

No. 284.—His Excellency the Officer Administering the Government has given his assent, in the name and on behalf of His Majesty the King, to the following Ordinances passed by the Legislative Council :—

Ordinance No. 25 of 1910.—An Ordinance to provide for the formation of a Volunteer Reserve.

Ordinance No. 26 of 1910.—An Ordinance to amend the Malicious Damage Amendment Ordinance, 1910.

Ordinance No. 27 of 1910.—An Ordinance to further amend the Law relating to Dangerous Goods.

Ordinance No. 28 of 1910.—An Ordinance to amend the Magistrates Amendment Ordinance, 1903.

HONGKONG.

No. 25 OF 1910.

An Ordinance to provide for the formation of a
Volunteer Reserve.

(LS)

F. H. MAY,

Officer Administering the Government.

[16th September, 1910.]

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 Volunteer Short title. Reserve Ordinance, 1910.

2. It shall be lawful for the Governor to accept the services of any persons desiring to be formed under this Ordinance into a Volunteer Reserve and offering their services and on such acceptance being notified in the *Gazette* the Volunteer Reserve shall be deemed to be lawfully formed under this Ordinance.

Power of Governor to accept services of the Volunteer Reserve.

3. Every member of the Volunteer Reserve upon joining the same shall sign an engagement in the form given in Schedule A to this Ordinance or to the like effect.

Engagement. Schedule A.

4. Every member of the Volunteer Reserve shall, on his admission thereto, take the oath or make the declaration set forth in Schedule B to this Ordinance to be administered by a Magistrate, a Justice of the Peace, or the President of the Volunteer Reserve.

Oaths. Schedule B.

5. There shall be a President of the Volunteer Reserve, who shall be a person to be elected from among the members of the Reserve by such members, and who on being so elected shall be nominated for approval and appointment by the Governor. Such President shall hold his appointment during the pleasure of the Governor.

President.

6. The Governor may appoint a fitting person to be Military Instructor of the Volunteer Reserve, who shall be charged with attending the annual musketry course and with giving instruction in musketry and in squad drill to the members of the Volunteer Reserve.

Military Instructor.

7. The Governor may appoint a fitting person to be Inspecting Officer of the Volunteer Reserve, who shall be charged with supervising the military instruction of the Volunteer Reserve, and shall be responsible for the inspection of Government arms, and other public property on loan for the use of the Volunteer Reserve.

Inspecting Officer.

8.—(1.) For every member of the Volunteer Reserve a rifle and such appointments as the Governor may direct shall be issued to the President on loan for the use of such member; and such President shall be responsible to the Government for such arms and appointments.

Arms, ammunitions and appointments.

(2.) There shall be allowed annually for every member of the Volunteer Reserve who shall qualify by completing the annual musketry course prescribed by regulations, one hundred rounds of rifle ammunition, and there shall also be issued to the President such further supply, on such terms as to payment or otherwise as the Governor may direct.

(3.) Every member of the Volunteer Reserve shall pay to the President the cost of repairing or replacing any rifle or appointments damaged, destroyed or lost by such member, and shall also pay for any ammunition expended by him to the free issue of which he was not entitled.

(4.) Whether any sum payable by a member under the last preceding sub-section can be recovered from the member or not, repayment of the same shall be made to the Government by the President from the funds of the Volunteer Reserve.

Property of
Volunteer
Reserve in
whom
vested.

9. All moneys subscribed by or to or for the use of the Volunteer Reserve, and all effects, and other property belonging to the Reserve, and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions and other moneys due to the Reserve, shall be vested in the President for the time being and his successors in office, with power for him and them to bring actions, to make contracts and conveyances, and to do all other lawful things in respect of or relating to the same: and any civil or criminal proceedings taken by virtue of this section by the President shall not be discontinued or abated by his death, resignation or removal from office, but may be carried on by and in the names of his successors.

Rules for
management
of Volunteer
Reserve.

10. The members of the Volunteer Reserve may by a Committee composed of the President and not less than three persons to be elected from among the members of the Reserve by such members, make rules, not inconsistent with the provisions of this Ordinance, for the general government of the Reserve and for the management of the property belonging or entrusted to the Reserve, and of the finances and civil affairs of the Reserve, and for their own guidance; provided that any such rules shall not have effect unless and until the President thinks fit to transmit the same to the Governor for his approval, and such approval is notified by the Governor to the President, to be by him forthwith communicated to the corps; whereupon the rules so approved shall be binding on members of the Reserve and shall be published in the *Gazette*.

Expulsion

11.—(1.) The President of the Reserve may, subject to such appeal to the Governor as is hereinafter mentioned, discharge from the Reserve any member thereof and strike him off the strength of the Volunteer Reserve, either for misconduct by him as a member of the Reserve, or for other sufficient cause, the existence or sufficiency of the cause to be judged by the President or, in the case of appeal, by the Governor.

(2.) The members so discharged shall, nevertheless, be liable to deliver up in good order, fair wear and tear only excepted, all arms, ammunition, clothing and appointments, being public property or property of the Reserve, and to pay all moneys due or becoming due by him under this Ordinance or under the rules or regulations either before or at the time or by reason of his discharge.

(3.) Any member who feels aggrieved by such discharge may appeal to the Governor at any time within 14 days after such discharge, and the Governor may cancel or confirm such discharge or give such other directions with reference thereto as to him may seem just and proper, and his determination shall be binding on all persons.

Resignation.

12. Any member of the Volunteer Reserve may, except when actually enrolled in the Volunteer Force under the provisions of Section 15 hereof, quit the Reserve on complying with the following conditions:—

(a.) Giving to the President three months' notice in writing of his intention to quit the Reserve.

(b.) Delivering up in good order, fair wear and tear only excepted, all arms and ammunition, clothing and appointments being public property or property of the Reserve issued to him; and

(c.) Paying all money due or becoming due by him under the rules or regulations, either before or at the time or by reason of his quitting it.

And thereupon he shall be struck off the strength by the President. Provided that the Governor shall have full power at all times to permit any member of the Volunteer Reserve to quit the Reserve upon such member complying with the conditions (b.) and (c.) in this section.

13. The Governor may by proclamation disband or discontinue the services of the Volunteer Reserve or any part thereof whenever it seems to him expedient to do so, and may give such instructions as shall be necessary for carrying any such proclamation into effect. Disbandment.

14.—(1.) The Governor may make such regulations consistent with the provisions of this Ordinance as he shall deem proper:— Regulations.

(a.) Regulating the annual musketry course and instruction in squad drill: and the duties of the Military Instructor, and Inspecting Officer.

(b.) Regarding the storing, issuing and inspecting of arms and ammunition.

(c.) Regarding targets, butts and shooting ranges.

(d.) For giving further and better effect to the provisions of this Ordinance.

(2.) All regulations made under this section shall be published in the *Gazette*, and when so published shall have the force of law.

(3.) A copy of every such regulation shall be furnished to every member of the Volunteer Reserve.

15. The Governor may, by proclamation, whenever it appears to him advisable to do so by reason of invasion or war or danger of either of them, or by reason of any internal emergency threatening the security, to quell which the available civil force is deemed by him inadequate, cause all or any members of the Volunteer Reserve to be enrolled as members of the Volunteer Force; and all the provisions of the Volunteer Ordinance, 1893, and any Ordinances amending the same, shall in so far as they are applicable extend and apply to every such member on being so enrolled to all intents and purposes as if such members had signed the engagement and taken oath under that Ordinance; and every member so enrolled shall remain and continue subject to the provisions of the said Volunteer Ordinances, and shall be entitled to the benefits thereof until the Governor shall by proclamation cancel such enrolment whereupon all members so enrolled as aforesaid shall again become subject to this Ordinance as members of the Volunteer Reserve. Enrolment in Volunteer Force.

16.—(1.) All arms, ammunition, appointments and other stores supplied at the public expense and issued to any member of the Volunteer Reserve, shall be and remain the property of the Government; and shall be produced, exhibited and delivered to any person authorised by the Governor to inspect or receive the same. Wrongful detention or disposal of arms, appointments or stores.

(2.) If any person wilfully makes away with, sells, pawns, wrongfully destroys or damages or negligently loses anything issued to a member of the Volunteer Reserve, or refuses or neglects when lawfully required to produce, exhibit or deliver on demand anything which he is liable under this Ordinance or the rules or regulations to produce, exhibit or deliver, the value thereof shall be recoverable from him summarily before a Magistrate by the President; and he shall also for every such offence be liable, on summary conviction, to a fine not exceeding fifty dollars.

(3.) Whoever knowingly buys or takes in exchange or in pawn from any member of the Volunteer Reserve or person acting on his behalf, or solicits or entices any member of the Volunteer Reserve to sell or pawn or knowingly assists or acts for any member of the Volunteer Reserve in selling or pawning, or has in his possession or keeping, without satisfactorily accounting for any arms, ammunition, clothing, appointments, musical instruments or necessaries, being public property or the property of the Volunteer Reserve, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty dollars for every such offence.

Appearance of President. 17. In all proceedings under this Ordinance before a Magistrate, the President may appear by any member of the corps authorised by him in that behalf by writing under his hand.

Application of penalties. 18. Every pecuniary penalty recovered summarily on the prosecution of the President of the Reserve shall be paid to the President and be applied as part of the funds of the Reserve.

Authority for expenditure. 19. It shall be lawful for the Colonial Treasurer to pay to the President of the Volunteer Reserve for the purposes of the Reserve, such sum in each year as may be authorised by the Governor out of moneys voted by the Legislative Council.

Passed the Legislative Council of Hongkong, this 15th day of September, 1910.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 16th day of September, 1910.

A. M. THOMSON,
Colonial Secretary.

SCHEDULE A.

Engagement to be signed by Member of the Volunteer Reserve.

I, (insert the name, address and addition of the number), hereby engage myself to serve in the Volunteer Reserve subject to the provisions of the Volunteer Reserve Ordinance, 1910, or any Ordinances amending the same, and the rules and regulations thereunder in force.

Dated at..... the day of.....

(Signature)

SCHEDULE B.

1.—Oath to be taken by Member of the Volunteer Reserve.

I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George V (the Sovereign for the time being), His (or Her) Heirs and Successors according to law, and that I will faithfully serve in the Volunteer Reserve according to the conditions of my service.

So help me God.

(Signature)

2.—Declaration to be made by Member of the Volunteer Reserve.

I, A.B., do solemnly, sincerely and truly declare that I will be faithful and bear true allegiance to His Majesty King George V (the Sovereign for the time being), His (or Her) Heirs and Successors according to law, and that I will faithfully serve in the Volunteer Reserve according to the conditions of my service.

(Signature)

HONGKONG.

No. 26 of 1910.

An Ordinance to amend the Malicious Damage
Amendment Ordinance, 1910.

LS

F. H. MAY,

Officer Administering the Government.

[16th September, 1910.]

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 Malicious Damage Further Amendment Ordinance, 1910, and shall be read and construed as one with the Malicious Damage Ordinance, 1865, and with the Malicious Damage Amendment Ordinance, 1910, and this Ordinance and the said Ordinances may be cited together as the Malicious Damage Ordinances, 1865-1910. Any copy of the said Malicious Damage Amendment Ordinance, 1910, printed after the commencement of this Ordinance may be printed with the addition and amendment made by this Ordinance.

Short title
and
construction.

2. The Proviso to section 5 of the Malicious Damage Amendment Ordinance, 1910, is hereby amended as follows:—

Amends
section 5 of
Ordinance
No. 19 of
1910.

(1.) By the deletion of the word "judicial" in the eighth line thereof.

(2.) By the addition at the end thereof of the following paragraph:—

"For the purposes of any such inquiry the said officers shall have all the powers of commissioners appointed under the Commissioners Powers Ordinance, 1886."

Passed the Legislative Council of Hongkong, this 15th
day of September, 1910.

C. CLEMENTI,

*Clerk of Councils.*Assented to by His Excellency the Officer Administering
the Government, the 16th day of September, 1910.

A. M. THOMSON,

*Colonial Secretary.*HONGKONG.

No. 27 of 1910.

An Ordinance to further amend the Law relating
to Dangerous Goods.

LS

F. H. MAY,

Officer Administering the Government.

[16th September, 1910.]

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 Dangerous Goods Amendment Ordinance, 1910, and it shall be read and construed as one with the Dangerous Goods Ordinance, 1873, (hereinafter called "the Principal Ordinance"), as amended by the Dangerous Goods Amendment Ordinance, 1902.

Short title
and
construction

Amends
section 9 of
the Principal
Ordinance.

2. Section 9 of the Principal Ordinance is hereby amended as follows:—

In sub-section (2) by the insertion of the word “conveying” after the word “sending” in the fourth line thereof.

Amends
section 10 of
the Principal
Ordinance.

3. Section 10 of the Principal Ordinance is hereby amended as follows:—

(a.) Sub-section (1) is repealed and there shall be substituted therefor the following sub-section:—

“(1.) Save as hereinafter mentioned, no person shall have in his possession, custody or power or in the possession, custody or power of any servant or agent of his, dangerous goods to which this Ordinance applies except in pursuance of a licence granted by the Captain Superintendent of Police or in pursuance of a permit issued in accordance with any rules or regulations made under section 6 of this Ordinance.”

(b.) Sub-section (3) is amended as follows:—after the word “Colony” in line 4 there shall be inserted the words “the keeping of books in regard to the possession and use of dangerous goods”.

(c.) Sub-section 5 is repealed and there shall be substituted therefor the following sub-section:—

“(5.) If any person has dangerous goods to which this Ordinance applies in his possession, custody or power or in the possession, custody or power of any servant or agent of his in contravention of this section such dangerous goods shall, together with the vessels or packages containing the same, be forfeited, and in addition thereto, such person shall be liable to a penalty not exceeding one hundred dollars a day for each day during which such goods are proved to have been in his possession, custody or power or in the possession, custody or power of any servant or agent of his.”

Passed the Legislative Council of Hongkong, this 15th day of September, 1910.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 16th day of September, 1910.

A. M. THOMSON,
Colonial Secretary.

HONGKONG.

No. 28 OF 1910.

An Ordinance to amend the Magistrates Amendment Ordinance, 1903.

LS

F. H. MAY,
Officer Administering the Government.

[16th September, 1910.]

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 as the Magistrates Amendment (No. 2) Ordinance, 1910, and shall be read and construed as one with the Magistrates Ordinance, 1890, (hereinafter called “the Principal Ordinance”) and this

Ordinance and the Principal Ordinance and the Ordinances amending the same may be cited together as "The Magistrates Ordinances, 1890-1910".

2. Section 2 of the Magistrates (Amendment) Ordinance, 1903, is hereby repealed and the following section is substituted therefor:—

Repeals section 2 of Ordinance 19 of 1903 and new section substituted therefor.

"2.—(1.) Every person who without reasonable excuse shall receive or harbour any Chinese woman married according to the laws or customs of China who has left the protection of her husband shall be liable on conviction before a Magistrate in a summary way to a penalty not exceeding \$100 or in default of payment to imprisonment with or without hard labour for any term not exceeding three months.

Harbouring Chinese married woman without "reasonable" excuse an offence punishable summarily.

(2.) The Magistrate may in addition to such penalty order the person convicted to pay to the husband of such woman damages not exceeding \$200.

Damages.

(3.) In default of payment of the whole or any part of the said damages it shall be lawful for the Magistrate to issue a warrant of distress on the goods and chattels of the person convicted and to appoint any fit person or persons to execute the same.

Execution of process.

(4.) Any goods or chattels seized under such warrant of distress may be sold by the person executing the same for the purpose of paying the said damages and the costs of the execution and sale.

Sale of property seized.

(5.) Where a claim shall be made to or in respect of property taken in execution under this section by any person other than the party against whom such execution issued, such claim shall be heard and determined by the Magistrate upon a summons calling before him as well such claimant as the party on whose behalf such execution issued and the decision of the Magistrate upon such claim shall be final.

Claims in respect of property seized.

Provided always that it shall be sufficient defence to any charge under this section if it is made to appear to the Magistrate that the person so charged had reasonable cause, other than from information supplied by the woman whom the defendant is charged with harbouring, to believe that the woman was a spinster or to believe that she was a widow.

Defence to charge.

Provided also that the receipt of any damages under this section shall be a bar to any action for damages for criminal conversation."

Receipt of damages a bar to action for criminal conversation.

Passed the Legislative Council of Hongkong, this 15th day of September, 1910.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 16th day of September, 1910.

A. M. THOMSON,
Colonial Secretary.