of goods with regard to Trade Marks, and generally for the carrying out of the provisions of this Ordinance, and to fix and vary a scale of fees payable in respect of applications and registration and opposition thereto, and of other matters incidental thereto or provided for by this Ordinance or any Rules thereunder.

Power to make rules and fix scale of fees.

9. From and after the registration of a trade mark, all entries in The Register of Trade Marks and all documents filed under this Ordinance, or an office copy of any such, or of any entry in the register certified under the hand of the Colonial Secretary, shall be admitted in all legal proceedings whatever, civil or criminal, as *prima facie* evidence of the truth and correctness of the contents thereof respectively, and of the right therein appearing of the deponent applicant or proprietor solely or jointly with others, as the case may be, to the exclusive use of the trade mark therein referred to.

Entries in register and affidavits to be *prima facie* evidence.

10. A trade mark, when registered, shall be assigned and transmitted only in connection with the good-will of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that good-will.

Assignment and transmission of trade mark.

11. When a person claiming to be the proprietor of several trade marks which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade marks, they may be registered as a series in one registration. A series of trade marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade marks composing a series shall be deemed and treated as registered separately.

Series of trade marks.

12. Any trade mark may hereafter be removed by the Colonial Secretary from The Register of Trade Marks after the expiration of each period of fourteen years from the date of its first registration, subject to the following provisions:—

Removal of trade mark after fourteen years, unless fee paid.

(a.) Where the trade mark has been registered before the coming into force of this Ordinance, it shall not be removed from the Register on account of the lapse of fourteen years or more, from registration, unless notice, by registered letter, has been sent to the registered proprietor, that fourteen years or more have expired since registration of the trade mark, and that he is required to pay the prescribed fee within six months from the date of such notice, failing which

the trade mark will be removed from the Register. If such fee is not paid in accordance with such notice the trade mark may be so removed.

(b.) Where the trade mark is registered after the coming into force of this Ordinance, it shall not be removed from the Register, on account of the lapse of fourteen years from registration, unless notice, by registered letter, has been sent to the registered proprietor, that fourteen years have expired since registration of the trade mark and that he is required to pay the prescribed fee within four months from the date of such notice failing which the trade mark will be removed from the Register. If such fee is not paid in accordance with such notice the trade mark may be so removed.

(c.) Where the prescribed fee has not been paid in the time specified in the notice, and the trade mark has, accordingly, been removed from the Register, the Governor may, if satisfied that it is just so to do, restore the said trade mark to the Register, on payment of double the amount of the said prescribed fee.

(d.) Where a trade mark has been removed from the Register for non-payment of the fee or otherwise such trade mark shall, nevertheless, for the purpose of any application for registration, during one year next after the date of such removal, be deemed to be a trade mark which is already registered.

Power to cancel registration. 13. It shall be lawful for the Governor-in-Council, at any time and on such grounds as he shall think sufficient, to cancel the registration of any trade mark under this Ordinance.

Repeal. 14. Ordinance No. 16 of 1873, Ordinance No. 8 of 1886, and Ordinance No. 20 of 1895 are hereby repealed.

Pending applications. 15. It shall be lawful for the Governor to deal with applications made before the coming into operation of this Ordinance in such manner as he may, in each case, deem expedient.

SCHEDULE.

Form A.

THE REGISTRATION OF TRADE MARKS ORDINANCE 1898.

Application for Registration of Trade Mark.

To His Excellency the Governor of Hongkong.

Representations of a larger size may be folded but must be mounted and affixed.		Fix trade mark here. One other specimen to be sent on separate paper.
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(a) Only goods contained in one and the same class should be set out here, a separate application is required for each separate class. Your Excellency is hereby respectfully asked to permit and direct the registration in The Register of Trade Marks of the accompanying Trade Mark in Class _____ in respect of (a.)

(b) Here insert legibly the full name, address, and description of the individual, firm, or Company. Add trading style (if any), and, if there are more partners than one in the firm, state the names of all the partners. _____ in the name of (b.) _____ who claims to be the proprietor thereof (a.)

(c) In case of a firm or Company alter to "claim to be the proprietors thereof." The essential particulars of the Trade Mark are the following (d.)

(d) See Section 3 of the Ordinance. _____ and _____ disclaim any right to the exclusive use of the added matter. Signed _____

Dated the _____ day of _____ 18

Form B.

I _____ of _____
do solemnly and sincerely declare as follows:—

1. To the best of my knowledge and belief I (1) have the right to the exclusive use of the Trade Mark hereunto annexed and referred to in my application dated the _____ day of _____ (1) Insert: I, solely, or I jointly with A.B, or as the case may be.
2. Such Trade Mark has been used by [me] or [by my firm of] [or as the case may be] in respect of the goods mentioned in my application since (2) _____ (or) _____ (2) Insert time when use commenced.
- 2 (a). * Such Trade Mark has not, hitherto, been used by [me] or [by my firm of] [or as the case may be] in respect of the goods mentioned in my application, but it is (my) or (their) intention so to use it forthwith. * 2 or 2 (a) to be used according to the circumstances.
3. To the best of my knowledge and belief the said Trade Mark has^s (3) been registered in England [in the name of] (4) _____ (3) If not, insert the word "not." (4) Add the name if registered.

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act, 1835. (5) _____ (5) This paragraph is not required when the declaration is made neither in the United Kingdom nor in Hongkong.

Declared at _____
this _____ day of _____ 18 _____
Before me _____

Note.—When the declaration is made by a person who does not understand the English language, the requirements of Ordinance 12 of 1893 must be complied with, where the declaration is made in Hongkong, and if made elsewhere a proper clause must be added.

Form C.

Form of Advertisement.

THE TRADE MARKS ORDINANCE, 1898.
Application for Registration of Trade Mark.

Notice is hereby given that (a.) _____ has on the _____ day of _____ 18 _____ applied for the registration, in Hongkong, in the Register of Trade Marks, of the following Trade Mark (b.) _____ (a) Insert name, address and calling of applicant.
(b) Then describe mark or insert facsimile.
(c) Insert name.

in the name of (c.) _____ who claims to be the sole proprietor thereof.
(or as case may be)

The Trade Mark has been used by the applicant, (or, if not yet used, substitute the words following)

The Trade Mark is intended to be used by the applicant, forthwith, in respect of the following goods (d.) in class (e.) _____ (d) Insert description of goods.
(e) Here insert number of class as set out in the Rules.

(f.) A facsimile of the Trade Mark can be seen at the office of the Colonial Secretary of Hongkong [and also at (g.)] _____ (f) This must be added where facsimile is not in the advertisement.
(g) Add other place, if any.

Dated the _____ day of _____ 18 _____

Signature of Applicant or of his Solicitor (adding)
on behalf of (applicant) (as the case may be).

opponent a copy thereof; and within seven days (unless the Colonial Secretary shall enlarge the time) from such delivery, the opponent must forward to the Office of the Colonial Secretary, his evidence by way of statutory declaration in reply, and deliver to the applicant a copy thereof. Such last-mentioned evidence shall be confined to matters strictly in reply. Evidence in reply.

13. No further evidence shall be delivered on either side, except by leave of the Colonial Secretary, upon the written consent of the parties duly notified to him or by special leave of the Colonial Secretary given on an application made to him, of which application due notice shall be given to the opposite party, who shall be entitled to oppose the application. Closing of evidence.

14. On completion of the evidence and on payment of the prescribed fee the matter shall be referred to the Attorney General who shall consider the evidence and report his opinion to the Colonial Secretary. If, however, the Attorney General desires to hear the parties before deciding, he shall appoint a time for such hearing and shall give the parties at least seven days' notice of such appointment. Consideration of evidence by the Attorney General.

15. After receiving the Attorney General's report the Governor shall decide the matter and notify his decision, through the Colonial Secretary, to the parties. Such decision shall be final. Decision.

REGISTER OF TRADE MARKS.

16. In case of the death of any applicant for a trade mark after the date of his application, and before the trade mark applied for has been entered on the register, the Governor, after the expiration of the prescribed period of advertisement, may, on being satisfied of the applicant's death, enter on the register, in place of the name of such deceased applicant, the name, address, and description of the person owning the good-will of the business, if such ownership be proved to the satisfaction of the Governor. Death of applicant before registration.

17. Where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, a request for the entry of his name in the register as proprietor of the trade mark should be addressed to the Colonial Secretary signed by the person desiring to be registered as proprietor. In the case of a firm or corporation the provisions of rule 5 as to signatures shall apply. Request by subsequent proprietor.

18. Every such request shall state the name, address, and description of the person claiming to be entitled to the trade mark (hereinafter called the claimant), and the particulars of the assignment, transmission, or other operation of law, by virtue of which he requires to be entered in the register as proprietor, so as to show the manner in which, and the person or persons to whom, the trade mark has been assigned or transmitted, and so as to show further that it has been so assigned or transmitted in connexion with the good-will of the business concerned in the particular goods or classes of goods for which the trade mark has been registered. Contents of request.

19. Every such request shall be accompanied by a statutory declaration to be thereunder written, verifying the several statements therein, and declaring that the particulars above described comprise every material fact and document affecting the proprietorship of the trade mark as claimed by such request. Declaration to accompany request.

20. The claimant shall furnish to the Colonial Secretary such other proof of title and of the existence and ownership of such good-will as aforesaid as he may require for his satisfaction. Further proof of title if required.

21. A body corporate may be registered as proprietor by its corporate name. Body corporate.

22. Whenever a trade mark has been removed from the register for non-payment of any fee or otherwise and whenever the registration of any trade mark has been cancelled the Colonial Secretary shall cause to be entered in the register a record of such removal or cancellation and of the cause thereof. Removal of mark from register.

23. If the registered proprietor of a trade mark sends to the Colonial Secretary together with the prescribed fee, notice of an alteration in his address the Colonial Secretary shall alter the register accordingly. Alteration of address in register.

POWER TO DISPENSE WITH EVIDENCE.

Dispensing with evidence.

24. Where under these Rules any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Colonial Secretary or at the Colonial Secretary's Office, and it is shown to the satisfaction of the Colonial Secretary that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Colonial Secretary upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, document, declaration, or evidence.

AMENDMENTS.

Amendment of documents.

25. Any document or drawing or other representation of a trade mark for the amending of which no special provision is made by Ordinance, may be amended, and any irregularity in procedure which, in the opinion of the Colonial Secretary may be obviated without detriment to the interests of any person, may be corrected, if the Colonial Secretary thinks fit, and on such terms as he may direct.

DECLARATIONS.

Manner in which and persons before whom, declaration is to be taken.

26. Any statutory declarations required by the said Ordinance and these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows:—

- (a) In the United Kingdom, before any justice of the peace, or any commissioner or other officer authorized by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceedings;
- (b) In Hongkong or in any other part of Her Majesty's dominions, before any Court, judge, justice of the peace, or any officer authorized by law to administer an oath there for the purpose of a legal proceeding; and
- (c) If made out of Her Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister, or a British Consular Officer, or a notary public, or before a judge or magistrate.
- (d) Where made on behalf of a firm or partnership, the declaration may be made by any one or more members of such firm or partnership as the case may be.
- (e) Where made on behalf of a body corporate, the declaration may be made by the Secretary or other principal officer of such body corporate.

Notice of Seal of Officer taking declaration to prove itself.

27. Any document purporting to have affixed, impressed, or subscribed thereto or thereon, the seal or signature of any person hereby authorized to take such declaration in testimony of such declaration having been made and subscribed before him, may be admitted by the Governor without proof of the genuineness of any such seal or signature, or of the official character of such person or his authority to take such declaration.

FIRST SCHEDULE.

F E E S.

On application to register a trade mark for one or more articles included in one class,	\$ 5.00
For registration of a trade mark for one or more articles included in one class,	10.00
For registering a series of trade marks, for every additional representation after the first in each class,	2.50
For publication in the Gazette of notice of due registration,	5.00
On notice of opposition for each application opposed by opponent,	10.00
On hearing parties by the Attorney General by applicant and by opponent respectively,	10.00

On application to register a subsequent proprietor in cases of assignment or transmission, the first mark,	\$10.00
For every additional mark assigned or transmitted at the same time,	1.00
For continuance of mark at expiration of 14 years, ..	10.00
For restoration of trade mark where removed for non-payment of fee,	20.00
For altering address on the register, for every mark, ..	2.50
For cancelling the entry or part of the entry of a trade mark upon the register, on the application of the owner of such trade mark,	2.50
On request to the Colonial Secretary to permit amendment or correction under Rule 25, ...	2.50
For certificate of registration,	5.00
For inspecting register for every hour or part thereof,	0.50
For office copy of documents, per folio of 72 words (but never less than \$1.00),	0.25
For certifying copies, manuscripts or printed, per folio of 72 words (but never less than \$1.00), ..	0.25

SECOND SCHEDULE.

CLASSIFICATION OF GOODS.

For purposes connected with the registration of trade marks, goods shall be divided into the following classes.

GENERAL NOTE.

Any wares made of mixed materials (for example, of both cotton and silk) shall be included in such one of the classes appropriated to those materials as the Colonial Secretary may decide.

Illustrations.

Note.—Goods are mentioned in this column by way of illustration, and not as an exhaustive list of the contents of a class.

CLASS 1.	
Chemical substances used in manufactures, photography, or philosophical research, and anti-corrosives.	Such as— Acids, including vegetable acids. Alkalies. Artists' colours. Pigments. Mineral dyes.
CLASS 2.	
Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes.	Such as— Artificial manure. Cattle medicines. Deodorisers. Vermin destroyers.
CLASS 3.	
Chemical substances prepared for use in medicine and pharmacy.	Such as— Cod liver oil. Medicated articles. Patent medicines. Plasters. Rhubarb.
CLASS 4.	
Raw or partly prepared vegetable, animal, and mineral substances used in manufactures, not included in other classes.	Such as— Resins. Oils used in manufactures and not included in other classes. Dyes, other than mineral. Tanning substances. Fibrous substances (<i>e.g.</i> , cotton, hemp, flax, jute). Wool. Silk. Bristles. Hair. Feathers. Cork. Seeds. Coal. Coke. Bone. Sponge.

CLASS 5.

Unwrought and partly wrought metals used in manufacture.	Such as— Iron and steel, pig or cast Iron, rough. „ bar and rail, including rails for railways. „ bolt and rod. „ sheet, and boiler and armour plates. „ hoop. Lead, pig. „ rolled. „ sheet. Wire. Copper. Zinc. Gold, in ingots.
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CLASS 6.

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in Class 7.	Such as— Steam engines. Bailers. Pneumatic machines. Hydraulic machines. Locomotives. Sewing machines. Weighing machines. Machine tools. Mining machinery. Fire engines.
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CLASS 7.

Agricultural and horticultural machinery, and parts of such machinery.	Such as— Ploughs. Drilling machines. Reaping machines. Thrashing machines. Churns. Cyder presses. Chaff cutters.
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CLASS 8.

Philosophical instruments, scientific instruments, and apparatus for useful purposes. Instruments and apparatus for teaching.	Such as— Mathematical instruments. Gauges. Logs. Spectacles. Educational appliances.
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CLASS 9.

Musical instruments.

CLASS 10.

Horological instruments.

CLASS 11.

Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.	Such as— Bandages. Friction gloves. Lancets. Fleams. Enemas.
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CLASS 12.

Cutlery and edge tools.	Such as— Knives. Forks. Scissors. Shears. Files. Saws.
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CLASS 13.

Metal goods not included in other classes.	Such as— Anvils. Keys. Basins (metal). Needles. Hoes. Shovels. Corkscrews.
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- CLASS 14.
Goods of precious metals (including aluminium, nickel, Britannia metal, &c.) and jewellery, and imitations of such goods and jewellery.
- Such as—
Plate.
Clock cases and pencil cases of such metals.
Sheffield and other plated goods.
Gilt and ormolu work.
- CLASS 15.
Glass.
- Such as—
Window and plate glass.
Painted glass.
Glass mosaic.
Glass beads.
- CLASS 16.
Porcelain and earthenware.
- Such as—
China.
Stoneware.
Terra Cotta.
Statuary porcelain.
Tiles.
Bricks.
- CLASS 17.
Manufactures from mineral and other substances for building or decoration.
- Such as—
Cement.
Plaster.
Imitation marble.
Asphalt.
- CLASS 18.
Engineering, architectural, and building contrivances.
- Such as—
Diving apparatus.
Warming apparatus.
Ventilating apparatus.
Filtering apparatus.
Lighting contrivances.
Drainage contrivances.
Electric and pneumatic bells.
- CLASS 19.
Arms, ammunition, and stores not included in Class 20.
- Such as—
Cannon.
Small-arms.
Fowling pieces.
Swords.
Shot and other projectiles.
Camp equipage.
Equipments.
- CLASS 20.
Explosive substances.
- Such as—
Gunpowder.
Gun-cotton.
Dynamite.
Fog-signals.
Percussion caps.
Fireworks.
Cartridges.
- CLASS 21.
Naval architectural contrivances and naval equipments not included in Classes 19 and 20.
- Such as—
Boats.
Anchors.
Chain cables.
Rigging.
- CLASS 22.
Carriages.
- Such as—
Railway carriages.
Waggons.
Railway trucks.
Bicycles.
Bath chairs.
- CLASS 23.
(a) Cotton yarn, and sewing cotton not on spools or reels.
(b) Sewing cotton on spools or reels.
- CLASS 24.
Cotton piece goods of all kinds.
- Such as—
Cotton shirtings.
Long cloth.

- CLASS 25.
Cotton goods not included in Classes 23, 24, or 38. Such as—
Cotton lace.
Cotton braids.
Cotton tapes.
- CLASS 26.
Linen and hemp yarn and thread.
- CLASS 27.
Linen and hemp piece goods.
- CLASS 28.
Linen and hemp goods not included in Classes 26, 27, and 50.
- CLASS 29.
Jute yarns and tissues, and other articles made of jute not included in Class 50.
- CLASS 30.
Silk, spun, thrown, or sewing.
- CLASS 31.
Silk piece goods.
- CLASS 32.
Other silk goods not included in Classes 30 and 31.
- CLASS 33.
Yarns of wool, worsted, or hair.
- CLASS 34.
Cloths and stuffs of wool, worsted, or hair.
- CLASS 35.
Woollen and worsted and hair goods not included in Classes 33 and 34.
- CLASS 36.
Carpets, floor-cloth, and oil-cloth. Such as—
Drugget.
Mats and matting.
Rugs.
- CLASS 37.
Leather, skins unwrought and wrought, and articles made of leather not included in other classes. Such as—
Saddlery.
Harness.
Whips.
Portmanteaus.
Furs.
- CLASS 38.
Articles of clothing. Such as—
Hats of all kinds.
Caps and bonnets.
Hosiery.
Gloves.
Boots and shoes.
Other ready-made clothing.
- CLASS 39.
Paper (except paperhangings), stationery, and bookbinding. Such as—
Envelopes.
Sealing wax.
Pens (except gold pens).
Ink.
Playing cards.
Blotting cases.
Copying presses.
- CLASS 40.
Goods manufactured from indiarubber and gutta-percha not included in other classes.
- CLASS 41.
Furniture and upholstery. Such as—
Paper hangings.
Papier-mâché.
Mirrors.
Mattresses.

CLASS 42.
Substances used as food, or
as ingredients in food. Such as—
Cereals.
Pulses.
Olive oil.
Hops.
Malt.
Dried Fruits.
Tea.
Sago.
Salt.
Sugar.
Preserved meats.
Confectionery.
Oil cakes.
Pickles.
Vinegar.
Beerclarifiers.

CLASS 43.
Fermented liquors and
spirits. Such as—
Beer.
Cyder.
Wine.
Whisky.
Liqueurs.

CLASS 44.
Mineral and aerated waters,
natural and artificial, in-
cluding ginger-beer.

CLASS 45.
Tobacco, whether manufac-
tured or unmanufactured.

CLASS 46.
Seeds for agricultural and
horticultural purposes.

CLASS 47.
Candles, common soap, deter-
gents; illuminating, heat-
ing, or lubricating oils;
matches, and starch, blue,
and other preparations for
laundry purposes. Such as—
Washing powders.
Benzine collas.

CLASS 48.
Perfumery (including toilet
articles, preparations for
the teeth and hair, and
perfumed soap).

CLASS 49.
Games of all kinds and
sporting articles not in-
cluded in other classes. Such as—
Billiard tables.
Roller Skates.
Fishing nets and lines.
Toys.

CLASS 50.
Miscellaneous--
(1.) Goods manufactured
from ivory, bone, or
wood, not included in
other classes. Such as—
Coopers' wares.
(2.) Goods manufactured
from straw or grass, not
included in other classes.
(3.) Goods manufactured
from animal and veget-
able substances, not in-
cluded in other classes.
(4.) Tobacco pipes.
(5.) Umbrellas, walking
sticks, brushes, and
combs.
(6.) Furniture cream, plate
powder.
(7.) Tarpaulins, tents,
rickcloths, rope, twine.
(8.) Buttons of all kinds,
other than of precious
metal or imitations
thereof.
(9.) Packing and hose of
all kinds.
(10.) Goods not included
in the foregoing classes.

A BILL

ENTITLED

An Ordinance to further amend The Cattle Diseases, Slaughter-Houses, and Markets Ordinance, 1887.

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

Repeal of sub-section 5 of section 2 of Ordinance 17 of 1887. **1.** Sub-section 5 of section 2 of Ordinance No. 17 of 1887 is, hereby, repealed and in lieu thereof the words following are hereby substituted:—

Substituted sub-section. “Authorizing the Sanitary Board to declare any place or area to be infected with disease and to prohibit or regulate the movement of animals and persons into, within, or out of, any such infected place or area, and the removal of carcasses, fodder, litter, utensils, pens, hurdles, dung, or other things, into, within, or out of, such infected place or area.

Amendment of bye-law 13 of Schedule A. **2.** Bye-law 13 of Schedule A of Ordinance 17 of 1887 is, hereby, amended by adding at the end thereof the words following:—“and any persons residing upon or visiting such infected premises may be detained thereon by any officer of the Sanitary Board, pending the disinfection of such persons and of their clothing, to the satisfaction of the Inspector of Live-stock or other officer appointed by the Board in that behalf.”

Objects and Reasons.

Ordinance No. 17 of 1887 omitted to confer the power to authorize the Sanitary Board to prohibit or regulate the movement of *persons* into, within, or out of, an infected place or area. In a recent outbreak of rinderpest this omission was found to be inconvenient. In the English Act, 57 and 58 Viet. c. 57, section 22, sub-section (2), proper provision in that respect is made, and the local Ordinance has accordingly been amended to bring it more into line with sub-sections (2) and (4) of section 22 of the English Diseases of Animals Act, 1894.

W. MEIGH GOODMAN,
Attorney General.

A BILL

ENTITLED

An Ordinance to further amend The Building Ordinance, 1889.

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

Short title and construction. **1.** This Ordinance may be cited for all purposes as The Building (Amendment) Ordinance, 1898, and shall be read and construed as one with the Building Ordinance, 1889.

Repeal of section 74 of Ordinance No. 15 of 1889. **2.** Section 74 of the Building Ordinance, 1889, (No. 15 of 1889) is hereby repealed.

Section substituted for section 74 of Ordinance No. 15 of 1889. **3.** In lieu of section 74 of the Building Ordinance, 1889, the following section is hereby substituted:—

Drain connections with main sewers. All private house-drains shall be laid as may be directed by the Sanitary Board under the provisions of Ordinance No. 24 of 1887 and of any Ordinances, from time to time, amending the same; and upon completion, within private premises, such private house-drains shall be connected with the Government main sewer, by the Director of Public Works, who shall have power to regulate the number and position of the connections to be made.

Objects and Reasons.

In Mr. CHADWICK'S Report of 8th July, 1890, he pointed out the defects in section 74 of Ordinance 15 of 1889. The matter was considered in Executive Council and, eventually, Government Notification, No. 369 of 1890, was published in the Gazette of 6th September, 1890, intimating that, in future, no permits under section 74, would be granted to the public for connecting house-drains with the Government sewers and that such connections would be made, in accordance with the regulations, on receipt of an application addressed to the Resident Engineer. One defect in the Ordinance being thus, for practical purposes, remedied, the proper course would have been to have amended the Building Ordinance, 1889, so as to make it in conformity with the new system. Apparently, however, the necessity of this was, at the time, overlooked and section 74 has, accordingly, now been amended in the spirit of Mr. CHADWICK'S recommendation.

W. MEIGH GOODMAN,
Attorney General.

A BILL.

ENTITLED.

An Ordinance to authorise the Appropriation of a Supplementary Sum of Three hundred and Sixty-eight thousand, Eight hundred and Sixty-nine Dollars and Ninety-three Cents, to defray the Charges of the Year 1897.

WHEREAS it has become necessary to make further provision for the public service of the Colony for the year 1897, in addition to the charge upon the revenue and other funds of the Colony for the service of the said year already provided for: Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. A sum of Three hundred and Sixty-eight thousand, Eight hundred and Sixty-nine Dollars and Ninety-three Cents, is hereby charged upon the revenue and other funds of the Colony for the service of the year 1897, the said sum so charged being expended as hereinafter specified; that is to say:—

Charge on Account of Public Debt, - - -	£14,490.70
Pensions, - - - - -	11,824.22
Governor and Legislature, - - - - -	1,340.94
Audit Department, - - - - -	2,103.80
Observatory, - - - - -	1,687.99
Botanical and Afforestation Department, -	164.41
Legal Departments, - - - - -	3,214.20
Medical Departments, - - - - -	16,721.80
Magistracy, - - - - -	1,430.51
Police, - - - - -	2,008.32
Sanitary Department, - - - - -	40.40
Transport, - - - - -	4,712.86
Miscellaneous Services, - - - - -	170,658.81
Military Expenditure, - - - - -	4,490.79
Public Works Recurrent, - - - - -	18,978.56
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Ordinary Expenditure, - - -	£253,868.31
Extraordinary Public Works, -	115,001.62
	<hr/>
Total, - - -	£368,869.93

A BILL

ENTITLED

Kellet Island Ordinance, 1898.

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

- Vessels not to anchor or loiter within 50 yards of Kellet Island.
- 1.** No ship, boat, junk or other vessel shall anchor, remain, or loiter, whether for the purpose of fishing or for any other purpose, within a radius of fifty yards from any part of the shore of Kellet Island, without a written permit from the Officer in Command of Her Majesty's regular troops in this Colony:
- Provided that this prohibition shall not apply to vessels in the employ of Her Majesty's Naval or Military authorities, or in the employ of the Government of this Colony, whether upon Police service or otherwise.
- Landing on Kellet Island forbidden. Exceptions.
- 2.** No person shall land or be upon Kellet Island unless he is the bearer of a written order for that purpose duly granted to him by the Officer in Command of Her Majesty's regular forces in this Colony, or unless he is an officer or warrant officer or a non-commissioned officer or private of the Army, Navy, or Marine forces, on duty, or a member of the Police force, on duty.
- Offences and punishment.
- 3.** Any person in charge of any ship, boat, junk or other vessel contravening the provisions of section 1, and any person contravening the provisions of section 2 of this Ordinance shall be guilty of an offence and shall be liable, upon summary conviction before a Magistrate, to a fine not exceeding fifty dollars or to imprisonment with or without hard labour for a period not exceeding one month.
- Arrest of offenders.
- 4.** Any Commissioned or Non-commissioned Officer in Her Majesty's Naval or Military forces and any Police Officer may, with or without a warrant, apprehend or cause to be apprehended any person offending against this Ordinance and may bring him or cause him to be brought before a Magistrate for the purpose of being dealt with according to law.

Reasons and Objects.

In view of the quantity of explosives stored at Kellet Island, it has, in the interests of the public safety, been deemed desirable to provide against unauthorized trespassing on the Island and against the anchoring or loitering of native or other craft in its immediate vicinity.

W. MEIGH GOODMAN,
Attorney General.

A BILL

ENTITLED

An Ordinance to amend and consolidate the law relating to Intoxicating Liquor Licenses.

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

1. This Ordinance may be cited as The Liquor Licenses Short title. Ordinance, 1898.

2. In this Ordinance, unless the context otherwise requires,— Interpretations of terms.

“Adjunct License” means a license to hotel-keepers, restaurateurs, or confectioners, for the retail sale of intoxicating liquors as an adjunct to their respective businesses without keeping a public bar:

“Adulterated liquor” means any liquor mixed or coloured to the prejudice of the purchaser with any ingredient whatever, or with water, either so as to increase its bulk and measure, or so as injuriously to affect the quality of such liquor, or to conceal its inferior quality, or any liquor which is not virtually of the nature and quality demanded by the purchaser, or of the liquor which it is labelled as being or purporting to be, whether such adulterated liquor be injurious to health or not. Spirits shall not be considered adulterated if mixed with water only so as not to reduce the strength more than twenty-five degrees below proof in the case of Brandy, Whisky or Rum, or more than thirty degrees below proof in the case of Gin:

“Chinese wines and spirits” mean intoxicating liquors of Chinese production or commonly consumed by Chinese, including Samschu.

“Chinese Restaurant License” means a license to keepers of Chinese hotels, restaurants, or eating-houses, &c., for the retail sale of intoxicating liquors to be consumed in connection with their respective businesses, either on the premises or in conjunction with meals sent out, but not otherwise, and without keeping a public bar:

“Chinese wine and spirit shop” means any shop licensed to sell Chinese wines and spirits not to be consumed on the premises:

“Gallon” means an Imperial gallon, or, if the liquor be in bottles, six reputed quart bottles, or twelve reputed pint bottles:

“Grocer’s License” means a license to sell intoxicating liquors (Chinese wines and spirits excepted) either wholesale or by the bottle, such liquors not to be consumed on the premises:

“Intoxicating liquor” includes spirits, malt liquor, and any wine or other fermented liquor whatever:

“Pint bottle” and “quart bottle” mean, respectively, the reputed pint and quart bottles ordinarily used in commerce:

“Public house” means any house or place of entertainment where intoxicating liquors are sold by retail and may be consumed on the premises, but does not include any place of entertainment kept under an adjunct License:

“Retail sale” or “Sale by retail” means the sale of liquors in quantities not exceeding two gallons as above defined:

“Wholesale license” means a license to sell intoxicating liquors by the unopened cask, jar or case, in quantities exceeding two gallons of one liquor at one time, such liquors not to be consumed on the premises.

Distilleries.

3. No person shall make, distil, or rectify any spirits, or Unlicensed shall knowingly keep or have in his possession any still or distilling other utensil, or apparatus for distilling or making or prohibited. rectifying spirits, without a license under this Ordinance.

It shall be lawful for the Colonial Secretary to issue a Apothecaries, license free of all charge, to any apothecary, chemist, chemists and or druggist applying for the same, to keep and use on his druggists premises, a still of not more than eight gallons capacity for stills of eight the purpose of his trade only, provided that every person gallons wishing to keep such still shall notify his intention so to contents. do to the said Colonial Secretary, who shall thereupon

require such person to give a bond with two sufficient sureties in the sum of one thousand dollars, that the still shall not exceed eight gallons capacity, and that he will not make use of such still, or suffer it to be made use of, except for the preparation of medicines or other articles required, *bonâ fide*, for medical or scientific purposes, and every such person found to have such still without having entered into such bond and obtained such license, shall be deemed to be guilty of an offence under this Ordinance.

Licenses to distil.

4. The Colonial Secretary may issue licenses to distil in the form of schedule A, on each of which licenses the fee specified in schedule S shall be payable in advance. Such conditions as the Governor in Council may from time to time determine may be added to such licenses. Every licensed distiller may sell by wholesale the liquors he distils.

Adulterated liquors. (38 & 39 Vic. c. 53, s. 5.)

5. Any person who shall distil, make, import, sell, dispose of, or deal in any adulterated intoxicating liquor shall be guilty of an offence against this Ordinance, and if such adulterated liquor be injurious to health he may, on a second conviction, be sentenced to imprisonment with or without hard labour for a period not exceeding six months besides any other penalties to which he may be liable under this Ordinance.

No person shall be convicted under this section if he shows to the satisfaction of the Magistrate before whom he is charged that he did not know that the liquor imported, sold, disposed of, or dealt in by him was adulterated, and that he could not have known it with any reasonable diligence.

Sale of Intoxicating Liquors.

Unlicensed sale prohibited.

6. No person shall sell or dispose of, or advertise or expose for sale any intoxicating liquor either by wholesale or retail within the Colony, or shall permit or suffer any such intoxicating liquor to be sold or disposed of or advertised or exposed for sale in his house or other place within the Colony without an appropriate license under this Ordinance. The delivery of any intoxicating liquors shall be taken, in any proceeding under this Ordinance, to be *prima facie* evidence that money or other consideration was given for the same.

Wholesale and retail sale.

7. The holder of a grocer's license may also sell intoxicating liquors (Chinese wines and spirits excepted) wholesale, and the holder of a Chinese wine and spirit shop license may also sell Chinese wines and spirits, wholesale; but no person shall sell intoxicating liquors by retail without a license to that effect, and this section shall apply to all retail sales of liquor to any person on pretence that he is a customer for other goods, as well as to all sales of quantities exceeding two gallons with an understanding that part is to be returned, and, generally, to any act whatever which, under whatsoever pretence, constitutes a retail sale of intoxicating liquor.

Temporary Licenses.

Temporary licenses.

8. The Colonial Secretary may, at any time, issue temporary licenses for the sale of liquors at any public entertainment or on any public occasion, on payment of such fee, in each case, as to the Governor shall seem fit.

Publican's, and Adjunct Licenses.

Application for license.

9. Every person desirous of obtaining a publican's or adjunct license shall give ten days' notice to the Magistrate in the form of schedule B or C according to the nature of the license required.

Sessions.

10. The Magistrate, or, when there are more than one, either Magistrate may, from time to time, appoint a day for considering and dealing with applications for the granting or transferring of licenses, which shall be advertised in the *Government Gazette* and a local newspaper at least one week previously, and such Magistrate, with the assistance of such other Justices of the Peace as may attend on the said day, shall take into consideration all applications which may have been made for licenses for the sale of liquors within the Colony, or for transfers of licenses, and the presiding Magistrate may adjourn the consideration of all or any of such applications to any other lawful day.

11. Every application for the grant or transfer of a li- Disagreement
cense shall be decided by a majority of votes of the justices of justices.
present. In the case of equality, the presiding Magistrate
shall, in addition to his one original vote, have a casting vote.
Provided, however, that in case of any applicant being dis-
satisfied with the order of the justices or the majority thereof,
the Governor in Council may, in his discretion, alter and
amend the order, on the petition of the dissatisfied party.

12. Every applicant for a license, whose application may Applicants'
be approved by the justices assembled as above, shall enter recognis-
into a recognisance in the form of schedule D or E accord- ances.
ing to the nature of the license he requires, whereupon the
Magistrate shall deliver to him a certificate in the form of
schedule F or G according to the nature of his application ;
and the Magistrate shall, within ten days, transmit to the
Treasurer a return of all such certificates as may have been
granted in the form of schedule H to this Ordinance.

13. The applicant may, within fourteen days from the Fee. License.
date of such certificate, lodge it in the Treasury together
with the fee specified in schedule S, whereupon the Treasurer
shall issue to him a license in the form of schedule I or J
according to the nature of the license for which the cer-
tificate is granted, such license to be called a publican's
license in the one case, or an adjunct license in the other.

14. Every publican's or adjunct license shall be valid Period of
only until the 30th of November next following the date on license.
which it is granted: Always provided that, where this
period is less than a year, a proportionate part only of the
aforesaid fee shall be charged, to which (except in the case
of the transfer of a license) ten per cent shall be added.

15. The Magistrate shall keep a record of all recognis- Records.
ances entered into under section 12, and the Treasurer shall
keep a record of all licenses issued under section 13 of this
Ordinance.

Transfers of Publican's and Adjunct Licenses.

16. The presiding Magistrate and justices, at their Transfer of
meetings hereinbefore provided for, may, in their discre- licenses.
tion, transfer, in the form of schedule K, in respect of the
same premises, any publican's license or adjunct license
to the nominee of the original holder of such license, such
nominee making a like application, receiving a like certifi-
cate, and entering into like recognisances, as if applying
for a license on his own behalf.

Cases of Death or Insolvency.

17. In case of the death or insolvency of any person Death or
holding a publican's license or adjunct license under this insolvency of
Ordinance, the executor, or administrator, or trustees of licensee.
such licensee, may carry on the business of such licensed
house until the expiration of the license, subject to all the
same regulations as the original licensee, and provided that
such executor, administrator, or trustees shall forthwith
enter into new recognisances under this Ordinance.

Removal of Business.

18. The presiding Magistrate and justices may permit Removal of
the business licensed under a publican's or adjunct license business.
to be removed to other premises if they shall be satisfied
that the application to remove such business (which shall
be by written memorial) may reasonably be granted. The
licensee shall enter into new recognisances, and shall receive
a new certificate entitling him to a new license for the
remainder of his term on payment of the fee specified in
schedule S.

Other Provisions.

19. Every licensed publican or adjunct licensee shall Sign. Pro-
have his full name painted in legible letters at least three duction of
inches long, with the words "Licensed to retail intoxicating license.
liquors," constantly and permanently remaining, and plainly
to be seen and read, on some conspicuous part of his house,
and no person not actually holding a publican's license
or adjunct license (except the keeper of a Chinese wine
and spirit shop or the holder of a Chinese Restaurant license
as hereinafter provided) shall keep up any sign, writing,
painting, or other mark, which may imply or give reasonable
cause to believe that his premises are licensed for retail or
barter of intoxicating liquors, or that such liquors are sold,
served, or retailed therein.

20. The business of every licensed publican or adjunct Regulations.
licensee shall be carried on subject to the following regu-
lations:—

- (1.) No liquor shall be sold or drunk on the premises
licensed except between such hours as the Magistrate
shall enter on the certificate to be granted under
section 12.

- (2.) No disorder shall be permitted on the premises.
- (3.) No person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk.
- (4.) No game of chance shall be played on the premises.
- (5.) A decent and suitable privy and urinal shall be maintained in a state of cleanliness and good repair for the use of customers.
- (6.) The licensee shall not abandon the occupation of his house, or permit any other person to become virtually the keeper thereof.
- (7.) The licensee shall not employ any person to sell or dispose of any liquors outside of his licensed premises, nor shall he allow or suffer any liquors to be so disposed of on his account.

Forfeiture
of recog-
nisances.

21. When any licensed publican or adjunct licensee shall be charged with any offence under this Ordinance and shall not appear to answer to such charge, it shall be lawful for any Magistrate to order that the recognisance of such licensed publican or adjunct licensee be forfeited until his appearance, and in case any licensed publican or adjunct licensee be twice convicted of any offence under this Ordinance, it shall be lawful for the Magistrate to order, on the second conviction, that any fine imposed on such offender, not exceeding the amount of his recognisances, be paid by his sureties.

Action on
account of
liquors.

22. No licensed publican or adjunct licensee shall maintain any action for, or recover any debt or demand on account of liquors, unless such debt shall bonâ fide have been contracted at one time to the amount of five dollars or upwards, nor shall any item in any account for liquors be allowed where the liquors bonâ fide delivered at one time shall not amount to the full sum of five dollars, nor shall any amount of debt whatsoever incurred by any seaman or soldier in Her Majesty's service for liquors be allowed: Provided always that nothing herein contained shall extend to prevent innkeepers from keeping an account with lodgers and travellers, in which any charge for liquors may be included, and recovering the amount thereof in a Court of Justice.

General Provisions.

Taking
pledges.

23. No person licensed under this Ordinance shall take or receive in payment or pledge for liquor or any entertainment whatever supplied in or out of his house any article or thing whatever except money.

Measures.

24. Every person licensed under this Ordinance shall sell and dispose of his liquors by the measures or weights legalised in this Colony and not otherwise, except when the quantity is less than half a pint, or except when the liquor is sold in bottles, and shall also measure or weigh such liquors in the presence of any customer who may require him to do so.

Suspected
premises.

25. If any person be convicted of unlawfully retailing any intoxicating liquor, the house and premises of such person, and the house, lodging, shop, or warehouse where such offence shall have been committed, and any court or yard connected therewith, shall be liable to be searched at any time of the day or night, by any police officer, with or without warrant, for six months next after such conviction, provided that the same or any part thereof shall be occupied by the person so convicted.

Drinking in
unlicensed
place.

26. Whenever any police officer shall find any person drinking in any place in which any intoxicating liquor shall be sold or disposed of by retail, and the license for such sale shall not on demand be produced to such police officer, it shall be lawful for such police officer to apprehend all such persons so found drinking there; and every such person so found drinking shall, upon summary conviction, forfeit and pay for every such offence a sum not exceeding twenty dollars, unless such person shall inform against such unlicensed person or voluntarily become a witness against him, in respect of such act of selling and retailing.

Payment of
workmen.

27. No master or other person employing journeymen, workmen, servants, or labourers, shall pay or cause any payment to be made to any such journeyman, workman, or labourer in or at any house in which any intoxicating liquor is sold by retail.

Wholesale and Grocer's Licenses.

28. Every person desirous of obtaining a Wholesale License or a Grocer's License to sell intoxicating liquors and Grocers' licenses. shall apply to the Colonial Secretary, who may, in his discretion, grant to the applicant a license in the form of schedule L or M according to the nature of his application, on production of a receipt from the Treasurer for the appropriate fee specified in schedule S. Such license may be renewed annually on like conditions. How obtained.

29. It shall be lawful for the Governor in Council from time to time to make, alter, amend and repeal regulations and conditions for the granting of Wholesale and Grocer's licenses. Such conditions may require the providing by applicants of one or more sureties, may alter the above scale of fees, may regulate the times of commencement and expiry of such licenses, the hours and conditions of sale, and all other matters connected with such licenses. All such regulations when published in the *Government Gazette* shall have the force of law. make rules.

Chinese Wine and Spirit Shop Licenses.

30. The Colonial Secretary may grant a license in the form of schedule N to any person to sell Chinese wines and spirits, by retail and wholesale, such Chinese wines and spirits not to be consumed on the premises where they are sold, and the holder of such license shall exhibit conspicuously and permanently in front of his licensed place of business his name and number and the nature of such license, on a sign, the size and design of which shall be approved by the Captain Superintendent of Police. The fee for such license shall be that specified in schedule S and shall be paid to the Treasurer. The Colonial Secretary may permit the transfer of any such license in form of schedule O. Chinese wine and spirit shops.

Chinese Restaurant Licenses.

31.—(1.) Where the keeper of any Chinese hotel, or restaurant, or eating-house or other place where meals or food are supplied to persons not resident on the premises, is desirous of supplying intoxicating liquor to customers with their meals, such keeper may apply to the Colonial Secretary for a Chinese Restaurant license. Such application shall be referred to the Registrar General and Captain Superintendent of Police for report, and upon receipt of such report the Colonial Secretary may, in his discretion, grant a license in the form in schedule P, or refuse the same. Chinese Restaurant Licenses.

(2.) The fee for such license shall be according to the scale set forth in schedule S and shall be paid to the Colonial Treasurer before the issue of the license.

(3.) The holder of such license shall exhibit conspicuously and permanently in front of his licensed place of business his name and the number and nature of such license on a sign the size and design of which shall be approved by the Captain Superintendent of Police.

(4.) Sub-sections (2), (3), (4), (5) and (6) of section 20 of this Ordinance shall apply to the business carried on under a Chinese Restaurant License.

(5.) In case of the death or insolvency of any holder of a Chinese Restaurant license, the executor or administrator or trustee (as the case may be) of such license may carry on the business until the expiration of the then current license, subject to all the same regulations as the original licensee.

(6.) The Colonial Secretary may, in his discretion, permit the transfer of any such license in the form in schedule Q.

Eating-houses.

32. No person, (unless licensed under this Ordinance to retail intoxicating liquors to be consumed on the premises), shall keep an eating-house, coffee-house, refreshment bar or saloon, restaurant, or other place where meals or refreshments are supplied to persons not resident on the premises, without a license from the Colonial Secretary, in the form of Schedule R, for which license the fee specified in schedule S shall be payable. Such conditions as the Governor in Council may determine may be added to any license granted under this section, and no intoxicating liquors shall be sold on such premises. Eating-houses.

The Colonial Secretary may, in his discretion, permit the transfer of such license, such transfer shall be by the endorsement of the Colonial Secretary.

Disorder in eating-houses. **33.** No person licensed under the preceding section shall knowingly or wilfully permit disorderly conduct in his house or other place of entertainment, or knowingly suffer any unlawful games or gaming therein, or knowingly permit or suffer any prostitute to frequent such house or other place or to remain therein.

Sale by licensed Auctioneers.

Proviso as to sale by licensed auctioneers. **34.** Nothing in this Ordinance shall render it illegal for an auctioneer, holding an auctioneer's license, to sell intoxicating liquor by auction, without any license under this Ordinance, upon premises in respect of which the auctioneer's principal holds an appropriate license authorizing such principal to sell such intoxicating liquor, or where such liquor is the property of the Imperial or Local Government, or forms part of the estate of a bankrupt or deceased person, or is sold by order of Court, or where, in any particular case, upon application made, the Colonial Secretary shall grant permission for such sale by auction, whether upon licensed premises or elsewhere.

Police Inspection. Search.

35.—(1.) When information upon oath shall be laid before any Magistrate to the effect that any illicit distillation or rectification or illegal sale of intoxicating liquors is carried on within any building or on board of any vessel in the Colony, it shall be lawful for such Magistrate by a warrant under his hand to empower any officer of police to enter such building or vessel at any hour of the night or day, using force for that purpose if necessary, and to make search for and seize any stills, parts of stills, vats or other vessels used in illicit distillation, wash or other materials preparing or prepared for distillation, or intoxicating liquors which may be found there, and either to detain the same where found or to remove the same or any of them, after seizure, to a Police Station, and to arrest any persons who may appear to have committed or to be attempting to commit any offence against this Ordinance.

(2.) Every person licensed under this Ordinance shall produce his licence to any police officer on being required thereto.

(3.) Any European officer of police shall have free access to every part of any house licensed under sections 13, 31, or 32 of this Ordinance at any hour of the night or day.

Offences defined.

36. Offences against this Ordinance shall be considered to be—

- (1.) Refusal, neglect, or omission to do any act commanded by this Ordinance.
- (2.) Refusal to permit, or obstruction of any such act.
- (3.) The doing of any act forbidden by this Ordinance.
- (4.) On the part of a licensed person, any breach of the terms or conditions of his license or recognisance.

Offences. Penalties and their Recovery.

Fines and forfeitures.

37. For every offence against this Ordinance not otherwise provided for, there shall be payable for a first offence a fine not exceeding three hundred dollars, and for a second offence a fine not exceeding six hundred dollars. And all stills, or parts thereof vats or other vessels used in illicit distillation wash or other materials preparing or prepared for such distillation, and all intoxicating liquors with respect to which any offence against this Ordinance may have been committed, as well as the vessels or packages which contain them, may be forfeited, as also any boat or vessel of less than fifteen tons burden in which such intoxicating liquors or stills or parts of stills may be found.

Forfeiture of license.

38. On the conviction of any licensed person for a second offence against this Ordinance the Magistrate may order his licence to be forfeited, in addition to any other penalties hereinbefore provided.

Recovery of penalties.

39. All penalties for offences against this Ordinance may be recovered in a summary way before a Magistrate, but proceedings for the recovery of such penalties shall be commenced within six months after the offence was committed.

Awards to informers. (11 of 44, 32.)

40. One-half or a less portion of any fine levied under this Ordinance may, if the Magistrate, in his discretion, shall so order, be paid to the informer.

Power to make Rules.

41. The Governor in Council may from time to time make, alter, and repeal rules not inconsistent with this Ordinance for the better carrying out of the same. All such rules shall be published in *The Gazette*, and when so published shall have the force of law.

Repeals.

42. The following Ordinances are hereby repealed:—
 Ordinance No. 21 of 1886.
 Ordinance No. 11 of 1894.

But such repeal shall not, during their now current period, invalidate any licences granted under the said Ordinances, or the conditions thereof; and all recognisances entered into thereunder shall continue in force for their current term.

43. This Ordinance shall come into operation on the day of 1898.

SCHEDULES.

(A.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Distillery License, (Sec. 4).

In consideration of the fee of _____ dollars paid by _____ I hereby license him to have _____ stills of _____ gallons capacity at _____ and to distil spirits therewith and to sell such spirits by wholesale from this date until _____ 18 _____ Hongkong, 1898.

Colonial Secretary.

(B.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Application for Publican's License, (Sec. 9).

Name of Applicant	Address	
Nationality	Has held a licence	years.
Licensed house to be at No.		Street.
Its name or sign to be		
Sureties	of	
and	of	

To the Magistrate.

I give notice that I intend to apply at the next Licensing Meeting to Her Majesty's Justices of the Peace, for a license to sell by retail intoxicating liquors, (except Chinese wines and spirits) in the house and appurtenances thereunto belonging above named, which I intend to keep as an Inn or Public-house.

Hongkong, 1898.

We, the undersigned householders residing at _____ in the said Colony, and being in no way directly or indirectly connected with the sale of liquor to the applicant, certify that the above-named applicant is a person of good fame and reputation, and fit and proper to be licensed to keep an Inn or Public-house.

1.—
 2.—
 3.—

(C.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Application for Adjunct License, (Sec. 9).

Name of Applicant	Address	
Nationality	Has held a licence	years.
Licensed house to be at No.		Street.
Other business carried on		
Sureties	of	
and	of	

To the Magistrate.

I give notice that it is my intention to apply at the next Licensing Meeting for a license to sell by retail intoxicating liquors, in the house and appurtenances thereunto belonging above named, as an Adjunct to the business which I am carrying on in the said house and premises.

Hongkong, 1898.

We, the undersigned householders, residing at _____ in the said Colony and being in no way directly or indirectly connected with the sale of liquor to the applicant, certify that the above-named applicant is a person of good fame and reputation, and fit and proper to be licensed for the sale of intoxicating liquors as aforesaid.

1.—
 2.—
 3.—

(D.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Publican's Recognisance, (Sec. 12).

COLONY OF }
HONGKONG } Be it remembered, that on the day of 18 .
TO WIT. }

hereinafter

called the licensee and

and
hereinafter

called the sureties came personally before me, a Magistrate in the Colony of Hongkong, and acknowledged themselves to owe to Our Lady the Queen, to wit,—the said licensee the sum of Three hundred Dollars, and the said sureties each the sum of Three hundred Dollars of lawful current Dollars of Hongkong, to be respectively levied of their several goods and chattels, lands and tenements, to the use of Our said Lady the Queen, Her Heirs, and Successors, in case default shall be made in the performance of the conditions hereunder written:—

The conditions of this Recognisance are such, that whereas the said licensee is to be licensed to keep a Public-house, and to sell by retail intoxicating liquors, (except Chinese wines and spirits) at the sign of the situate at ; If the said licensee do observe all the conditions of his license and the requirements of The Liquor Licenses Ordinance, 1898, then this Recognisance to be void, otherwise to remain in full force.

Taken and acknowledged the day and year above written, before me.

Magistrate.

(E.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Adjunct Licensee's Recognisance, (Sec. 12).

COLONY OF }
HONGKONG } Be it remembered, that on the day of 189 ,
TO WIT. }

hereinafter

called the licensee and

and
hereinafter

called the sureties came personally before me a Magistrate in the Colony of Hongkong, and acknowledged themselves to owe to Our Lady the Queen, to wit,—the said licensee the sum of Three hundred Dollars, and the said sureties each the sum of Three hundred Dollars of lawful current Dollars of Hongkong, to be respectively levied of their several goods and chattels, lands and tenements, to the use of Our said Lady the Queen, Her Heirs, and Successors in case default shall be made in the performance of the conditions hereunder written:—

The conditions of this Recognisance are such that whereas the said licensee is to be licensed to sell by retail intoxicating liquors, in the house, No. as an Adjunct to the business of carried on by him in the said house and appurtenances thereunto belonging ; If the said licensee do observe all the conditions of his license and the requirements of The Liquor Licenses Ordinance, 1898, then this Recognisance to be void, otherwise to remain in full force.

Taken and acknowledged the day and year above written, before me.

Magistrate.

(F.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Publican's Certificate, (Sec. 12).

Authority to the Treasurer to issue a Publican's License to

 Premises No. Street.

 Sign of house Publican's to expire 18 .

I authorise the Treasurer to issue a Publican's license to the person named above to keep an inn or public-house as above set forth. I am satisfied the said person is a person of good fame and reputation, and is fit and proper to keep an inn or public-house; and I have taken from the said person and his sureties a Recognisance in the sum of three hundred dollars each, according to the form prescribed by the said Ordinance.

Hongkong, 18 .

Magistrate.

Hours for sale ----- to -----.

(G.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Adjunct Licensee's Certificate, (Sec. 12).

Authority to the Treasurer to issue an Adjunct License to

 Premises No. Street.

 Business carried on License to expire 18 .

I authorise the Treasurer to issue an adjunct license to the above-named person to retail intoxicating liquors in any quantity not exceeding two gallons on the premises named above as an Adjunct to the business carried on by him in the said house. I am satisfied the said person is a person of good fame and reputation, and is fit and proper to conduct such house as aforesaid; and I have taken from the said person and his sureties the requisite recognisances in the sum of three hundred dollars each, according to the form prescribed by the said Ordinance.

Hongkong, 18 .

Magistrate.

Hours for sale ----- to -----.

(H.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Return of Licensees, (Sec. 12).

To the Treasurer.

Public-house or Adjunct Licenses may be granted to the undermentioned persons.

Licensee.	Sign of House.	No.	Road or Street.	Whether before licensed or not.	Sureties.	Addresses of Sureties.	Nature of License.

Hongkong, 18 _____
Magistrate.

(I.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Publican's License, (Sec. 13).

Licensee
Sign of house
No. _____ Street.
Period of License, from _____ to _____ both days inclusive.
Fee, \$ _____

I license the above-named person to keep a Public-house, and to sell by retail in the house in which he now dwells and in the appurtenances thereunto belonging, but not elsewhere, intoxicating liquors (except Chinese wines and spirits) during the period above written.

No. _____
Hongkong, 18 _____
Treasurer.

(J.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Adjunct License, (Sec. 13).

Licensee
Business
Address. No. _____ Street.
Period of License, from _____ to _____ both days inclusive.
Fee, \$ _____

I license the person named above to sell by retail intoxicating liquors in quantities not exceeding two gallons in the house in which he now dwells and in the appurtenances thereunto belonging, but not elsewhere, as an adjunct to the business he carries on there and without keeping a public bar during the period above written.

No. _____
Hongkong, 18 _____
Treasurer.

(K.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Transfer of Publican's or Adjunct License, (Sec. 16).

New Licensee
Sign of house _____
(or business carried on)
No. _____ Street.
Period of new License, from _____ to _____ both days inclusive.
Former Licensee

I license the person named above to sell by retail intoxicating liquors [Add, in the case of a Publican's license, (except Chinese wines and spirits)] in the house named above and in the appurtenances thereunto belonging, but not elsewhere, during the period above written.

No. _____
Hongkong, 18 _____
Treasurer.

(L.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Wholesale License, (Secs. 28 and 29).

_____ is licensed to sell intoxicating liquors by the unopened cask or case, in quantities exceeding two gallons of one liquor at one time on the premises known as _____
Such intoxicating liquors are not to be consumed on the premises.

Hongkong, 18 _____
Colonial Secretary.

(M.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Grocer's License, (Secs. 28 and 29.)

is licensed to sell intoxicating liquors (Chinese wines and spirits excepted) by the bottle on the premises known as
Such intoxicating liquors are not to be consumed on the premises. Intoxicating Liquors (Chinese wines and spirits excepted) may also be sold wholesale under this license.

Hongkong,

18

Colonial Secretary.

(N.)

THE LIQUOR LICENSES ORDINANCE 1898.

Chinese Wine and Spirit Shop License, (Sec. 30).

No.

is licensed to sell Chinese Wines and Spirits both by retail and wholesale, such wines and spirits not to be consumed on his premises at No.

the sign or shop name of which is
until

18

Conditions.

- 1.—No Chinese Wines or Spirits shall be sold by retail directly or indirectly to persons other than Chinese.
- 2.—None but Chinese Wines and Spirits shall be sold on the premises.
- 3.—No Chinese Wines or Spirits shall be sold between the hours of 10 p.m. and 6 a.m.
- 4.—Any change in the place of business shall be forthwith reported to the Registrar General.
- 5.—The Licensee shall provide adequate security to the satisfaction of the Registrar General for the regular payment for one year of the fee for this License.

etc.—

Hongkong,

18

Colonial Secretary.

(O.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Transfer of Chinese Wine and Spirit License, (Sec. 30).

The Chinese Wine and Spirit License No. granted to
is transferred to
is hereby licensed to sell Chinese Wines and Spirits, both by retail and wholesale, such wines and spirits not to be consumed on the premises, at No. the sign or shop name of which is until 18

Conditions.

- 1.—No Chinese Wines or Spirits shall be sold by retail directly or indirectly to persons other than Chinese.
- 2.—None but Chinese Wines and Spirits shall be sold on the premises.
- 3.—No Chinese Wines or Spirits shall be sold between the hours of 10 p.m. and 6 p.m.
- 4.—Any change in the place of business shall be forthwith reported to the Registrar General.
- 5.—The Licensee shall provide adequate security to the satisfaction of the Registrar General for the regular payment for one year of the fee for this License.

etc.—

Hongkong,

18

Colonial Secretary.

(P.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Chinese Restaurant License, (Sec. 31).

No.

Name of Licensee

Business

Sign of House

Address

Period of License from

to

Fee, \$

License the person named above during the period set forth above to sell by retail intoxicating liquors in quantities not exceeding two gallons at a time on the premises mentioned above to be consumed on such premises in connection with the business he carries on there, and also to supply persons not in such premises with intoxicating liquors in quantities not exceeding two gallons at a time in conjunction with meals sent out from such premises but not otherwise.

A public bar may not be kept on the premises under this license.

Hongkong,

18

Colonial Secretary.

(Q.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Transfer of Chinese Restaurant License, (Sec. 31).

New Licensee
Business
Sign of House
Address
Period of new license from _____ to _____
Former Licensee.

I license the person named above during the period set forth above to sell by retail intoxicating liquors in quantities not exceeding two gallons in the premises mentioned above to be consumed on such premises in connection with the business he carries on there, and to supply persons not in such premises with intoxicating liquors in quantities not exceeding two gallons at a time in conjunction with meals sent out from such premises, but not otherwise.

A public bar may not be kept on the premises under this license.

Hongkong, 18 *Colonial Secretary.*

(R.)

THE LIQUOR LICENSES ORDINANCE, 1898.

Eating House License, (Sec. 32).

Name of Licensee
Business
Sign of House (if any)
Address
Period of License from _____ to _____
Fee \$ _____

I license the person above named, during the period above set forth, to keep an eating house, or coffee house, &c. (or as the case may be) at the above mentioned premises.

No intoxicating liquors shall be sold on such premises.

Hongkong, 18 *Colonial Secretary.*

Warning.—The keeper shall not knowingly or wilfully permit disorderly conduct on his premises, or knowingly suffer any unlawful games or gaming therein, or knowingly permit or suffer any prostitute to frequent such premises or to remain therein.

Note.—There may be added such other conditions (if any) to this License as the Governor in Council may from time to time determine.

(S.)

SCHEDULE OF FEES.

The following fees shall be paid for the Licenses hereinafter mentioned, and in the manner specified, that is to say:—

	How payable.
Distillery License (sec. 4)	\$150 Annually, in advance.
Temporary License (sec. 8) at the discretion of the Governor	In advance.
Public-house License and Adjunct License, respectively, (sec. 13):—	
When the annual valuation of the premises occupied is—	
under \$1,000 a license fee of	\$300 Annually, in advance,
under \$1,200 a license fee of	\$350 subject, however, to the
over \$1,200 a license fee of	\$450 provisions of sec. 14.
Removal License (sec. 18)	\$ 10 In advance.
<i>Note.</i> —If the new premises are of a higher annual valuation than those from which the License is removed a proportionate part of the extra fee (if any) payable in respect of such difference of valuation must also be paid.	
Wholesale License (sec. 23)	\$240 Annually, in advance.
Grocer's License (sec. 24)	\$240 Annually, in advance.
Chinese Wine and Spirit Shop License (sec. 30)	\$150 Payable in 4 quarterly instalments, in advance.
Chinese Restaurant License (sec. 31)	Annually, in advance.
When the annual valuation of the premises occupied is—	
under \$500 a license fee of	\$150
under \$2,000 a license fee of	\$300
over \$2,000 a license fee of	\$450
Eating-houses (where no intoxicating liquors are sold) (sec. 32)	\$ 5 Annually, in advance.

Reasons and Objects.

This Ordinance, while reproducing substantially the provisions of Ordinance No. 21 of 1886, as amended by Ordinance No. 11 of 1894, endeavours to remedy some defects and omissions which experience has shown to exist in the law relating to Spirit Licenses.

The Ordinance of 1886 provided no license for the wholesale sale of Chinese wines and spirits, apparently through inadvertence, nor was any provision made for the sale of Chinese wines. Then, again, no suitable license was provided for Chinese restaurants, while the question as to what were the rights (if any) of auctioneers selling for unlicensed principals or upon unlicensed premises, was left untouched. The question is now decided by the present Ordinance, and the solution is based on the experience gained in England. A reference to the Acts, 6 George 4 cap. 81 sec. 8, 8 Vict. cap. 15 sec. 6, and 27 and 28 Vict., cap. 56 sec. 14, shows the history of the matter in the mother country, and section 34 of this Ordinance adopts the English law, with the necessary local modifications.

The Ordinance of 1886 defined retail sale, as sale in *less* quantities than two gallons, while the Adjunct License (form J) spoke of retailing in quantities *not exceeding* two gallons. The present Ordinance defines retail sales as those in quantities not exceeding two gallons.

The defects previously mentioned have been remedied in the present Ordinance and a Form of Eating-House License had been added.

It is not clear why eating-houses for Chinese customers only should have been exempted from the fee of \$10, which had to be paid by others, an exemption made by Order of the Governor in Council, of 23rd July, 1886. The object of requiring a license is to prevent disorder and facilitate proper regulation, and the present Ordinance treats all eating-houses alike where no intoxicating liquors are sold and reduces the fee to \$5.

Under the Ordinance of 1886 the prescribed fees were sometimes stated in the body of the Ordinance as well as in the Schedule. This is an inconvenient course as seen by the amending Ordinance No. 11 of 1894. In the present Ordinance the fees are specified in one of the Schedules, and thus facilitates alteration should it at any time become necessary.

Chinese Wines and Spirits come within the definition of Intoxicating liquor; and, to prevent doubts which arose from time to time under Ordinance No. 21 of 1886, care has been taken to insert in those licences which do not authorize the sale of Chinese Wines and Spirits words excepting such wines and spirits. This has been done in the case of the ordinary Publican's license, but not in the case of the Adjunct license where no public bar is kept. So, also, in the case of the Grocer's license, the exception has been made, for the Chinese Wine and Spirit Shop license is the license appropriate for sales of Chinese Wines and Spirits.

In the case of the Chinese Restaurant license, no exception has been made, so that the law will not prevent those Chinese who prefer European liquors with their meals obtaining them from the Chinese restaurant they frequent or from which they have any meals sent to them.

Various minor verbal amendments have been made and some additional headings provided to facilitate reference to the subject matter of the various sections, and it is trusted the Ordinance will meet the difficulties experienced in the present law, while preserving so much of it as has been found to work well in practice.

W. MEIGH GOODMAN,
Attorney General.

A BILL

ENTITLED

An Ordinance authorising the imposition of fees for the issue, by the Government of Hongkong, of certain certificates to certain Chinese desirous of proceeding to the United States of America.

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

1. This Ordinance may be cited for all purposes as The Short title. Chinese Certificates Fees Ordinance, 1898.

2. For each certificate issued by the Government of Fee for cer- this Colony to a Chinese person, other than a labourer, tificate. desirous of proceeding to the United States of America, there shall be paid by the applicant to the Registrar General a fee of \$50, which sum shall be paid into the Treasury of this Colony.

3. All fees hitherto charged and received by the Registrar Fees hitherto General in respect of such certificate before the commence- paid legal- ment of this Ordinance, and paid by him into the Treasury, ized. shall be deemed to have been legally charged and received by him.

Objects and Reasons.

It has been the practice to charge certain fees to certificates issued to Chinese, other than labourers, desirous of proceeding to the United States of America. Before issuing these certificates it is necessary to make careful enquiries, and their issue throws responsibility upon the Registrar General. It is, therefore, only just that the Colonial Treasury should receive some payment for the work thus cast upon officers of the Government for the special benefit of individual Chinese. It, however, seems desirable that Legislative sanction should be given to the imposition of these fees, and that is the object of this Ordinance.

W. MEIGH GOODMAN,
Attorney General.

A BILL

ENTITLED

An Ordinance to provide for the punishment of certain conspiracies.

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

1. Where any person is convicted, in the Supreme Court, Punishment of conspiring to cheat or defraud, or to extort money or of certain goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice, he shall be liable to imprisonment, with or without hard labour, for any term not exceeding three years, or to a fine not exceeding five hundred dollars, or to both. conspiracies.

Objects and Reasons.

Common law misdemeanours, where no special punishment is provided by any Act or Ordinance, come within the scope of section 5 of Ordinance No. 3 of 1898.

The maximum penalty which can be inflicted under that section is one year's imprisonment with hard labour and a fine of \$500. Such punishment is not adequate, as a maximum, in the case of conspiracies such as those mentioned in this Ordinance, and the maximum term of imprisonment with hard labour has, accordingly, been increased in such cases to three years.

W. MEIGH GOODMAN,
Attorney General.