

IN THE SUPREME COURT OF HONG KONG

ORIGINAL JURISDICTION.

MISCELLANEOUS PROCEEDINGS No. 52 OF 1933.

In the Matter of The Wing On Life Assurance Co., Ltd.  
*and*  
In the Matter of the Companies Ordinance 1932.

NOTICE is hereby given that a Petition was on the 31st day of October, 1933 presented to the Supreme Court of Hong Kong by the above named Company for confirming the Special Resolution passed on the 23rd day of September, 1933 to the effect following namely:—

- “(1) That the provisions of the Memorandum of Association of the Company with respect to its objects be altered so as to read as follows:—
- “(a) To grant assurance of all kinds payable upon the happening of all or any of the following events, namely, the death or marriage or birth or failure of issue of, or the attainment of a given age by any person or persons or the expiration of any fixed or ascertainable period, or the occurrence of any contingency or event which would or might be taken to affect the interest (whether in possession, vested contingent, expectant, prospective or otherwise) of any person or persons in any property, or the loss or recovery of contractual or testamentary capacity in any person or persons.
- “(b) To grant annuities, immediate or deferred, payable for any fixed or other period, or contingent as to their commencement or determination upon the happening of all or any of the events above mentioned.
- “(c) Generally to transact the business of a life assurance company including the sale and purchase or re-purchase of annuities and reversionary interests, and life or other interests of uncertain duration or commencement, and endowments for children, and all other business appertaining to or commonly transacted by life assurance companies.
- “(d) To grant assurance of all kinds for payment of money by way of a single payment or by several payments, or by way of annuities or otherwise, upon the happenings of personal injuries caused by accident of any description or upon the happening of sickness or bodily and mental incapacity, and generally to carry on the business of accident insurance in all its branches.
- “(e) To carry on business as tourists agents and contractors and to facilitate travelling, and to provide for tourists and travellers or promote the provision of conveniences of all kinds in the way of through tickets, sleeping cars or berths, reserved places, hotel and lodging accommodations, guides, safe deposits, inquiry bureaux, libraries, lavatories, reading rooms, baggage, transport, insurance of baggage and otherwise.
- “(f) To carry on all kinds of insurance business and all kinds of guarantee and indemnity business, and in particular, without prejudice to the generality of the foregoing words or to the above mentioned clauses, to carry on life, accident, disease, sickness, survivorship, failure of issue, motor car, vehicular, burglary and robbery, theft, fidelity and transit insurance.
- “(g) To act as agents for the issue of any bills, bonds, debenture stock, whether or not offered to the public for subscription, and to guarantee the subscription of any such securities or shares, and to act as Trustee, executor or administrator with or without remuneration, and to undertake trusts of all kinds and the conduct of any business connected with trusts of any description or the estates of deceased persons and to receive for safe custody.
- “(h) To lend and advance money upon or without security including the lending of money upon policies issued by the Company or in respect of which it is liable, and to apply any funds of the Company in buying up, cancelling, extinguishing or obtaining a release from any policy, contract or liability.
- “(i) To guarantee the fidelity of persons filling or about to fill situation of trust or confidence, and the due performance and discharge by such persons of all or any of the duties and obligations imposed on them by contract or otherwise.
- “(j) To guarantee the payment of money secured by or payable under or in respect of debenture bonds, debenture stock contracts (mortgages, charges, obligations and securities of any Company or of any authority, supreme, municipal, local or otherwise, or of any persons whomsoever whether corporate or unincorporate.
- “(k) To guarantee persons filling or about to fill situation of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person, or from the insufficiency, imperfection, or deficiency of title to property, or from any insufficiency, imperfection or deficiency in any security or from any bankruptcy, insolvency, fraud, or tortious act on the part of any other persons, or from any error of judgment or misfortune.
- “(l) To guarantee the title to or quiet enjoyment of property either absolutely or subject to any qualifications or conditions, and to guarantee persons interested or about to become interested in any property against any loss, actions, proceedings, claims or demands in respect of any insufficiency or imperfection or deficiency of title or in any respect of any incumbrances, burdens, or outstanding rights.

- (m) Generally except as below mentioned, to carry on and transact every kind of guarantee business, and every kind of indemnity business, and every kind of counter guarantee and counter indemnity, business and generally every kind of insurance and reinsurance business, whether the like or of a different kind, and whether now known or hereafter devised except fire insurance business and marine insurance business.
- (n) To contract with leaseholders, borrowers, lenders, annuitants and others for the establishment, accumulation, provision, and payment of sinking funds, redemption funds, depreciation fund, renewal funds, endowment funds, and any other special funds, and that either in consideration of a lump sum or of an annual premium or otherwise, and generally on such terms and conditions as may be arranged.
- (o) To furnish and provide deposits and guarantee funds required in relation to any tender or application for any contract, concession, decree, enactment, property or privilege or in relation to the carrying out of any contract, concession, decree or enactment.
- (p) To receive money, securities and valuables of all kinds on deposit at interest or for custody and generally to carry on the business of a safe deposit company.
- (q) To take all such steps, and do all such things as may seem to the Company expedient, with a view to investigating the circumstances of any accident, or any alleged accident, and all material facts, and to obtaining any information or evidence which may seem to have any bearing upon any claims or demands made, or to be made, in respect of such accident, or alleged accident, and to oppose, resist, compromise or satisfy wholly or in part, any such claims or demands.
- (r) To pay, satisfy, or compromise any claims made against the Company which it may be expedient to pay, satisfy or compromise notwithstanding that the same may not be valid in law.
- (s) To re-issue or counter-issue any of the risks undertaken by the Company.
- (t) To effect as agents for others assurances of every kind and against every and any contingency.
- (u) To create or set aside out of the capital or revenue of the Company, a special fund, or special funds, and to give to any class of its policy-holders, annuitants, or creditors, any preferential right over any fund or funds so created, and for such or any other purposes of the Company to place any portion of the Company's property in the names or under the control of trustees, and to give any class of insurers a right to participate in the profits of the Company or any branch of its business.
- (v) To apply out of the revenue or otherwise out of the funds of the Company in each year until the first valuation of the Company's risks any sum not exceeding the gross amount realised, irrespective of expenses, during the year, from interest on invested capital or other sources of income or profits, in or towards the payment of a dividend upon the capital called up and paid, and to spread any preliminary expenses, including such interest, over any subsequent years.
- (x) To establish and carry on the business of a bank, whereof the Head Office or place of business shall be in Victoria with such branches or agencies in the Colony of Hong Kong, and its dependencies as may from time to time be determined.
- (y) To carry on the business of banking in all its branches and departments, including the borrowing raising or taking up money, the lending or advancing money, securities and property, the discounting, buying selling and dealing in bills of exchange, promissory notes, coupons, drafts, bills of lading, warrants, debentures, certificates, scrip and other instruments and securities whether transferable or negotiable, or not, the granting and issuing on commission, underwriting and dealing in stocks, funds, shares debentures, debenture stock, bonds, obligations securities and investments of all kinds, the negotiating of loans and advances, the receiving of money and valuables on deposit, or for safe custody, or otherwise; the collecting and transmitting money and securities, the managing of property, and transaction of all kinds of agency business commonly transacted by bankers.
- (z) To purchase for investment or re-sale and to traffic in land and houses and other property of any tenure and any interest therein and make advance upon the security of land or house or other property or any interest thereon and generally to deal in, traffic by way of sale, lease exchange or otherwise with land and house property and any other property whether real or personal.
- (aa) To take or concur in taking all such steps and proceedings as may seem best calculated to uphold and support the credit of the Company, and to obtain and justify public confidence, and to avert or minimise financial disturbances which might affect the Company.
- (bb) To carry on any other business which may seem to the Company capable of being conveniently carried on in connection with the above or calculated directly or indirectly to enhance the value of or render profitable any of the Company's property or rights.
- (cc) To acquire and undertake the whole or any part of the business property and liabilities of any person or Company carrying on any business which the Company is authorised to carry on or possessed of property suitable for the purposes of the Company.
- (dd) To take or otherwise acquire and hold shares in any other Company having objects altogether or in part similar to those of this Company or carrying on any business capable of being conducted so as directly or indirectly to benefit this Company.
- (ee) To invest and deal with the moneys of the Company not immediately required in, such manner as may from time to time be determined.

- “(ff) To borrow or raise or secure the payment of money in such manner as the Company shall think fit and in particular by the issue of debentures or debenture stock perpetual or otherwise charged upon all or any of the Company’s property (both present and future) including its uncalled capital and to purchase redeem or pay off any such securities.
- “(gg) To remunerate any person or Company for services rendered or to be rendered in placing or assisting to place or guaranteeing the placing of any of the shares in the Company’s capital or any debentures, debenture stock or other securities of the Company or in or about the formation or promotion of the Company or the conduct of its business.
- “(hh) To draw, make, accept, indorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants, debentures and other negotiable or transferable instruments.
- “(ii) To do all such other things as are incidental or conducive to the attainment of the above objects.

And Notice is also given that the said Petition is directed to be heard before His Honour the acting Chief Justice on Tuesday the 28th day of November, 1933 at 10 a.m. and any person interested in the said Company whether as creditor or otherwise, desirous to oppose the making of an Order for the confirmation of the said alteration under the above Ordinance should appear at the time of hearing by himself or his Counsel for the purpose, and a copy of the said Petition will be furnished to any such person requiring the same by the Company’s Solicitors Messrs. Hastings & Co., Gloucester Building, 2nd floor, Victoria in the Colony of Hong Kong on payment of the regulated charge for the same.

Dated the 8th day of November, 1933.

HASTINGS & CO.

Solicitors for the Company.

(FILE No. 480 OF 1933)  
TRADE MARKS ORDINANCE, 1909.

Application for Registration of a Trade Mark.

NOTICE is hereby given that Societe Commerciale Asiatique, of No. 36, Des Vœux Road Central, Victoria, Hong Kong, have on the 27th day of October, 1933, applied for registration in Hong Kong, in the Register of Trade Marks, of the following Trade Mark :—



in the name of Societe Commerciale Asiatique, who claim to be the proprietors thereof.

The Trade Mark has been used by the Applicants since the year 1923, in respect of the following goods :—

Cow and Buffalo hides, in Class 37.

Dated the 10th day of November, 1933.

JOHNSON, STOKES & MASTER,  
Solicitors for the Applicants,  
Prince’s Building,  
Hong Kong.

(FILE No. 486 OF 1933)  
TRADE MARKS ORDINANCE, 1909.

Application for Registration of a Trade Mark.

NOTICE is hereby given that the Hong Kong Brewers & Distillers Limited, whose head office situate at Rutton Building, No. 7, Duddell Street, Victoria, in the Colony of Hong Kong, have on the 26th day of October, 1933, applied for registration in Hong Kong, the accompanying Trade Mark :—



in the name of the Hong Kong Brewers & Distillers Limited, who claim to be proprietors thereof.

The above mark has been used by the Applicants since July, 1933, in respect of beer in Class 43.

The registration of the above mark is limited to the colours as shown on the specimen mark.

Facsimile of the mark may be seen at the offices of the Registrar of Trade Marks, and of the undersigned.

Dated the 10th day of November, 1933.

WILKINSON & GRIST,  
Solicitors for the Applicants,  
No. 2, Queen’s Road Central,  
Hong Kong.