

On Council resuming, the Attorney General 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.

15. *Liquors Amendment Bill*.—The Second reading of this Bill was postponed.

ADJOURNMENT.

16. The Council then adjourned *sine die*.

W. PEEL,
Governor.

Confirmed this 8th day of November, 1934.

H. R. BUTTERS,
Deputy Clerk of Councils.

No. 839.—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. 34 of 1934.—An Ordinance to amend further the Dangerous Goods Ordinance, 1873.

Ordinance No. 35 of 1934.—An Ordinance to amend the Railways Ordinance, 1909.

Ordinance No. 36 of 1934.—An Ordinance to amend the Police Force Ordinance, 1932.

Ordinance No. 37 of 1934.—An Ordinance to amend the Criminal Procedure Ordinance, 1899.

Ordinance No. 38 of 1934.—An Ordinance to amend further the Merchandise Marks Ordinance, 1890.

Ordinance No. 39 of 1934.—An Ordinance to incorporate a Body of Trustees capable of holding property and empowered to administer a trust fund known as the Morrison Scholarships Trust Fund for the purpose of providing scholarships at Queen's College in this Colony.

HONG KONG.

No. 34 of 1934.

I assent.

W. PEEL,
Governor.

9th November, 1934.

An Ordinance to amend further the Dangerous Goods Ordinance, 1873.

[9th November, 1934.]

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 Dangerous Goods Amendment Ordinance, 1934.

Amendment
of Ordinance No. 1
of 1873,
s. 2.

2. Section 2 of the Dangerous Goods Ordinance, 1873, is amended by the deletion of the words "an order of" in the third line of paragraph (b) thereof.

Amendment
of Ordinance No. 1
of 1873,
s. 5.

3. Sub-section (1) of section 5 of the Dangerous Goods Ordinance, 1873, is amended—

(i) by the repeal of paragraph (f) thereof and the substitution of the following paragraph:—

(f) for prescribing any tests to be applied for any purpose whatsoever to any dangerous goods or to any receptacle which has contained petroleum;

and (ii) by the insertion of the following paragraph (ff) immediately after paragraph (f) thereof:—

(ff) for prescribing the labels to be attached or affixed to dangerous goods or other methods of marking such goods;

Substitution
for Ordinance No. 1
of 1873,
s. 9.

4. Section 9 of the said Ordinance is repealed and the following section substituted:—

Label on
container of
dangerous
goods.

9.—(1) Where any dangerous goods—

(a) are sent or conveyed by land or water between any two places in the Colony; or

(b) are sold or exposed for sale,

the drum, tin, case or other package containing them shall have attached thereto the label, if any, prescribed by the Governor in Council under this Ordinance in respect of such goods.

(2) All dangerous goods which are sent, conveyed, sold or exposed for sale in contravention of this section shall, together with the drum, tin, case or other package containing the same, be forfeited, and, in addition, the person sending, conveying, selling or exposing for sale the same shall be liable to a fine not exceeding twenty-five dollars.

5. Sub-sections (1) and (5) of section 10 of the said Ordinance are repealed and the following sub-sections are substituted therefor :—

Substitution
for Ordin-
ance No. 1
of 1873,
ss. 10 (1)
and 10 (5).

(1) Save in respect of dangerous goods carried as cargo in ships to which section 8 applies, and save as hereinafter mentioned or as may be provided by regulations made under section 5, no person shall have in his possession, custody or control, or in the possession, custody or control of any servant, agent or warehouse owner, any dangerous goods except in pursuance of licence granted by the Inspector General of Police.

(5) If any person has dangerous goods in his possession, custody or control, or in the possession, custody or control of any servant, agent or warehouse owner, in contravention of this section, such dangerous goods shall, together with the drums, tins, cases or other packages containing the same, be liable to forfeiture, and in addition such person shall be liable to imprisonment for any term not exceeding six months and to a fine not exceeding two hundred and fifty dollars, and further such person shall also be liable to a fine not exceeding one hundred dollars a day for each day after the first day during which such goods are proved to have been in his possession, custody or power or in the possession on his behalf of any servant, agent or warehouse owner.

Passed the Legislative Council of Hong Kong, this 8th day of November, 1934.

H. R. BUTTERS,
Deputy Clerk of Councils.

HONG KONG.

No. 35 OF 1934.

I assent.

L.S.

W. PEEL,
Governor.

9th November, 1934.

An Ordinance to amend the Railways Ordinance, 1909.

[9th November, 1934.]

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 Railways (No. 2) Amendment Ordinance, 1934.

Amendment
of Ordinance
No. 21 of
1909, s. 35.
Ordinance
No. 23 of
1927.

2. Sub-section (6) of section 35 of the Railways Ordinance, 1909, as enacted by the Railways Amendment Ordinance, 1927, is repealed and the following sub-section is substituted therefor:—

(6) This section shall not apply to any person who is in receipt of a yearly salary of two hundred pounds or two thousand dollars or upwards.

Passed the Legislative Council of Hong Kong, this 8th day of November, 1934.

H. R. BUTTERS,
Deputy Clerk of Councils.

HONG KONG.

No. 36 OF 1934.

I assent.



W. PEEL,
Governor.

9th November, 1934.

An Ordinance to amend the Police Force Ordinance, 1932.

[9th November, 1934.]

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 Police Force Short title.
Amendment Ordinance, 1934.

2. Section 6 of the Police Force Ordinance, 1932, is amended by the substitution of the following sub-section for sub-section (2) thereof:—

Substitu-
tion for
Ordinance
No. 37 of
1932, s. 6 (2).

(2) Such period of engagement may include a probationary period, which in the case of a subordinate officer, constable or member of a crew shall not exceed six months. Should any person thus engaged be found during his probationary period to be unsatisfactory, the Inspector General may at any time during such probationary period terminate the engagement.

Passed the Legislative Council of Hong Kong, this 8th day of November, 1934.

H. R. BUTTERS,
Deputy Clerk of Councils.

HONG KONG.

No. 37 OF 1934.

I assent.

L.S.

W. PEEL,
Governor.

9th November, 1934.

An Ordinance to amend the Criminal Procedure Ordinance,
1899.

[9th November, 1934.]

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 Criminal Procedure
Amendment Ordinance, 1934.Repeal and
substitution
of Ordinance
No. 9 of
1899, s. 77.**2.** Section 77 of the Criminal Procedure Ordinance, 1899,
and the heading thereto are repealed and the following section
and heading are substituted therefor:—*Pregnancy and Infanticide.*Proceedings
and sentence
in case of
expectant
mother con-
victed of
capital
offence.
21 & 22 Geo.
5, c. 24.77.—(1) Where a woman convicted of an offence punish-
able with death is found in accordance with the provisions of
this section to be pregnant, the sentence to be passed on her
shall be sentence of imprisonment for life instead of sentence
of death.(2) Where any such woman alleges that she is pregnant,
or where the court before whom she is convicted thinks fit
so to direct, before sentence is passed two or more medical
practitioners shall be sworn and shall examine the woman in
some private place, either together or successively, and shall
inquire whether she is pregnant or not.If on the report of any of such medical practitioners it
appears to the court that the woman is pregnant sentence of
death shall not be passed upon her.(3) No jury *de ventre inspiciendo* shall be empanelled or
sworn in any such case.(4) Where on proceedings under sub-section (2) the court
finds that the woman in question is not pregnant, and passes
sentence of death, the woman may appeal to the Full Court
under section 78A as enacted by the Criminal Procedure

Amendment Ordinance, 1933, and that Court, if satisfied for any reason that the finding should be set aside, shall quash the sentence passed on such woman and shall pass instead sentence of imprisonment for life.

Ordinance
No. 5 of
1933.

(5) The rights conferred by this section on a woman convicted of an offence punishable with death shall be in substitution for the right of such a woman to allege in stay of execution that she is quick with child.

3. The Criminal Procedure Ordinance, 1899, is amended by the insertion of the following section, numbered 77A, immediately after section 77 thereof:—

Amendment
of Ordinance
No. 9 of
1899
by addition
of new
s. 77A.

77A.—(1) Where a woman by any wilful act or omission causes the death of her newly-born child, but at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and by reason thereof the balance of her mind was then disturbed, she shall, notwithstanding that the circumstances were such that but for the provisions of this section the offence would have amounted to murder, be guilty of felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

Conviction
for infan-
ticide in
certain cases.
12 & 13 Geo.
5, c. 18, s. 1.

(2) Where upon the trial of a woman for the murder of her newly-born child, the jury are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and that by reason thereof the balance of her mind was then disturbed, the jury may, notwithstanding that the circumstances were such that but for the provisions of this section they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.

(3) Nothing in this section shall affect the power of the jury upon an indictment for the murder of a newly-born child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth in pursuance of section 49 of the Offences against the Person Ordinance, 1865.

Ordinance
No. 2 of
1865.

(4) The said section 49 shall also apply in the case of the acquittal of a woman upon indictment for infanticide as it applies upon the acquittal of a woman for murder, and upon the trial of any person over the age of sixteen for infanticide it shall be lawful for the jury, if they are satisfied that the accused is guilty of an offence under section 26A of the offences against the Person Ordinance, 1865, to find the accused guilty of such an offence, and in that case that section shall apply accordingly.

Ordinance
No. 2 of
1865.

Passed the Legislative Council of Hong Kong, this 8th day of November, 1934.

H. R. BUTTERS,
Deputy Clerk of Councils.

HONG KONG.

No. 39 of 1934.

I assent.

L.S.

W. PEEL,
Governor.

9th November, 1934.

An Ordinance to incorporate a Body of Trustees capable of holding property and empowered to administer a trust fund known as the Morrison Scholarships Trust Fund for the purpose of providing scholarships at Queen's College in this Colony.

WHEREAS at a meeting of a society known as the Morrison Education Society on the 18th day of March, 1873, it was agreed, and at a further meeting of the said Society held on the 24th day of April, 1873, it was confirmed, that Three thousand Dollars of the monies of the Society "should be funded for the purpose of endowing a scholarship, to be known as the Morrison Scholarship, at the Central School upon conditions to be drawn up by the Headmaster of the Central School, the Minister for the time being of the Union Church and the senior resident Missionary of the London Missionary Society, and that, in the event of discontinuance of the Central School or other circumstances making it advisable, the disposition of the principal should be with the three gentlemen above named."

AND WHEREAS the said fund has now appreciated through investments and further contributions to a capital value of over Fifty thousand Dollars, and provides an income of nearly Two thousand Dollars per annum out of which five Morrison Scholarships are endowed and maintained at Queen's College in this Colony.

AND WHEREAS doubts have arisen as to the legal position of the persons now administering the said fund as trustees thereof, and it is deemed expedient that the fund should be vested in an incorporated body which may administer the same for the purpose of endowing and maintaining such scholarships.

[9th November, 1934.]

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 Morrison Scholarships Fund Incorporation Ordinance, 1934. Short title.

2.—(1) There shall be a body of Trustees which, subject to the other provisions of this Ordinance, shall consist of:— The Trustees and their proceedings and acts.

(a) Francis John de Rome, Headmaster of Queen's College, Hong Kong;

(b) Doctor Robert McLean Gibson, Senior missionary in Hong Kong of the London Missionary Society;

(c) The Reverend Enoch Gwyn Powell, minister of the Union Church, Hong Kong,

and their successors in Office for the time being.

(2) In the event of the absence from the Colony of any Trustee the person temporarily fulfilling his duties shall act as a Trustee during his absence.

(3) No act or decision of the Trustees shall be valid unless approved by two Trustees.

(4) If any act be done or discretion be exercised by the majority of the Trustees, or if any instrument be executed in pursuance thereof, no such act, discretion or instrument shall be questioned on the ground that the other Trustee did not concur or join therein, or objected thereto.

Notification
of change in
Trustees.

3.—(1) All changes in the constitution of the Trustees shall be notified to the Colonial Secretary and published by him in the *Gazette*.

(2) No such change shall be deemed to have been made unless it shall have been so published in the *Gazette*.

(3) The production of a copy of the *Gazette* containing any such notification shall be *prima facie* evidence as to the constitution of the Trustees.

(4) The Trustees shall when required by the Governor furnish to him satisfactory proof of the succession of any new Trustee.

Incorporation and
general
powers of the
Trustees.

4. The Trustees shall be a body corporate (hereinafter called the Corporation) under the name of "The Trustees of the Morrison Scholarships Fund" and by that name shall have perpetual succession and shall and may sue and be sued in all courts and shall and may have and use a common seal and may break, change, alter and make anew the said seal.

Power to
acquire
property.

5.—(1) Subject to the provisions of sub-section (2) of this section the Corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature and kind soever and wheresoever situate, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements, or upon bankers' fixed deposits, or upon the mortgages, debentures, stocks, funds, shares or securities of any Government, municipality, corporation or company, and also to purchase, acquire, and possess goods and chattels of what nature or kind soever, for the purpose of endowing and maintaining scholarships, to be known as Morrison Scholarships, in Queen's College, Hong Kong.

(2) Notwithstanding the provisions of sub-section (1) of this section the Corporation shall not acquire by lease or purchase any immovable property in the Colony unless it shall previously have obtained the special consent of the Governor in Council in each case.

(3) The Corporation shall further have power by deed ^{Power to dispose of property.} or writing under their common seal to grant, sell, convey, assign, surrender, yield up, mortgage, demise, reconvey, reassign, transfer or otherwise dispose of or deal with any lands, buildings, messuages, tenements, goods and chattels or other property which are for the time being vested in or belonging to the Corporation, upon such terms as to the Trustees may seem fit: Provided that nothing in this section shall be construed so as to authorise any breach of trust on the part of the Trustees.

(4) All deeds and other documents requiring the seal of the Corporation shall be sealed with such seal in the presence of the Headmaster of Queen's College and shall be signed by him. ^{Use of seal.}

6. All those stocks or shares of Hong Kong companies ^{Vesting of certain property.} which are at present registered in the name of the Trustees of the Morrison Scholarship Fund or other like name, and all moneys deposited in any bank in the name of the said Fund, are hereby transferred to and vested in the Corporation.

7.—(1) The Corporation may from time to time with the approval of the Governor in Council frame, and from time to time with the approval of the Governor in Council alter, by-laws for its internal management and control, and all such by-laws when so approved as aforesaid and agreed upon by the Corporation shall be binding on every member thereof. ^{By-laws.}

(2) Amendments to the by-laws shall be made by the Trustees in general meeting and at least fourteen clear days notice in writing of any resolution to effect any such amendment shall be given to each of the Trustees.

(3) A copy of the by-laws certified as correct by two of the Trustees and sealed with the common seal of the Corporation shall be deposited and filed with the Registrar of Companies, and whenever such by-laws are altered a copy thereof as altered, certified as aforesaid, shall also be forthwith deposited and filed with the said Registrar.

(4) The first by-laws shall be those contained in the Schedule.

8. Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King, His Heirs or Successors, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them. ^{Saving of the rights of the Crown and of certain other persons.}

Passed the Legislative Council of Hong Kong, this 8th day of November, 1934.

H. R. BUTTERS,
Deputy Clerk of Councils.

SCHEDULE.

BY-LAWS.

Constitution.

1. The Fund shall be known as "The Morrison Scholarships Fund".

2. The Fund shall consist of the fund in the hands of the Trustees at the commencement of this Ordinance, and the property, monies and investments for the time being and from time to time representing the same, including any contributions, additions and accumulations thereto as may be made or accrue.

Object.

3. The object of the Fund is to provide and endow Scholarships for boys at Queen's College, Hong Kong, without distinction of class or nationality.

Government.

4. The government of the Fund shall be in the hands of the Trustees, of whom the Headmaster of Queen's College for the time being shall be the Chairman.

5. The Chairman shall at the same time discharge the duties of Honorary Secretary and Honorary Treasurer, and shall collect all sums due to the Corporation and keep an accurate account of all moneys received and disbursed to be presented at each meeting.

6. The Trustees shall also appoint one or more auditors, not necessarily auditors by profession, who shall not be Trustees, to audit the accounts and present a statement at the annual meeting.

Funds.

7. All contributions to the Fund shall be paid to the Honorary Treasurer and shall by him be placed to the credit of the Corporation in a local bank or invested as the Trustees may deem advisable.

8. No payment on account of the Corporation shall be made without the order of the Trustees, payment on Petty Cash Account excepted, for which purpose the Trustees may place such sum as they think fit at the disposal of the Honorary Treasurer, who shall furnish a correct account of all such payments at each meeting of the Trustees. All cheques shall be signed by one Trustee and the Honorary Treasurer.

Scholarships.

9. The number of scholarships granted and the value of each, and the conditions and period on and for which any such scholarship is granted or may be renewed, shall be in the entire discretion of the Trustees.

Meetings.

10. The Annual Meeting of the Trustees shall be held not later than the month of May in every year, when the report of the Trustees and the audited statement of accounts made up to the 31st December of the previous year shall be presented and passed, and any business of the previous year discussed. Emergency meetings may be called at any time by the Chairman or on the request of any Trustee.

11. At all meetings two Trustees shall form a quorum.