

including the item of \$15,000 to be expended in 1870 on account of the continuation of the Upper Road to the Gap above the Race Course. This item has now appeared for Four consecutive Years on the Estimates as laid before you by the Government, but has hitherto been obliged to give way to some more pressing claim. Now however, as all differences between the Colony and the Military concerning the ground through which part of the Road would pass, are at an end, and as moreover the inconvenience of the City's possessing only one mode of ingress and escape to the Eastward has during the last Twelve Months become more obvious than formerly, I think this useful, and possibly reproductive work, has some chance of being at last commenced.

36. I have, however, no desire to press it specially against your opinion if unfavorable, for if you maintain the Public Credit by ensuring a sufficient Revenue to meet all reasonable duties, I hope you will not suppose the Government has any pet immutable scheme for appropriation of the disposable Revenue. The duty of the Executive, it is true, necessitates the initiation of all Expenditure, but, as you are aware, it is and has been my desire to found such proposals, as far as possible, on some basis which I may have had previous reason to consider in harmony with our common wish and duty.

The Bills are then read a first time; namely:—

(1). A Bill to authorize the Appropriation of a Supplementary Sum not exceeding Thirty-eight thousand Dollars to defray the Charges of the Year 1868.

(2). A Bill to apply a Sum not exceeding Six hundred and Forty thousand Dollars to the Public Service of the Year 1870.

His Excellency adjourns the Council at 20 minutes before 5 o'clock till Friday, the 24th Instant, at 3 P.M.

RICHARD GRAVES MACDONNELL,
Governor.

Read and confirmed, this 24th Day of September, 1869.

L. D'ALMADA E CASTRO,
Clerk of Councils.

HONGKONG
ANNO TRICESIMO TERTIO
VICTORIÆ REGINÆ.

SIR RICHARD GRAVES MACDONNELL, Knight, C.B.,
Governor and Commander-in-Chief.

No. 1 OF 1869.

Title. An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to make further Provision in relation to the Vacation of the Supreme Court and the Transaction of Business during the same in certain Cases.

[24th September, 1869.]

Preamble. WHEREAS it is expedient to make further Provision in relation to the Vacation of the Supreme Court and the Transaction of Business during the same in certain Cases: Be it enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Short Title. I. This Ordinance may be cited as the "Vacation Ordinance, 1869."

Repealing Clause. II. Ordinance No. 11 of 1866, is hereby repealed.

Summer and Winter Vacations. III. From and after the Passing of this Ordinance, there shall be Two Periods of Vacation for the Supreme Court in each Year, that is to say, a Summer Vacation between the Dates hereinafter mentioned, and a Winter Vacation of One Month.

Periods of Vacations. IV. The Summer Vacation shall commence on the Evening of the Twentieth Day of August in each Year and end on the Morning of the Twelfth Day of October then next following. The Month of November shall be the Winter Vacation Month.

V. Except as hereinafter mentioned, no Business shall be trans- Transaction acted by the Supreme Court or the Offices connected therewith, of Business in during Vacation. Vacation.

VI. The Supreme Court and the Offices connected therewith What Business shall be Open during Vacation, for the Purpose of holding any may be Special Criminal Session and also for the Purpose of granting transacted. Interim Injunctions and dissolving the same, issuing Writs, receiving Petitions and of completing any Criminal Sessions or, by Leave of the Court, any Civil Business actually commenced before the First Day of Vacation.

VII. It shall be lawful for the Chief Justice, if he shall think Chief Justice fit, whenever it shall appear to him expedient that any other Civil may permit Business should be transacted during Vacation although not any other Civil actually commenced before the First Day thereof, to make an Order Business to be permitting the same to be so transacted, and every Act or transacted in Thing done in pursuance of such Order shall be as valid as if Vacation. done out of Vacation. Provided that no such Order shall issue Proviso as to except with the Consent of all Parties who might in the Opinion Consent of of the Chief Justice be prejudiced thereby. Parties.

VIII. Judgment may be signed during Vacation by Leave of Signing the Chief Justice upon such Terms and Conditions as he may Judgment. think fit.

IX. It shall be lawful for the Judge of the Court of Summary Power of Jurisdiction during Vacation in Case of the temporary Absence of Judge of Court the Chief Justice from the Colony, or such other fit Person as the of Summary Governor may appoint for that Purpose, to hold a Special Criminal Jurisdiction Session if the Governor shall so direct; and also for the Judge of in Vacation. the Court of Summary Jurisdiction to exercise without any Direction from the Chief Justice in that Behalf all the Powers vested in him by Section 34 of Ordinance No. 7 of 1862 in respect of any Civil Business originating in the Supreme Court; but subject always, as to such Civil Business, to the Provisos and Exceptions in the said Section contained and to the Provisions of this Ordinance.

X. The Periods of the Vacation of the Supreme Court may be The Periods of varied from Time to Time by a Rule of Court to be made by the Vacation may Chief Justice, and approved by the Legislative Council in the be varied by Manner provided by Ordinance No. 4 of 1867. Rule of Court.

XI. This Ordinance shall come into Force and take Effect on Commence- such Day as shall hereafter be fixed by Proclamation under the ment of Hand of the Governor. Ordinance.

Passed the Legislative Council of Hongkong, this 24th Day of September, 1869.

L. D'ALMADA E CASTRO,
Clerk of Councils.

No. 8.

PROCLAMATION.

[L.S.] RICHARD GRAVES MACDONNELL.

By His Excellency SIR RICHARD GRAVES MACDONNELL, Knight, and Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same.

Whereas by Section XI of Ordinance No. 1 of 1869, entitled "*An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to make further Provision in relation to the Vacation of the Supreme Court and the Transaction of Business during the same in certain Cases,*" it is enacted as follows:—

"This Ordinance shall come into Force and take Effect on such Day as shall hereafter be fixed by Proclamation under the Hand of the Governor:"

Now, therefore, I, SIR RICHARD GRAVES MACDONNELL, Governor of the Colony of Hongkong in pursuance of the said Section and by virtue of the Authority thereby in me vested, do hereby under my hand Proclaim, that the said Ordinance shall commence and take effect from this date.

By His Excellency's Command,

J. GARDINER AUSTIN,
Colonial Secretary.

GOD SAVE THE QUEEN.

Given at Victoria, Hongkong, this 25th Day of September, 1869.