

LEGISLATIVE COUNCIL.

No. S. 359.—The following Bills were read a first time at a Meeting of the Council held on the 24th October, 1912 :—

A BILL

ENTITLED

An Ordinance to make provision for the appointment of and to define the powers of the Crown Solicitors and Assistant Crown Solicitors of the 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 as "The Crown Solicitors Ordinance, 1912".

Appointment and qualifications of Crown Solicitor and Assistant Crown Solicitor. 2.—(1.) The Governor shall have and shall be deemed at all times to have had power to appoint any qualified person to be Crown Solicitor or Assistant Crown Solicitor.

(2.) For the purposes of this Ordinance :—

(a.) a person shall be deemed qualified for appointment as Crown Solicitor if at the time he first commences to perform his duties as such he shall possess any of the qualifications which would entitle the court to approve, admit and enrol him as a barrister or as a solicitor under section 21 of the Legal Practitioners Ordinance, 1871 ;

(b.) a person shall be deemed qualified for appointment as Assistant Crown Solicitor if he shall have successfully passed the final examination required of a student before admission as a barrister or advocate in Great Britain or Ireland or as an attorney, solicitor, writer or law agent in one of the courts at London, Dublin or Edinburgh or as a proctor in any ecclesiastical court in England.

Rights and limitations as to practice by Crown Solicitor and Assistant Crown Solicitor. 3.—(1.) Any person duly appointed Crown Solicitor or Assistant Crown Solicitor under the provisions of this Ordinance shall be permitted to practise as a solicitor both in the Supreme Court and elsewhere in the Colony when appearing as Crown Solicitor or as Assistant Crown Solicitor :—

(a.) On behalf of, or representing or acting for or on behalf of :—

(i.) the Crown ;

(ii.) any Government Department of the Colony ;

(iii.) with the consent of the Governor, the Naval or Military Authorities ;

(iv.) with the consent of the Governor any officer in the employment of the Government in any matter in which the Crown or the Government or any Department thereof is interested ;

(b.) In any matter in which the Crown or the Government or any Department thereof is interested.

(2.) Any person duly appointed and acting as Crown Solicitor under the provisions of this Ordinance shall also be entitled to appear on behalf of the Attorney General and prosecute persons at the criminal sessions.

(3.) Subject to the provisions of sub-section (2) of this section no person duly appointed Crown Solicitor or Assistant Crown Solicitor shall be entitled to practise as a barrister or to practise on his own account as a barrister or as a solicitor as long as he continues to hold, or act in, his appointment.

Fees. 4. The Government shall be entitled to charge reasonable fees for work done by any Crown Solicitor or Assistant Crown Solicitor on behalf of the Naval or Military Authorities or in extradition proceedings. Such fees shall be subject to taxation and shall be paid into the general

5. If in any cause or proceeding before any court or tribunal or in any other manner any party for whom any Crown Solicitor or Assistant Crown Solicitor appears or acts as solicitor obtains an order for costs against any other party such costs shall be taxed against and payable by the party against whom the order is made and when recovered shall be paid into the general revenue of the Colony.

Costs.

6. Nothing in this Ordinance shall be deemed to confer a professional status as solicitor upon any person who has not been duly enrolled as a solicitor under section 21 of the Legal Practitioners Ordinance, 1871, or to detract from the professional status of any barrister or advocate who is or has been appointed a Crown Solicitor or Assistant Crown Solicitor under the provisions of this Ordinance.

Saving of professional status.

7. The Crown Solicitors Ordinance, 1911, is hereby repealed.

Repeal.

Objects and Reasons.

The objects and reasons of the Bill are as follows:—

To regularize the appointment, status and powers of the officers who under the new scheme under which the legal work of the Government is being and is to be conducted are to be styled Crown Solicitors and Assistant Crown Solicitors. The old arrangements under which the legal practice connected with the Government was carried on (other than through the Attorney General) by a private firm of solicitors has been altered and it has now been arranged that such work will be carried on substantially entirely by officers of the Government. An Ordinance of temporary character (the Crown Solicitors Ordinance, 1911) was passed last year which it is proposed should be replaced by the present Bill.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to provide for the incorporation of the Church Body of the China Congregational Church in Hongkong.

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 China Congregational Church Ordinance, 1912. Short title.

2.—(1) The following persons, Yong T. Park (翁栢), Pastor of the China Congregational Church in Hongkong, Cheng Kon Sang (鄭幹生), Li Yin Sz (李賢士) and Lo Chun Shan (羅春山), Deacons of the China Congregational Church in Hongkong, and Tsang Pak Ling (曾百靈), Sung Hok Pang (宋學鵬), Ng Yu Tsam (伍子簪) and Ma Ying Piu (馬應彪), Directors of the China Congregational Church in Hongkong, and the survivors and survivor of them and their respective successors in office. Members of the Church Body of the China Congregational Church in Hongkong, shall be a body corporate under the name of "The Church Body of the China Congregational Church in Hongkong" (hereinafter referred to as the Corporation). Incorporation.

(2) The Corporation by the name aforesaid shall have perpetual succession, and shall and may sue and be sued in all Courts of Justice and before all Magistrates in this Colony, and shall and may have and use a Common Seal, and may from time to time break, change, alter and make anew the said seal as to the Corporation may seem fit. Succession and Seal.

(3) The Corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situated and also to invest upon mortgage of any lands, buildings, messuages or tenements, or upon the mortgages, debentures, stocks, funds, shares or securities of any corporation or company, and also to purchase, acquire and possess goods and chattels of what Power to acquire property.

Power to sell property. (4.) The Corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or goods and chattels, which are for the time being vested in or belonging to the Corporation upon such terms as to the Corporation may seem fit.

Register of Members. 3. The Corporation shall keep at its principal church or meeting place a register of the Members of the China Congregational Church in Hongkong, and shall enter in such register the names of all such persons as are in the opinion of the Corporation proper persons to be admitted as Members of the said Church. Such book is hereinafter referred to as the Register of Members, and the persons whose names appear therein as Members of the Church.

Filling vacancies in Church Body. 4. Upon the death or resignation or removal from office of any of the persons named in sub-section 1 of section 2 hereof a successor to the person so dying, retiring or being removed shall be appointed by a majority of the Members of the Church present at a meeting to be convened for the purpose by the Corporation. The names of every person so elected shall be entered in the Register of Members with the date of election and particulars of the office to which such person is elected, and every such entry shall be signed by at least four members of the Church Body.

Conduct of services, &c. 5. The services of the Church shall be regulated and conducted by the Pastor of the Church for the time being in accordance with the principles of the Christian religion based upon the Old and New Testaments, and in accordance as far as possible with the practice of the Congregational Churches now in existence in Europe and America.

Power to make Regulations. 6. Subject to the provisions of section 5 the Corporation may from time to time make regulations for the services of the Church, and the management of its property and affairs generally. All such regulations shall be laid before a meeting of the Members convened for the purpose, and if approved by a majority of the Members present at such meeting shall be binding on the Corporation and upon all Members of the Church. A copy of any such Regulations sealed with the Common Seal of the Corporation, and countersigned by any four members of the Church Body shall be accepted as evidence of such regulations having been regularly made and confirmed.

Removal of Members. 7. The Regulations may provide for the removal from office or from membership of the Church of any member of the Church Body or the Church by the vote of at least two-thirds of the Members of the Church.

Convening meetings. 8. Every meeting held under this Ordinance may be convened by posting a notice of the time and place for holding such meeting and the nature of the business to be discussed upon the door of the principal Church or other meeting place of the Corporation in Hongkong on the two Sundays next preceding the date of the meeting.

Use of Seal. 9. All deeds, documents and other instruments requiring the Seal of the Corporation shall be sealed with the Common Seal of the Corporation and signed by at least four of the Members of the Church Body for the time being.

Saving of rights. 10. Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King, his heirs or successors or of any bodies politic or corporate or other persons, except such as are mentioned in this Ordinance and those claiming by, from and under them.

Objects and Reasons.

The Church Body of the China Congregational Church in Hongkong, having agreed to acquire the land and building (Inland Lot 1424), now registered in the name of the American Board of Commissioners for Foreign Missions, which have since the completion of the buildings been occupied by the Congregational Church, desire to be incorporated for that purpose, and in order to enable them to regulate the membership and other matters relating to the Church.

DENNYS & BOWLEY.