

13. *Public Works Loan Redemption Bill*.—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to make provision for the redemption of the bonds issued under the authority of the Public Works Loan Ordinance, 1927.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

14. (*1932 Supplementary*) *Appropriation Bill*.—The Colonial Treasurer moved the Second reading of the Bill intituled “An Ordinance to authorize the Appropriation of a Supplementary Sum of Five hundred and seventeen thousand and fifteen Dollars and thirty Cents to defray the Charges of the year 1932.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Colonial Treasurer reported that the Bill had passed through Committee without amendment and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.

15. The Council then adjourned until Thursday, the 22nd day of June, 1933, at 2.30 p.m.

W. PEEL,
Governor.

Confirmed this 22nd day of June, 1933

A. W. G. H. GRANTHAM,
Deputy Clerk of Councils.

No. 446.—His Excellency the Governor 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. 12 of 1933.—An Ordinance to amend further the Supreme Court Ordinance, 1873.

Ordinance No. 13 of 1933.—An Ordinance for the further amendment of the Code of Civil Procedure.

Ordinance No. 14 of 1933.—An Ordinance to amend further the Probates Ordinance, 1897.

Ordinance No. 15 of 1933.—An Ordinance to make provision for the redemption of the bonds issued under the authority of the Public Works Loan Ordinance, 1927.

HONG KONG.

No. 12 of 1933.

I assent.

L. S.

W. PEEL,
Governor.

23rd June, 1933.

An Ordinance to amend further the Supreme Court Ordinance,
1873.

[23rd June, 1933.]

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

Short title. **1.** This Ordinance may be cited as the Supreme Court
Amendment Ordinance, 1933.

Substitution
for Ordin-
ance No. 3
of 1873,
ss. 9, 10
and 11, as
amended by
Ordinance
No. 1 of
1929.

2. Sections 9, 10 and 11 of the Supreme Court Ordin-
ance, 1873, as amended by the Supreme Court Amendment
Ordinance, 1929, are repealed and the following sections
are substituted:—

Constitution
of the
Supreme
Court.

9.—(1) The Supreme Court shall consist of and be
holden by and before a Chief Justice and one or more other
judges.

Ordinance
No. 8 of
1933.

(2) Every Chief Justice and every Puisne Judge shall,
save when appointed by the Governor under the provisions
of section 10 of this Ordinance or under the provisions of
section 2 (4) of the Full Court Ordinance, 1933, be appointed
by Letters Patent under the public seal by the Governor, in
accordance with such instructions as he may receive through
a Secretary of State, and shall hold his office during the
pleasure of His Majesty, subject to suspension by the
Governor in like manner as other officers in the Colony.

Temporary
appoint-
ments.

10.—(1) In case the office of Chief Justice or of any
Puisne Judge becomes vacant by death or otherwise, it shall
be lawful for the Governor to appoint another fit and proper
person to fill the said office until His Majesty's pleasure is
known.

(2) In case of the temporary illness or absence of the
Chief Justice or of any Puisne Judge, it shall be lawful for
the Governor to appoint a fit and proper person to fill his

office until he resumes the duties thereof: Provided always that, until such appointment is made, the whole business of the court, except in the hearing of matters required to be heard before the Full Court, shall devolve upon and be transacted by the remaining or continuing Chief Justice or Puisne Judge or Judges.

(3) If in any other case the Governor either for the purposes of the Full Court Ordinance, 1933, or for any other reason considers it desirable that a temporary additional judge or temporary additional judges should be appointed, it shall be lawful for him temporarily to appoint a fit and proper person or persons to be a temporary additional judge or temporary additional judges and to terminate any such appointment as and when he shall think it desirable.

Ordinance
No. 8 of
1933.

(4) Judges temporarily appointed by the Governor under this section shall be given instruments of appointment under the public seal: Provided that any such instrument, in the case of a judge temporarily appointed for the purposes of the Full Court Ordinance, 1933, may provide that it shall take effect whenever and as often as the services of the judge may be required by the Chief Justice for the purposes of the said Ordinance: Provided also that nothing herein contained shall be deemed to require a special instrument in the case of the Judge of His Britannic Majesty's Supreme Court for China when a member of the Full Court under the said Ordinance.

11. No Chief Justice or Puisne Judge shall be capable of accepting or performing any other office or place of profit or emolument not authorised by law, and any such acceptance or performance shall be *ipso facto* an avoidance of his office of Chief Justice or Puisne Judge: Provided that this section shall not apply to a judge temporarily appointed under section 10.

Chief
Justice and
Puisne
Judges not
to hold
other office
of profit.
Proviso.

Passed the Legislative Council of Hong Kong, this 22nd day of June, 1933.

A. W. G. H. GRANTHAM,
Deputy Clerk of Councils.

HONG KONG.

No. 13 OF 1933.

I assent.

L.S.

W. PEEL,
Governor.

23rd June, 1933.

An Ordinance for the further amendment of the Code of Civil Procedure.

[23rd June, 1933.]

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

Short title.

1. This Ordinance may be cited as the Code of Civil Procedure Amendment (No. 2) Ordinance, 1933.

New section 427A added to Ordinance No. 3 of 1901.

Effect of Sales in execution without notice of claim by third party.

3 & 4 Geo. 5, c. 34, s. 15.

Ordinance No. 10 of 1931.

2. The following new section is added after section 427 in the Code of Civil Procedure :—

427A. Where any goods in the possession of an execution debtor at the time of seizure by the bailiff or other officer charged with the enforcement of a writ, warrant, or other process of execution, are sold by such bailiff or other officer, without any claim having been made to the same, the purchaser of the goods so sold shall acquire a good title to the goods so sold, and no person shall be entitled to recover against the bailiff or other officer, or anyone lawfully acting under the authority of either of them, except as provided by section 46 of the Bankruptcy Ordinance, 1931, for any sale of such goods or for paying over the proceeds thereof prior to the receipt of a claim to the said goods, unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable inquiry have ascertained, that the goods were not the property of the execution debtor: Provided that nothing in this section contained shall affect the right of any claimant, who may prove that at the time of sale he had a title to any goods so seized and sold, to any remedy to which he may be entitled against any person other than such bailiff or other officer or purchaser as aforesaid.

Passed the Legislative Council of Hong Kong, this 22nd day of June, 1933.

A. W. G. H. GRANTHAM,
Deputy Clerk of Councils.

HONG KONG.

No. 14 OF 1933.

I assent.

L.S.

W. PEEL,
Governor.

23rd June, 1933.

An Ordinance to amend further the Probates Ordinance, 1897.

[23rd June, 1933.]

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

1. This Ordinance may be cited as the Probates Amendment Ordinance, 1933. Short title.

2. Section 11 of the Probates Ordinance, 1897, is amended by the addition of the following sub-sections at the end thereof:— Amendment of Ordinance No. 2 of 1897, s. 11.

(3) The Official Administrator may employ a solicitor or other agent to do any business which may be sanctioned by the court.

(4) Applications by the Official Administrator to the court may be made personally, and without notice or other formality; but the court may in any case order that an application be renewed in a formal manner, and that such notice thereof be given to any person likely to be affected thereby as the court may direct.

3. Sections 18 and 19 of the Probates Ordinance, 1897, are repealed and the following sections are substituted:— Substitution for Ordinance No. 2 of 1897, ss. 18 & 19.

18. Where any person dies, whether in the Colony or elsewhere, leaving estate in the Colony in respect of which he dies intestate, such estate shall vest in the Official Administrator who may, if he thinks fit, receive and take possession of the same until administration is granted in respect thereof. Vesting of estate of deceased person in official administrator.

19. Where the whole of such estate does not, in the opinion of the Official Administrator, exceed in value the sum of two hundred and fifty dollars, it shall be lawful for him, if he thinks fit, without any legal formality, to get in and administer the same in a summary manner, for the benefit of the persons he may deem interested therein, without a grant or other legal formality. Summary administration of intestate estates not exceeding \$250.

4. Section 20 (1) of the Probates Ordinance, 1897, is amended by the substitution of the word "following" for the word "following" in the first paragraph thereof. Amendment of Ordinance No. 2 of 1897, s. 20 (1).

5. Section 24 of the Probates Ordinance, 1897, is repealed and the following section is substituted:— Substitution for Ordinance No. 2 of 1897, s. 24.

Commission on moneys received.

24. A commission at the rate of 5% on the first \$1000, 2½% on the next \$4000 and 1% on the balance, or such lower rate or rates as the court may approve on the application of the Official Administrator in the case of any particular estate, shall be chargeable on the gross value of all property of whatsoever nature received or taken possession of, or realised or otherwise dealt with, by the Official Administrator under this Ordinance.

Substitution for Ordinance No. 2 of 1897, s. 29.

6. Section 29 of the Probates Ordinance, 1897, is repealed and the following section is substituted:—

Redress against action of Official Administrator.

29. No action shall be brought against the Official Administrator for anything done by him in respect of the execution or the intended execution of any power vested in him by this Ordinance, or for anything done by him in the exercise of his office as administrator under any grant of letters of administration made to him under this Ordinance, if it was done *bonâ fide*; but any person who feels aggrieved thereby may apply for redress to the court by summary petition verified upon oath, and the court may thereupon take such evidence as it thinks fit, and may make any order in relation to the matter which the justice of the case requires.

Amendment of Ordinance No. 2 of 1897, s. 33.

7. Section 33 of the Probates Ordinance, 1897, is amended by the repeal of the words "on his giving such security, if any, as the court may direct, and every such administration may be limited in such manner as the court thinks fit" at the end thereof, and by the substitution therefor of the words "on his giving such security, if any, as may be required under this Part or as the court may direct, and every such administration may be limited in such manner as the court thinks fit".

Amendment of Ordinance No. 2 of 1897, s. 40.

8. Section 40 of the Probates Ordinance, 1897, is amended by the repeal of the proviso thereto.

Repeal of Ordinance No. 2 of 1897, ss. 55 and 56 and heading.

9. Sections 55 and 56 of the Probates Ordinance, 1897, and the heading thereto are repealed.

Substitution for Ordinance No. 2 of 1897, s. 59.

10. Section 59 of the Probates Ordinance, 1897, is repealed and the following section is substituted:—

Allowance of remuneration to executor, administrator or attorney.

59. It shall be lawful for the court to allow to any executor or administrator, including an administrator appointed *pendente lite* as aforesaid, (or to a person acting under a power of attorney as attorney for an executor or administrator in the matter of the sealing of a probate or administration under Part VI, or in the matter of the realisation and administration of an estate under a probate or administration so scaled) such remuneration out of the estate of the deceased person as may be just and reasonable for his pains and trouble therein; Provided that no allowance whatever shall be made to any executor or administrator or attorney who neglects to pass his accounts at such time, or to dispose of any moneys, goods, chattels, or securities with which he is chargeable in such manner, as, in pursuance of any rule or order or practice of the court, may be requisite:

Provided also, that no such remuneration shall exceed 5% on the first \$1000, 2½% on the next \$4000 and 1% on the balance of the gross value of all property of whatsoever nature administered.

11. Section 61 of the Probates Ordinance, 1897, is amended by the insertion of the words "in the Colony" after the words "whole estate" in sub-sections (1) and (3) thereof.

Amendment of Ordinance No. 2 of 1897, s. 61.

12. Section 64 of the Probates Ordinance, 1897, and the heading thereto are repealed and the following heading and section are substituted:

Substitution for Ordinance No. 2 of 1897, s. 64 and heading.

Estates of subordinate police and prisons officers.

64.—(1) Any person employed in the police force, not above the rank of sub-inspector, and any person employed in the Prisons Department, not above the rank of principal warder, who shall die whilst so employed, shall not be deemed to be within the meaning of the preceding provisions of this Ordinance.

Summary administration of estates of subordinate police and prisons officers.

(2) The Inspector General of Police and the Superintendent of Prisons respectively are hereby constituted administrators of the estates of such persons in their departments and are required, without any legal formality, to get in and administer the same, and, within one month after the death of any such person, to certify the same and the amount thereof to the Registrar of the court for registration in the court, and to pay over to the Treasurer the balance of every such estate, after payment of all lawful claims against the same.

(3) It shall be lawful for the Colonial Secretary, in his discretion, on the application of the Inspector General of Police or the Superintendent of Prisons, as the case may be, to sign an order upon the Treasurer for the payment of the whole or any part of such balance to such person or person as may appear to him, to be entitled thereto, and the Treasurer shall comply with such order.

13. Sub-sections (2) and (3) of section 65 of the Probates Ordinance, 1897, are renumbered as sub-sections (4) and (5) respectively, and the following sub-sections shall be inserted at the end of sub-section (1):—

Amendment of Ordinance No. 2 of 1897, s. 65.

(2) Where such goods and effects have been handed over to, or taken possession of by, the Official Administrator, he may after such enquiry as he may think sufficient, distribute them, in such manner as he may consider just and convenient, amongst the persons who may appear to him, in his discretion, to be entitled thereto or if he can find no such persons within six months of the time when the goods and effects come into his hands, then he shall sell them and pay the proceeds of sale into the Treasury, to a special account to be there kept for that purpose, or into the account of the Government at such Bank as the Treasurer may direct.

(3) The provisions of the Unclaimed Balances Ordinance, 1929, shall apply to moneys paid into any account under this section as they do to any balance of an intestate estate under section 19.

Ordinance No. 5 of 1929, s. 4.

Passed the Legislative Council of Hong Kong, this 22nd day of June, 1933.

A. W. G. H. GRANTHAM,
Deputy Clerk of Councils.

HONG KONG.

No. 15 of 1933.

I assent.



W. PEEL,
Governor.

23rd June, 1933.

An Ordinance to make provision for the redemption of the bonds issued under the authority of the Public Works Loan Ordinance, 1927.

[23rd June, 1933.]

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

Short title.

1. This Ordinance may be cited as the Public Works Loan Redemption Ordinance, 1933.

Redemption of bonds issued under Ordinance No. 14 of 1927.

2. Subject to the provisions of section 4 of this Ordinance, the bonds issued under the authority of the Public Works Loan Ordinance, 1927, shall be paid off at par on presentation thereof at the head office of the Hongkong and Shanghai Banking Corporation, on and after the first day of August, 1933, from and including which date all interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Issue of Conversion Bonds.

3. The Governor is hereby authorised to issue bonds, which shall be known as Conversion bonds, to an amount sufficient to produce the sum required for the purposes of this Ordinance and the expenses of the issue and management.

Provision for exchange of Public Works Loan bonds for Conversion bonds.

4. The holders of bonds issued under the authority of the Public Works Loan Ordinance, 1927, who desire to exchange their said bonds for Conversion bonds of like nominal value issued under section 3 of this Ordinance, and who shall have signified such desire by application in writing received at the head office of the Hong Kong and Shanghai Banking Corporation on or before the 11th day of July, 1933, shall be entitled to make such exchange instead of having their bonds paid off under section 2; but no such holder who has not so signified his desire on or before the said date may make such exchange without the approval and sanction of the Colonial Treasurer.

Provision as to moneys required.

5. The moneys required for the payment off of the bonds issued under the authority of the Public Works Loan Ordinance, 1927, may be paid out of the sinking fund established under that Ordinance, or out of the revenue and assets of the Colony;

and the moneys required for the principal moneys and interest for the Conversion bonds issued under the provisions of this Ordinance, and for the expenses of issue and management, are, subject to the provisions of section 10, hereby charged upon and shall be payable out of the revenue and assets of the Colony.

6. The interest on each Conversion bond shall be at the rate of four per centum per annum and shall run from the day named in that behalf in the bond and shall be paid half-yearly at the head office of the Hong Kong and Shanghai Banking Corporation on the days named in that behalf in the coupons.

Rate of interest on Conversion bonds.

7. The Governor shall in each half-year ending with the day on which the interest on the Conversion bonds falls due appropriate out of the revenue and assets of the Colony a sum equal to one half-year's interest on the whole of the bonds outstanding in order that the interest for the said half-year may be paid therefrom.

Provision for payment of interest.

8. Every Conversion bond and coupon and the right to receive the principal and interest represented thereby shall be transferable by delivery.

Transfer by delivery.

9.—(1) Subject to the provisions of sub-section (2), the Conversion bonds issued under this Ordinance shall be redeemable at par on the first day of August, 1953, from and including which date all interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Redemption of Conversion bonds.

(2) At any time or times the Governor may authorise the redemption, by purchase at current market rates, of Conversion bonds of such denominations and to such respective total values as he may from time to time determine.

10.—(1) The Governor shall in each year ending on the 31st July, subsequent to the year ending on the 31st July, 1933, appropriate out of the revenue and assets of the Colony, for the formation of a sinking fund for the Conversion bonds, an additional sum of not less than three dollars and forty-five cents per hundred dollars on the total nominal value of all the Conversion bonds issued.

Provision as to sinking funds.

(2) The said sinking fund shall be applied in the first instance in payment of all expenses of or incidental to the redemption of the Conversion bonds and in the next place in repayment of the principal moneys represented by the Conversion bonds.

(3) In case the said sinking fund shall be insufficient for the payment of the principal moneys at the time when such payment shall become due the Governor shall make good the deficiency out of the revenue and assets of the Colony.

(4) The moneys appropriated for the formation of the said sinking fund shall, so far as they are not required for the purposes of sub-section (2), be dealt with in such manner as may be approved by the Governor in Council.

(5) The moneys appropriated for the formation of the sinking fund, established under the Public Works Loan Ordinance of 1927, and not required for the payment off of the bonds issued under the authority of that Ordinance shall be dealt with in such manner as may be approved by the Governor in Council.

Ordinance No. 14 of 1927.

Delivery up of bonds and coupons for cancellation on payment or exchange.

Ordinance No. 14 of 1927.

11. On the repayment of the moneys represented by any Conversion bond or coupon issued under this Ordinance, or on the repayment of the moneys represented by any bond or coupon issued under the Public Works Loan Ordinance, 1927, or on the giving of any such bonds in exchange for a Conversion bond (or for a scrip certificate to be exchanged later for a Conversion bond), the bond or coupon paid off or given in exchange shall be delivered up to the Hong Kong and Shanghai Banking Corporation and shall be cancelled by the said Corporation.

Powers of the Governor.

12. The Governor shall have power :

(a) to determine the amounts for which the conversion bonds shall be issued :

(b) to determine the form of the Conversion bonds ;

(c) to provide for the issue in the first instance of scrip certificates to be exchanged later for the bonds

(d) to provide for the issue of coupons for the payment of interest ;

(e) to determine the days on which the half-yearly interest is to be payable ; and

(f) to give any directions necessary for the purpose of carrying out this Ordinance and not inconsistent with its provisions.

Exemption from defence contribution.

Ordinance No. 1 of 1901.

13. All moneys appropriated out of the revenue and assets of the Colony for the payment of the interest on the Conversion bonds and for the formation of a sinking fund, and all dividends, interest or produce of any investments which represent any portion of the sinking fund, shall be deducted from the Colonial revenues before the calculation of the sums payable to His Majesty's Government under the Defence Contribution Ordinance, 1901.

Amendment of Ordinance No. 5 of 1901, s. 14. Ordinance No. 14 of 1927.

14. Paragraph (16) of section 14 of the Trustees Ordinance, 1901, as enacted by section 14 of the Public Works Loan Ordinance, 1927, is repealed and the following paragraph is substituted therefor :—

(16) in any Conversion bonds issued under the Authority of the Public Works Loan Redemption Ordinance, 1933.

Repeal of Ordinance No. 14 of 1927.

15. The Public Works Loan Ordinance, 1927, is repealed.

Passed the Legislative Council of Hong Kong, this 22nd day of June, 1933.

A. W. G. H. GRANTHAM,
Deputy Clerk of Councils.