the subject matter of the case may require and shall be allowed a reasonable time to perform such order, but that at the expiration of such time, if he shall still be an offender against the provisions of this Ordinance, he shall be liable to be convicted in double the penalty formerly inflicted, notwithstanding such double penalty shall amount to more than the sum of two hundred dollars, and if such offender shall still persist in offending against this Ordinance he shall be liable to be repeatedly convicted in such double penalty.

Person refusing to comply with this Ordinance. Superintendent of Police to act for him and charge him double the expense.

3. And be it enacted that it shall be lawful for the Superintendent of Police of the Colony of Hongkong, or other officer duly authorized by the Chief Magistrate of Police of the said Colony, to require any person whose duty it shall be to remove any filth or obstruction, or do any other matter or thing required to be done by this Ordinance, so to do within a certain time to be then fixed by the said Superintendent of Police or other officer, and that in default of such requisition being complied with, the said Superintendent of Police or other officer shall and may cause to be removed such filth or obstruction, or do or cause to be done such other matter or thing as aforesaid, himself, and the person so in default shall, in addition to the penalties hereinbefore mentioned, be liable to pay double the expense thereof which shall be recoverable in the same manner as any penalty provided by this Ordinance.

Recovery of penalties.

4. And be it enacted that the penalties provided by this Ordinance shall be recovered in a summary manner by proceeding to be had before the Chief, Marine, or Assistant Magistrates of Police sitting singly, or before any two Justices of the Peace for the said Colony of Hongkong.

[*Repealed by Ordinance No. 14 of 1845.*]

No. 6 of 1844.

Title.

An Ordinance to authorize His Excellency the Governor of Hongkong to refer all civil actions or suits to arbitration.

[20th March, 1844.]

Preamble.

WHEREAS the accumulation of public business prevents His Excellency the Governor of Hongkong from being able to give his time or attention to the hearing and decision of civil actions and suits, be it therefore enacted by His Excellency the Governor of Hongkong with the advice of the Legislative Council thereof: That his said Excellency the Governor of Hongkong shall have full power and authority by any order of reference, under his hand to refer all civil actions or suits whatsoever, whether now pending, or hereafter instituted and also all matters in difference between the parties thereto to the award, and arbitrament of such persons, and on such terms, or conditions as shall be named, or set forth in the said order of reference.

Governor to make order of reference to arbitration.

2. And be it enacted that the said order of reference shall to all intents and purposes be as valid and effectual as if the parties named therein had consented thereto and that the same proceedings in every respect shall be had therein as if same had been duly made a rule of any competent Court of Judicature in England.

Order of reference to be as effectual as if made by consent, and to be deemed a rule of Court.

3. And be it enacted that any award made in pursuance of such order of reference shall be liable to be set aside by the said Governor in like manner as any award made in pursuance of any order of reference made by any competent Court of Judicature in England.

Award liable to be set aside.

4. And be it enacted that the said power and authority hereby vested in the said Governor shall cease and determine upon the arrival in the said Colony of, and the assumption of his functions by any Judge of such Supreme Court of Judicature as shall be hereafter erected in Hongkong.

Power herein given to the Governor to cease on arrival of Judge in the Colony.

[*Disallowed in C. O. D., No. 26, 18th August, 1844.*]

No. 7 of 1844.

An Ordinance for removing doubts respecting the application to Hongkong, of the laws and statutes of England relating to usury, and to limit, and define the rate of interest which may be recovered in cases, where it hath not been previously agreed on between the parties.

Title.

[20th March, 1844.]

WHEREAS it is expedient to remove all doubts respecting the application to Hongkong, of the laws and statutes of England relating to usury, and to limit and define the rate of interest, for the forbearance of money which may be recovered in any Court of law, or equity, in cases wherein the rate of interest has not been fixed by the parties before the Court, be it therefore enacted, and declared by His Excellency the Governor of Hongkong, with the advice of the Legislative Council thereof, that the laws and statutes of England relating to usury, shall be deemed, taken, and adjudged not to extend to the said Colony, or its dependencies or to be in force within the same.

Preamble.

Declaring the usury laws of England not to be in force.

2. And be it further enacted, that in all cases where interest for the loan of money, or upon any other contract, may be lawfully recovered, or allowed in any action, or suit in any Court of law or equity, but where the rate of such interest hath not been previously agreed upon, by, or between the parties, it shall not be lawful for the party entitled to interest to recover, or be allowed in any such action, or suit above the rate of twelve dollars, for the interest, or forbearance of one hundred dollars for a year, and so after that rate for a greater or lesser sum, or for a longer, or shorter time. Provided always that it shall be lawful for the Court awarding such interest, to allow such lower rate thereof, as the circumstances of the case may render just and expedient.

Not above 12 per cent to be allowed in cases before the Court where no rate has been previously agreed upon.

[*Repealed by Ordinance No. 7 of 1886.*]