

19. *Bills of Exchange and Falsification of Documents Amendment Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the Bills of Exchange Ordinance, 1885, and the Falsification of Documents Ordinance, 1935.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

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.

ADJOURNMENT.

20. The Council then adjourned *sine die*.

A. CALDECOTT,
Governor.

Confirmed this 19th day of March, 1936.

H. R. BUTTERS,
Deputy Clerk of Councils.

No. 268.—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. 10 of 1936.—An Ordinance to amend the law relating to the capacity, property and liabilities of married women and the liabilities of husbands.

Ordinance No. 11 of 1936.—An Ordinance to amend the law relating to proceedings against, and contribution between, tortfeasors.

Ordinance No. 12 of 1936.—An Ordinance to amend the law relating to alcoholic liquors.

HONG KONG.

No. 10 of 1936.

I assent.

L. S.

A. CALDECOTT,
Governor.

20th March, 1936.

An Ordinance to amend the law relating to the capacity, property and liabilities of married women and the liabilities of husbands.

[20th March, 1936.]

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 Married Women Ordinance, 1936. Short title.

2. Subject to the provisions of this Ordinance and subject, as respects actions in tort between husband and wife, to the provisions of section 16 of the Married Women's Property Ordinance, 1906, a married woman shall— Capacity of married women. 25 & 26 Geo. 5, c. 30 s. 1.

(a) be capable of acquiring, holding and disposing of, any property; and Ordinance No. 5 of 1906.

(b) be capable of rendering herself, and being rendered, liable in respect of any tort, contract, debt or obligation: and

(c) be capable of suing and being sued, either in tort or in contract or otherwise; and

(d) be subject to the law relating to bankruptcy and to the enforcement of judgments and orders,

in all respects as if she were a feme sole.

3. Subject to the provisions of this Ordinance all property which— Property of married women. 25 & 26 Geo. 5, c. 30, s. 2.

(a) immediately before the passing of this Ordinance was the separate property of a married woman or held for her separate use in equity; or

(b) belongs at the time of her marriage to a woman married after the passing of this Ordinance; or

(c) after the passing of this Ordinance is acquired by or devolves upon a married woman,

shall belong to her in all respects as if she were a feme sole and may be disposed of accordingly: Provided that nothing

in this sub-section shall interfere with or render inoperative any restriction upon anticipation or alienation attached to the enjoyment of any property by virtue of any provision attaching such restriction contained in any enactment passed before the passing of this Ordinance, or in any instrument executed before the commencement of this Ordinance.

(2) Any instrument executed after the commencement of this Ordinance shall, in so far as it purports to attach to the enjoyment of any property by a woman any restriction upon anticipation or alienation which could not have been attached to the enjoyment of that property by a man, be void.

(3) For the purposes of the provisions of this section relating to restrictions upon anticipation or alienation—

(a) an instrument attaching such a restriction as aforesaid executed after the commencement of this Ordinance in pursuance of an obligation imposed before such commencement to attach such a restriction shall be deemed to have been executed before such commencement;

(b) a provision contained in an instrument made in exercise of a special power of appointment shall be deemed to be contained in that instrument only and not in the instrument by which the power was created; and

(c) the will of any testator who dies after the thirty-first day of December, 1945, shall (notwithstanding the actual date of the execution thereof) be deemed to have been executed after the commencement of this Ordinance.

Abolition
of husband's
liability for
wife's torts
and ante-
nuptial
contracts,
debts and
obligations.
25 & 26
Geo. 5, c. 30,
s. 3.

4. Subject to the provisions of this Ordinance, the husband of a married woman shall not, by reason only of his being her husband, be liable—

(a) in respect of any tort committed by her whether before or after the marriage, or in respect of any contract, entered into, or debt or obligation incurred, by her before the marriage; or

(b) to be sued, or made a party to any legal proceeding brought, in respect of any tort, contract, debt or obligation.

Savings.
25 & 26
Geo. 5, c. 30,
s. 4.
cf. Ordinance No. 5
of 1906,
s. 27.

5.—(1) Nothing in this Ordinance shall—

(a) during coverture which began before the first day of January, 1883, affect any property to which the title (whether vested or contingent, and whether in possession, reversion, or remainder) of a married woman accrued before that date, except property held for her separate use in equity;

(b) affect any legal proceeding in respect of any tort if proceedings had been instituted in respect thereof before the passing of this Ordinance;

(c) enable any judgment or order against a married woman in respect of a contract entered into or debt or obligation incurred, before the passing of this Ordinance, to be enforced in bankruptcy or to be enforced otherwise than against her property.

(2) For the avoidance of doubt it is hereby declared that nothing in this Ordinance—

(a) renders the husband of a married woman liable in respect of any contract entered into, or debt or obligation

incurred, by her after the marriage in respect of which he would not have been liable if this Ordinance had not been passed;

(b) exempts the husband of a married woman from liability in respect of any contract entered into, or debt or obligation (not being a debt or obligation arising out of the commission of a tort) incurred, by her after the marriage in respect of which he would have been liable if this Ordinance had not been passed;

(c) prevents a husband and wife from acquiring, holding, and disposing of, any property jointly or as tenants in common, or from rendering themselves, or being rendered, jointly liable in respect of any tort, contract, debt or obligation, and of suing and being sued either in tort or in contract or otherwise, in like manner as if they were not married;

(d) prevents the exercise of any joint power given to a husband and wife.

6.—(1) The enactments mentioned in the first column of the First Schedule to this Ordinance shall have effect subject to the amendments specified in the second column of that Schedule.

Consequen-
tial amend-
ments and
repeals.

Geo. 5, c. 30
s. 5.
Schedules.

(2) The enactments mentioned in the Second Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Passed the Legislative Council of Hong Kong, this 19th day of March, 1936.

H. R. BUTTERS,
Deputy Clerk of Councils.

FIRST SCHEDULE.

[s.6(1).]

CONSEQUENTIAL AMENDMENTS EFFECTED BY THE MARRIED
WOMEN ORDINANCE, 1936.

Enactments to be amended.	Amendment.
The Married Women's Property Ordinance, 1906. (Ordinance No. 5 of 1906).	<p>In section 11 for the words " her separate estate " in the twelfth line there shall be substituted the word " she ".</p> <p>In section 15 for the words " separate use " in the third line there shall be substituted the words " own benefit ".</p> <p>In section 16 for the words " such property belonged to her as " in the seventh line there shall be substituted the words " she were ".</p>
The Divorce Ordinance, 1932. (Ordinance No. 35 of 1932).	<p>For sub-section (1) of section 18 there shall be substituted the following sub-section:—</p> <p>(1) In every case of judicial separation, as from the date of the decree and so long as the separation continues, any property which is acquired by or devolves upon the wife shall not be affected by any restraint upon anticipation attached to the enjoyment by the wife of any property under any settlement, agreement for a settlement, will, or other instrument; and if she dies intestate it shall devolve as if her husband had been dead.</p>

SECOND SCHEDULE.

[s.6(2).]

ENACTMENTS REPEALED BY THE MARRIED WOMEN ORDINANCE, 1936.

Number and year.	Short Title.	Extent of Appeal.
No. 5 of 1906.	The Married Women's Property Ordinance, 1906.	<p>Sections 3, 4, 5, 6, 7, 8 and 9.</p> <p>In section 10 the word "separate" in the twelfth line and the words "for her separate use" in the eighteenth line.</p> <p>In section 11 the word "separate" in the eleventh line and the words "whether the same" in the thirteenth line to "recorded or not" in the sixteenth line.</p> <p>In section 15 the words "by virtue of the power of making contracts hereinbefore contained" in the first and second lines.</p> <p>In section 16 the word "separate" in the seventh line.</p> <p>In section 18 the words "in respect and to the extent of her separate property" in the second line and the words from "and all sums recovered" in the tenth line to "thereof" in the seventeenth line.</p> <p>Sections 19 and 20.</p> <p>In section 25 the word "separate" in the third line.</p>
No. 10 of 1931.	The Bankruptcy Ordinance, 1931.	<p>In section 57 the word "separate".</p> <p>Section 111.</p>

HONG KONG.

No. 11 OF 1936.

I assent.

L.S.

A. CALDECOTT,
Governor.

20th March, 1936.

An Ordinance to amend the law relating to proceedings
against, and contribution between, tortfeasors.

[20th March, 1936.]

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 Tortfeasors
Ordinance, 1936.Proceedings
against and
contribution
between
joint and
several
tortfeasors.25 & 26
Geo. 5, c. 30
s. 6.**2.**—(1) Where damage is suffered by any person as a
result of a tort (whether a crime or not)—(a) judgment recovered against any tortfeasor liable in
respect of that damage shall not be a bar to an action against
any other person who would, if sued, have been liable as a
joint tortfeasor in respect of the same damage;(b) if more than one action is brought in respect of
that damage by or on behalf of the person by whom it was
suffered, or for the benefit of the estate, or of the wife,
husband, parent or child, of that person, against tortfeasors
liable in respect of the damage (whether as joint tortfeasors
or otherwise) the sums recoverable under the judgments
given in those actions by way of damages shall not in the
aggregate exceed the amount of the damages awarded by
the judgment first given; and in any of those actions, other
than that in which judgment is first given, the plaintiff shall
not be entitled to costs unless the court is of opinion that
there was reasonable ground for bringing the action;(c) any tortfeasor liable in respect of that damage may
recover contribution from any other tortfeasor who is, or
would if sued have been, liable in respect of the same
damage, whether as a joint tortfeasor or otherwise, so, how-
ever, that no person shall be entitled to recover contribution
under this section from any person entitled to be indemnified
by him in respect of the liability in respect of which the
contribution is sought.

(2) In any proceedings for contribution under this section the amount of the contribution recoverable from any person shall be such as may be found by the court to be just and equitable having regard to the extent of that person's responsibility for the damage; and the court shall have power to exempt any person from liability to make contribution, or to direct that the contribution to be recovered from any person shall amount to a complete indemnity.

(3) For the purposes of this section—

(a) the expressions "parent" and "child" have the same meanings as they have for the purposes of the Fatal Accidents Ordinance, 1889; and

Ordinance
No. 3 of
1889.

(b) the reference in this section to "the judgment first given" shall, in a case where that judgment is reversed on appeal, be construed as a reference to the judgment first given which is not so reversed and, in a case where a judgment is varied on appeal, be construed as a reference to that judgment as so varied.

(4) Nothing in this section shall—

(a) apply with respect to any tort committed before the commencement of this Ordinance; or

(b) affect any criminal proceedings against any person in respect of any wrongful act; or

(c) render enforceable any agreement for indemnity which would not have been enforceable if this section had not been passed.

Passed the Legislative Council of Hong Kong, this
19th day of March, 1936.

H. R. BUTTERS,
Deputy Clerk of Councils.

HONG KONG.

No. 12 OF 1936.

I assent.

L. S.

A. CALDECOTT,
Governor.

20th March, 1936.

An Ordinance to amend the law relating to alcoholic liquors.

[20th March, 1936.]

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 Liquors Amendment Ordinance, 1936.

Amendment
of Ordinance
No. 36 of
1931, s. 6 (3)
as enacted
by Ordinance
No. 11
of 1935, s. 3.

2. Sub-section (3) of section 6 of the Liquors Ordinance, 1931, as enacted by section 3 of the Liquors Amendment Ordinance, 1935, is amended by the insertion of the words “, who is not the holder of a dealer’s licence,” after the words “ any other person ” in the first line.

Passed the Legislative Council of Hong Kong, this 19th day of March, 1936.

H. R. BUTTERS,
Deputy Clerk of Councils.