

ADJOURNMENT.—The Council then adjourned until after the meeting of the Finance Committee, and on the Council resuming, the Colonial Secretary reported that Financial Minutes Nos. 42 and 43 had been considered by the Finance Committee and that the recommendations had been approved.

REPORT OF THE FINANCE COMMITTEE.—The Colonial Secretary, by command of His Excellency the Governor, laid on the table the Report of the Finance Committee, dated the 28th June, 1906, and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

ADJOURNMENT.—The Council then adjourned until Thursday, the 6th September, 1906.

M. NATHAN,
Governor.

Read and confirmed, this 6th day of September, 1906.

A. G. M. FLETCHER,
Clerk of Councils.

No. 742.—The following Bills were read a first time at a Meeting of the Council held on the 6th September, 1906:—

A BILL

ENTITLED

An Ordinance to amend the Code of Civil Procedure.

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 Code of Civil Procedure (Amendment).

Construction. **2.** This Ordinance and the Code of Civil Procedure hereinafter called the Principal Code shall be read and construed together as one Ordinance.

Repeal of section 4 of the Principal Code and new section substituted therefor. **3.** Section 4 of the Code of Civil Procedure hereinafter called the Principal Code is hereby repealed and the following section is substituted instead thereof :—

English Rules of Practice to apply in certain cases. “4.—In all cases with respect to which no provision is made by this Code, and in every case where the provision made is inadequate, the Rules of Practice for the time being in force in the Supreme Court in England shall be deemed to be in force in the Court subject to their applicability and with such modification as the circumstances may require.”

Repeal of section 13 of the Principal Code and new section substituted therefor. **4.** Section 13 of the Principal Code is hereby repealed and the following section is substituted instead thereof :—

Writ for service out of jurisdiction. O. H. r. 4. “13.—No writ of summons for service out of the jurisdiction, or of which notice is to be given out of the jurisdiction, shall be issued without the leave of the Court.”

Repeal of sub-section (2) of section 25 of the Principal Code and new sub-section substituted therefor. **5.** Section 25 sub-section (2) of the Principal Code is hereby repealed and the following section is substituted instead thereof :—

Concurrent writ for service out within and without jurisdiction. O. VI. r. 2. “25.—(2.) A writ for service within the jurisdiction may be issued and marked as a concurrent writ with one for service, or whereof notice in lieu of service is to be given out of the jurisdiction; and a writ for service or whereof notice in lieu of service is to be given, out of the jurisdiction, may be issued and marked as a concurrent writ with one for service within the jurisdiction.”

Repeal of section 42 of the Principal Code and new section substituted therefor. **6.** Section 42 of the Principal Code is hereby repealed and the following section is substituted instead thereof :—

Service out of jurisdiction. O. XI. r. 1. “42.—(1.) Service out of the jurisdiction of a writ of summons, or notice of a writ of summons, may be allowed by the Court, unless the case falls within the provisions of Ordinance No. 1 of 1851, whenever,—

(a.) the whole subject-matter of the action is immovable property situate within the jurisdiction (with or without rents or profits); or

(b.) any act, deed, will, contract, obligation, or liability affecting immovable property situate within the jurisdiction is sought to be construed, rectified, set aside, or enforced in the action; or

(c.) any relief is sought against any person domiciled or ordinarily resident within the jurisdiction; or

(d.) the action is for the administration of the personal estate of any deceased person who at the time of his death was domiciled within the jurisdiction, or for the execution (as to property situate within the jurisdiction) of the trusts of any written instrument, of which the person to be served is a trustee, which ought to be executed according to the law of the Colony; or

(e.) the action is founded on any breach or alleged breach within the jurisdiction of any contract wherever made, which, according to the terms thereof, ought to be performed within the jurisdiction; or

(f.) any injunction is sought as to anything to be done within the jurisdiction, or any nuisance within the jurisdiction is sought to be prevented or removed, whether damages are or are not also sought in respect thereof; or

(g.) any person out of the jurisdiction is a necessary or proper party to an action properly brought against some other person duly served within the jurisdiction.

(2.) Every application for leave to serve such writ or notice on a defendant out of the jurisdiction shall be supported by affidavit or other evidence, stating that in the belief of the deponent the plaintiff has a good cause of action, and showing in what place or country such defendant is or probably may be found, and whether such defendant is a British subject or not, and the grounds upon which the application is made; and no such leave shall be granted unless it shall be made sufficiently to appear to the Court that the case is a proper one for service out of the jurisdiction under this section. O. XI. r. 4.

(3.) Any order giving leave to effect such service or give such notice shall limit a time after such service or notice within which such defendant is to enter an appearance, such time to depend on the place and country where or within which the writ is to be served or the notice given. O. XI. r. 5.

(4.) When the defendant is neither a British subject nor in British dominions, notice of the writ, and not the writ itself, is to be served upon him. O. XI. r. 6.

(5.) Where leave is to be given under sub-sections (1.) and (4.) of this section to serve notice of a writ of summons out of the jurisdiction, such notice shall be served in the manner in which writs of summons are served. O. XI. r. 7.

(6.) Writs of summons in Probate Actions, Originating Summonses, and any other initial proceeding, may be served, or notice thereof given, as the case may require, out of the jurisdiction by leave of the Court, and the provisions of the articles of the Code dealing with service of writs out of the jurisdiction shall apply thereto in so far as may be necessary." O. XI. r. 3. Irish Judicature Act 1877: 40 & 41 Vict. c. 57 s. 33.

7. The following section shall be added to the Principal Code, and shall be numbered 42A:—

Service abroad.
O. XI. r. 8.

"42A.—Where leave is given to serve notice of a writ of summons or other document, in any foreign country to which Order XI, Rule 8 of the Orders and Rules of the High Court of Judicature in England known as Rules of The Supreme Court 1883 has by order of the Lord

Chancellor been applied, the following procedure shall be adopted :—

- (1.) The notice to be served shall be sealed with the seal of the Supreme Court for use out of the jurisdiction, and shall be forwarded by the Judge to the Colonial Secretary, for transmission to His Majesty's Principal Secretary of State for the Colonies, together with a copy thereof translated into the language of the country in which service is to be effected, and with a request that the necessary steps be taken for the further transmission of the same to the Government of the country in which leave to serve notice of the writ has been given. Such request shall be in such form as may hereafter be prescribed.
- (2.) The party bespeaking a copy notice of writ for service under this section shall, at the time of bespeaking the same, file a præcipe in such form as may hereafter be prescribed.
- (3.) An official certificate or declaration upon oath, or otherwise transmitted through the diplomatic channel by the Government or Court of a foreign country to which this section applies, to the Supreme Court of Hongkong shall, provided that it certifies or declares the notice of the writ to have been personally served, or to have been duly served upon the defendant in accordance with the law of such foreign country, or words to that effect, be deemed to be sufficient proof of such service, and shall be filed of record as, and be equivalent to, an affidavit of service within the requirements of this Code in that behalf.
- (4.) Where an official certificate or declaration, transmitted to the Supreme Court of Hongkong in manner provided in sub-section (3) of this section certifies or declares that efforts to serve a notice of writ have been without effect, the Court may, upon the ex parte application of the plaintiff, order that the plaintiff be at liberty to bespeak a request for substituted service of such notice. Such order shall be in such form as may hereafter be prescribed.
- (5.) A request for substituted service of a notice of writ under this section may be bespoken by the plaintiff at the Registry of the Supreme Court, upon filing a præcipe in form to be hereafter prescribed, and the notice of writ and copy of the same, and the order shall be sealed and transmitted to the Colonial Secretary in manner aforesaid together with a request in form to be hereafter prescribed."

8. Section 45 of the Principal Code is hereby repealed and the following section is substituted instead thereof :—

Repeal of section 45 of the Principal Code and new section substituted therefor.

Service and return of writ.
H. K. Code s. 45 verbally amended.

"45.—(1.) The plaintiff shall cause a copy of the writ of summons to be served on the defendant, and such copy shall contain a memorandum indorsed thereon requiring the defendant to enter an appearance to the action within eight days from the day of such service, or, in the case of a writ for service, or whereof notice in lieu of service is to be given, out of the jurisdic-

tion, within such time as the Court may have ordered.

(2.) The person serving the writ shall, within three days at most after such service, indorse on the writ the day of the month and week of the service thereof, otherwise the plaintiff shall not be at liberty, in case of non-appearance, to proceed by default; and every affidavit of service of the writ shall mention the day on which the indorsement was made. This subsection shall apply to substituted as well as other service.

(3.) The writ shall, within eight days after the service thereof, or, in the case of a writ for service, or whereof notice in lieu of service is to be given, out of the jurisdiction, within such time as the Court may have ordered, be returned into the Registry and filed therein."

9. Section 46 of the Principal Code is hereby repealed and the following section is substituted instead thereof :—

Repeal of section 46 of the Principal Code and new section substituted therefor.
H. K. Code s. 46 verbally amended.

"46.—The defendant shall, within eight days from the day of service on him of the writ of summons, or, in the case of a writ for service, or whereof notice in lieu of service is to be given, out of the jurisdiction, within such time as the Court may have ordered, cause an appearance to the action to be entered for him in the Registry."

Appearance in general.

10. Section 47 of the Principal Code is hereby repealed and the following section is substituted instead thereof :—

Repeal of section 47 of the Principal Code and new section substituted therefor.
H. K. Code s. 47 verbally amended.

"47.—Where a writ of summons has been served, or notice in lieu of service has been given, out of the jurisdiction, the entry of appearance thereto shall specify the name and address of some solicitor, agent, or other person within the jurisdiction on whom substituted service of all further process against the defendant in the action may be effected while the defendant remains out of the jurisdiction, and, in default thereof, the Court may proceed with the action as if no appearance had been entered."

Appearance in case of defendant out of jurisdiction.

11. Section 709 of the Principal Code is hereby repealed and the following section is substituted instead thereof :—

Repeal of section 709 of the Principal Code and new section substituted therefor.

"709. —(1.) The forms contained in the Schedule may be used in the cases to which they respectively have reference, with such variations and additions as the circumstances of the particular case may require, and shall, as regards the form thereof, be valid and sufficient.

Forms for use.

(2.) The Chief Justice may from time to time alter the said forms or any of them or substitute other forms therefor, and may add new forms to the said Schedule as circumstances may require; and every such altered, added or substituted form shall be published in the Gazette.

New.

(3.) So far as the said forms may be incomplete all forms at present in use in the Court, with such variations and additions as the circumstances of the particular case may require, may be used for the purpose of carrying out the provisions of this Code, and shall, as regards the form thereof, be valid and sufficient."

Objects and Reasons.

The object of this Bill is to assimilate the procedure of the Supreme Court with that of the Supreme Court in England.

HENRY S. BERKELEY,
Attorney General.

A BILL

ENTITLED

An Ordinance to amend the Lunacy Ordinance, 1906.

Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

Short title and construction.

1. This Ordinance may be cited as the Lunacy Amendment Ordinance, 1906, and shall be read and construed as one with the Lunacy Ordinance, No. 3 of 1906, hereinafter called the Principal Ordinance.

Amendment of section 3 of the Principal Ordinance.

2. Section 3 of the Principal Ordinance shall be read as if the word "Supreme" appeared in the sixth line thereof instead of the word "High" appearing therein.

Objects and Reasons.

The object of this Bill is to correct an error in the third section of the Principal Ordinance in which the reference should have been to the Supreme Court of Judicature and not to the High Court of Judicature.

HENRY S. BERKELEY,
Attorney General.

A BILL

ENTITLED

An Ordinance further to amend the Merchant Shipping Ordinance, 1899, and for other purposes.

BE it 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 Merchant Shipping Amendment Ordinance, 1906, and shall be read and construed as one with the Merchant Shipping Ordinance, 1899, hereinafter called the Principal Ordinance.

Short title and construction.

2. Sub-section (2) (a) of section 26 of the Principal Ordinance as amended by section 7 of the Merchant Shipping Amendment Ordinance, 1905, is hereby repealed and the following sub-section is substituted in place thereof:—

Repeal of sub-section (2) (a) of section 26 of the Principal Ordinance as amended by section 7 of the Merchant Shipping Amendment Ordinance, 1905, and new sub-section substituted with respect to obstruction of wharves, vessels, improper mooring, &c.

“(2) (a).—If any launch, junk or other vessel shall be found alongside any public wharf or landing place (not being engaged in taking on board or landing passengers or cargo) or alongside any *vessel*, private wharf or landing place (unless with the permission of the *Master* or Owner thereof, the proof of which shall lie on the person in charge of such launch, junk or other vessel) or lying off any *vessel*, wharf or landing place, public or private, so as to obstruct the free access of other vessels thereto, or”

3. Section 39 (1) to (29) inclusive of the Principal Ordinance as amended by section 11 of the Merchant Shipping Amendment Ordinance, 1905, is hereby repealed and the following section is substituted therefor:—

Amendment of section 39 of the Principal Ordinance.

39—(1.) In the construction of this Part, the term “Licensed Junk” shall mean a junk, licensed under *sub-section (14) or (15)* of this section and shall include any other vessel licensed under *sub-section (16)*.

Interpretation. “Licensed junk.”

The term “Master” shall include any person for the time being in command or charge of any junk.

(2.) Branch stations of the Harbour Master's Office shall be maintained at such places in the Colony as the Governor may, from time to time, determine, which shall be under the superintendence and control of the Harbour Master, and shall be called “Harbour Master's Station.”

Harbour Master's Stations.

(3.) The Harbour Master shall with the approval of the Governor, by regulation to be published in the Gazette appoint suitable anchorages in the waters of the Colony to be called “Anchorages for Junks.”

Anchorages for junks.

Unless and until the limits of such anchorages shall be altered by the Harbour Master, with the approval of the Governor, the limits of anchorages in Table S shall be in force.

(4.) No unlicensed junk shall (except from stress of weather) anchor at any place within the waters of the Colony other than at an “anchorage for junks.”

Unlicensed junks to anchor at an anchorage for junks.

(5.) Every unlicensed junk arriving at any port of the Colony shall immediately proceed to and take up its berth within the limits of one of the “anchorages for junks.”

Berthing of unlicensed junks.

(6.) Every unlicensed junk shall be provided with a Certificate (Form A, in Table T.) to be issued at the Harbour Master's Office or Station and for which the fee prescribed therein shall be charged. The number of Certificate of every unlicensed junk shall be branded on her hull.

Unlicensed junks to be provided with Certificate.

(7.) The Master of every junk, whether licensed or not, shall immediately on arrival in the waters of the Colony, report such arrival at the Harbour Master's Office or at the nearest Harbour Master's Station, or, if the said Office or Station is closed, as soon as possible after it shall

Report of arrival and particulars to be furnished.

again be opened for business, and shall if licensed deposit the Licence, and if not licensed deposit the Certificate and furnish the particulars hereinafter mentioned, which shall be entered in a register kept for the purpose, that is to say :—

- (a.) Name and capacity of the junk (in piculs).
- (b.) The name, address and description of the owner or owners and of the master.
- (c.) The name, address and description of every consignee or agent if any of the junk and cargo in the Colony.
- (d.) The description of the cargo on board and number of the crew and passengers.
- (e.) The place from which the junk sailed on her voyage to the Colony and the date of the departure from such place and of her arrival in the Colony.
- (f.) Whether carrying any and what guns, arms and ammunition.

Receipt.
Form B.

(8.) Upon compliance with the provisions of the last preceding sub-section and after payment of the fees prescribed in Form A. the master of an unlicensed junk shall receive a receipt (Form B. in Table T.)

Flag to be
hoisted be-
fore depar-
ture.
Clearance.

(9.) The master of every junk whether licensed or not about to leave her anchorage at any Port of the Colony shall eighteen hours before the time of the intended departure of such junk hoist at the highest mast-head such flag or signal as shall, from time to time, be specified by the Harbour Master, and also shall give notice of such intending departure and the nature of the proposed voyage, together with the general character of cargo and particulars of any arms, ammunition and other such articles on board, at the Harbour Master's Office or Station, as the case may be, at which the Licence or Certificate of such junk has been deposited and he will thereupon, if there is no reasonable objection, have the Licence or Certificate returned to him and in the case of an unlicensed junk be furnished with a clearance (endorsed on Form B.) stating his destination, description of his cargo, passengers and the date of departure. Provided always that in case such junk shall not leave her anchorage within twenty-four hours thereafter, the master shall report the same at the Harbour Master's Office or Station, as the case may be, and the reason thereof and shall if so required to do redeposit the said Licence in the case of a licensed junk and the Certificate in the case of an unlicensed junk.

"Special
Permit."

(10.) The Harbour Master or the Officer for the time being in charge of any Harbour Master's Station may, from time to time, upon payment of the prescribed fee, grant to any master of a licensed junk a permit to be called a "Special Permit," which shall be a sufficient warrant or authority for the doing of any act mentioned in such permit.

Junks not to
leave without
special
permit or
clearance.

(11.) No junk shall leave any port in the Colony without a special permit or clearance, unless the safety of the vessel (through stress of weather) shall render it necessary and in such case, she shall return to her former anchorage or place in port when such necessity for leaving it shall have ceased.

No junk to
leave at
night.

(12.) No junk or other Chinese craft, whether licensed or not shall leave her anchorage or leave or attempt to leave any port of the Colony between the hours of 6 P. M. and 6 A. M. from October to March inclusive nor between the hours of 7 P. M. and 5 A. M. from April to September inclusive, except in the case of a licensed fishing junk which has obtained a special permit from the Harbour Master.

Penalty for
unlawfully
using a
certificate
&c.

(13.) No licence, certificate, receipt, or special permit shall be used in respect of any junk other than the junk therein specified, or for any purpose or for any period of time other than the one therein mentioned, and every master of a junk who shall knowingly use or attempt to use any licence, certificate, receipt, or special permit which shall not have been lawfully obtained, shall be liable to a penalty not exceeding three hundred dollars or imprisonment with or without hard labour for any period not exceeding twelve calendar months and every junk in res-

pect of which a licence, *certificate, receipt*, or special permit shall have been used or attempted to be used in violation of this sub-section may, either with or without the cargo thereof, and whether the master shall have been brought to trial or not, at the discretion of the Court, be forfeited to the Crown.

(14.) It shall be lawful for the Harbour Master, in such cases as he shall think fit, and upon payment of the prescribed fee, to grant to the owner of any junk a trading licence authorizing such junk to ply between *the ports of this Colony* and other ports or places out of the Colony, during such period and subject to such conditions as the Harbour Master, with the approval of the Governor, may determine, and which conditions shall be endorsed on or contained in such licence; and such junk, having obtained a trading licence, the master thereof shall cause the number of such licence to be painted in black figures twenty inches in length on a white ground on each bow and on the stern, *and also branded on the hull in figures two inches in length. Ever person guilty of a breach of any such conditions or of the provisions of this sub-section shall be liable to a penalty not exceeding two hundred dollars or in default to imprisonment not exceeding six months with or without hard labour in addition to any other penalty he may thereby incur.*

Trading
Licences.

(15.) It shall be lawful for the Harbour Master in such cases as he shall think fit, and upon payment of the prescribed fee, to grant to the owner of any junk a fishing licence authorizing such junk to be used solely as a fishing junk for such period and subject to such conditions as the Harbour Master, with the approval of the Governor, may determine, and which conditions shall be endorsed on or contained in such licence, and such junk having obtained a fishing licence, the master thereof shall cause the number of the said licence to be painted in white figures twenty inches in length on a black ground on each bow and on the stern. Every person guilty of a breach of any such conditions or of the provisions of this sub-section shall be liable to a penalty not exceeding one hundred dollars or in default to imprisonment not exceeding *three months* with or without hard labour in addition to any *other penalty he may thereby incur.*

Fishing
Licences.

(16.) It shall be lawful for the Harbour Master to grant to any vessel other than a "Junk" a licence under the provisions of *sub-section (14) or (15) of this section* in such cases as it shall appear to him that the vessel referred to is to be employed in the same or similar manner as a "Junk" and such vessel being so licensed shall, so long as the said licence is in force, be considered for all purposes of this Ordinance to be a licensed junk. For any such licences the same fee shall be paid as for a junk.

Licences to
other
Vessels.

(17.) Any junk or vessel employed for fishing purposes and being within the waters of the Colony shall, unless licensed as aforesaid, be subject to the provisions in this section contained as to *unlicensed junks.*

Unlicensed
fishing
vessels.

(18.) It shall be lawful for the Harbour Master to order all junks, lighters, boats, and other vessels of any description whatever to anchor or secure in such place as he may direct, or to prohibit their anchoring or securing in any particular place, or to order them to remove to any other place.

Junks and
other craft
to be subject
to orders of
Harbour
Master.

(19.) It shall be lawful for the Harbour Master to give such orders to all or any junks, or other vessels, for the proper discipline of the harbour and for the prevention of disorder or confusion, or otherwise as he may, in his discretion, think fit.

Discipline of
harbour.

(20.) Every master of any junk or other vessel, whether licensed or not, who shall, when within the waters of the Colony, disobey any lawful orders which the Harbour Master may see fit to give, shall be liable to a penalty not exceeding one hundred dollars.

Penalty for
disobeying
Harbour
Master's
orders.

(21.) Every master of a junk, who brings into the Colony any person who, in the opinion of the Magistrate before whom the charge is tried, has come to the Colony for the purposes of mendicancy, or any person suffering from leprosy or any infectious or contagious disease, or who

Penalty for
bringing
mendicants
&c. into the
Colony.

removes any such person from one part of the Colony to another, shall be liable to a penalty not exceeding ten dollars for each offence, unless in the case of any person suffering from any infectious or contagious disease, such master can show to the satisfaction of the Magistrate that he had no reasonable means of knowing that such person was so suffering.

Power to board any junk and demand inspection of documents.

(22.) It shall be lawful for the Harbour Master or any person deputed thereto by him, or for any Officer or constable of the Police force, at any time to stop and board any junk within the waters of the Colony and demand the production of any licence, *certificate*, *receipt* or special permit, and in case by reason of the non-production of any of such documents, or for any other reason, there shall be ground to believe or suspect that any provision of the law has been violated by the master of such junk, or in case the document produced shall appear from the date thereof, or from any other cause, to have been unlawfully obtained, or to be unlawfully used, to arrest such junk and her cargo and the master of such junk, and deliver them into the custody of the Police.

In case of non-payment of penalty by master, the same may be levied by sale of junk.

(23.) Every junk, the master of which shall be charged with having violated the provisions of this section, may be forthwith arrested and detained unless bail to the satisfaction of a Magistrate is given, until the said master shall either have been acquitted of the offence charged, or, if found guilty, shall have paid the penalty inflicted upon him, and in case he shall fail to pay, within ten days, any penalty which may be inflicted upon him, the same may be recovered by the sale of such junk, and the balance, if any, of the net proceeds thereof, after deducting therefrom the expenses of such sale and the amount of such penalty as aforesaid, shall be paid to the owner or owners of the junk, if claimed within twelve months from the date of the sale, and if not claimed within that period, shall be forfeited to the Crown: Provided that in case it shall be brought to the knowledge of the Magistrate that there is in the Colony any consignee or agent of such junk no sale thereof shall be made in pursuance of this sub-section until three days' previous notice thereof shall have been given in writing to such consignee or agent.

Transfer to purchaser upon sale of junk.

(24.) Every junk forfeited or sold under the provisions of this section shall be transferred to the purchaser thereof, at his expense, by a bill of sale from the Harbour Master, and such bill of sale shall confer upon such purchaser, his executors, administrators and assigns an absolute title to such junk.

Trial of offences under this section.

(25.) No junk or cargo liable to forfeiture, under the provisions of this section, shall be so forfeited unless the offence in respect of which such junk or cargo is liable to forfeiture, shall be tried by two Stipendiary Magistrates sitting together, who shall have power, in their discretion, to extend the period limited by law for an appeal from their decision to the Supreme Court, either before or after the expiration thereof.

Governor in Council empowered to frame rules for carrying out provisions of this section.

(26.) The Governor-in-Council is hereby empowered to make such rules and regulations as to him shall seem fit for the proper carrying out of the provisions of this section, and also from time to time fix and vary the fees payable by junks, and to prescribe the forms of all licences, *certificates*, permits, *receipts* and clearances under this section and the conditions of issuing the same, and to provide adequate means for preventing by force when necessary, any junk from leaving the waters of the Colony, or any port thereof, or any anchorage for junks, in violation of this section.

Unless and until other fees are fixed by the Governor-in-Council, the fees mentioned in Table T. shall be deemed to be the prescribed fees.

Penalty for infraction of sub-section (4) or (5).

(27.) Every master of a junk who shall violate or refuse or fail to comply with the provisions of sub-section (4) or (5) of this section shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment with or without hard labour for any period not exceeding *three months*.

(28.) Every master of a junk who shall refuse or fail to comply with the provisions of *sub-section (7) or (9)* of this section, or knowingly give untrue particulars concerning the information which he is thereby required to furnish, shall be liable to a penalty not exceeding two hundred dollars, or imprisonment with or without hard labour for any period not exceeding *six months*.

Penalty for infraction of sub-section (7) or (9).

(29.) Every master of a junk violating the provisions of *sub-section (11) or (12)* of this section shall be liable to a penalty not exceeding two hundred dollars, or imprisonment with or without hard labour for any period not exceeding six months, and such junk and her cargo may, in the discretion of the Magistrates, be forfeited to the Crown. It shall be lawful for any officer or constable of the Police or Harbour Department to arrest within the waters of the Colony any junk or other Chinese craft leaving or attempting to leave her anchorage, or which he has good reason to believe had left her anchorage or any port of the Colony between the hours aforesaid.

Penalty for infraction of sub-section (11) or (12).

(30.) If in any action brought in any Court of the Colony, in respect of a collision occurring between sunset and sunrise, in or outside the waters of the Colony, between a junk and another vessel, it is proved that such junk did not carry either the light prescribed for sailing vessels by the International Collision Regulations or the lights prescribed for junks by sub-sections (1) and (2) respectively of section 25 of the Principal Ordinance as amended by section 11 of the Merchant Shipping Amendment Ordinance, 1905, then such junk shall be deemed to be in fault, unless it is shown to the satisfaction of the Court that the circumstances of the case made the omission to carry such lights necessary.

Junk not carrying lights to be deemed in fault for collision.

Objects and Reasons.

By this Ordinance provision is made for the prevention of obstruction of vessels and for the better regulation of junks and other vessels employed in the same or similar manner as a junk.

HENRY S. BERKELEY,
Attorney General.

A BILL

ENTITLED

AN Ordinance to amend the New Territories Land Ordinance, 1905.

Be it 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 New Territories Land (Amendment) Ordinance 1905 and shall be read and construed as one with the New Territories Land Ordinance 1905 hereinafter called the Principal Ordinance.

Short title and construction.

2. Sub-section 2 of section 2 of the Principal Ordinance is hereby repealed and the following sub-section is substituted instead thereof:—

Repeal of sub-section 2 of section 2 of the Principal Ordinance and new sub-section substituted therefor.

“(2) “Land” includes land covered by water or within the flow of the sea, and houses and other buildings, and any undivided share in land and every estate and interest in land, and also includes any rent and any profit issuing out of land and any easement affecting land.”

Objects and Reasons.

The object of this Ordinance is to attach a clear and more comprehensive meaning to the word “land” as used in the New Territories Land Ordinance 1905 and to remove a doubt that at present exists whether rent is included, as was intended, in the word “land” within the meaning of the Ordinance.

HENRY S. BERKELEY,
Attorney General.

A BILL

ENTITLED

An Ordinance to transfer to the General Revenue certain sums forming part of the Praya Reclamation Fund.

WHEREAS the scheme for the reclamation of the Fore-shore opposite the City of Victoria authorized by the Praya Reclamation Ordinance, 1889, has been brought to completion: And whereas for the purpose of such scheme a Fund known as "The Praya Reclamation Fund" was created by contributions from the Marine Lot holders including the Colonial Government: And whereas it is expedient to close the accounts of such Fund: And whereas a sum has been set apart out of such Fund for the payment of pensions to officers employed on such reclamation; And whereas there is a balance due by the said Fund to the Colonial Government on account of contributions paid in excess out of General Revenue to the said Fund:

BE it therefore 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 Praya Reclamation Fund Transfer Ordinance, 1906.

Moneys set apart for payment of pensions to officers transferred to General Revenue. **2.** Such moneys forming part of the Praya Reclamation Fund as at the date of the passing of this Ordinance have been set apart for the payment of pensions to officers employed on the Praya Reclamation, and such moneys as are required to defray the sums due to the General Revenue on account of contributions paid in excess to the said Fund by the Colonial Government, are hereby transferred to and shall form part of the General Revenue of the Colony free from any deduction by way of contribution for the defence of the Colony notwithstanding the provisions of The Defence Contribution Ordinance, 1901.

Objects and Reasons.

The object of this Bill is clearly set out in the preamble.

HENRY S. BERKELEY,
Attorney General.

A BILL

ENTITLED

An Ordinance to amend the Regulation of Chinese Ordinance, 1888.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

Short title and construction. **1.** This Ordinance may be cited as the Regulation of Chinese (Amendment) Ordinance, 1906, and shall be read and construed as one with the Regulation of Chinese Ordinance, 1888, hereinafter called the Principal Ordinance.

Extension of Part III of the Principal Ordinance to any part of the Colony. **2.** The Governor may from time to time by Order-in-Council extend the provisions of Part III of the Principal Ordinance to any part of the Colony. Any part of the Colony to which Part III of the Principal Ordinance shall be so extended shall thereupon constitute a district for the purposes of the registration of householders under the provisions thereof: Provided that the Governor-in-Council may from time to time alter any district or the boundaries thereof.

Boundaries. **3.** The boundaries for the time being of every district shall be set out in a map to be kept at the Office of the Registrar General, a duplicate of which shall be kept at the Office of the Director of Public Works.

Objects and Reasons.

The object of this Bill is to empower the Governor-in-Council to extend the provisions of Part III of the Regulation of Chinese Ordinance, 1888, to any portion of the Colony as occasion may require.

HENRY S. BERKELEY,
Attorney General.