prior to the time of commencing any action, suit, or proceeding grounded on such cause of action: Provided always that it shall be lawful for any such court to have and exercise jurisdiction in any such civil proceeding if only it is made to appear, to the satisfaction of the judge, that such jurisdiction may be had and exercised without the mischief contemplated by this Ordinance.

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## 1852.

[*Originally* No. 2 of 1852.

Law Rev. Ord., 1924.]

### No. 1 of 1852.

*An Ordinance to increase the powers of magistrates as regards publicans, boarding-house keepers, and others, with the view of suppressing desertion in His Majesty's forces, naval and military.*

[18th May, 1852.]

WHEREAS the offence of desertion from His Majesty's forces, naval and military, serving in this Colony, has of late considerably increased; AND WHEREAS such offence has heretofore had inception in, and facility of commission from, public and boarding-houses and other places:—

1. This Ordinance may be cited as the Suppression of Desertion Ordinance, 1852. Short title. *

2. In this Ordinance, "sailor" shall be deemed to extend to every person serving for the time being in any ship then under the orders of the Commander-in-Chief of His Majesty's ships and vessels employed on the China Station. Interpretation.

3. Any publican or keeper of a boarding-house, or any other person whatsoever, who— Penalty on publican or boarding-house keeper inducing soldier or sailor to desert. *

(1) by words or by any other means whatsoever, directly or indirectly procures any soldier, sailor, or marine to desert; or

(2) by words or by any other means whatsoever, attempts to procure or persuade any soldier, sailor, or marine to desert; or

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* As amended by Law Rev. Ord., 1923.

(3) knowing that any soldier, sailor, or marine is about to desert, aids or assists him in deserting; or

(4) knowing any soldier, sailor, or marine to be a deserter, conceals such deserter, or aids or assists such deserter in concealing himself,

shall be guilty of a misdemeanor, and shall upon summary conviction be liable to a fine not exceeding one thousand dollars.

Portion of penalty payable to informer.

**4.** A portion not exceeding one-half of every such fine shall be payable to the person by whose information or evidence the conviction of such offender is made.

Forfeiture of licence on conviction.

**5.** Any publican or keeper of a boarding-house who is convicted of any one or more of the above-mentioned offences shall, in addition to the penalty above provided, forthwith forfeit any licence then held by him as a publican or boarding-house keeper, and he shall be and is hereby declared incapable of holding thereafter any licence as such publican or boarding-house keeper.

Case may be referred to Supreme Court.

**6.** Nothing in this Ordinance shall prevent a magistrate acting under this Ordinance from sending any case arising out of any of the said offences for trial to the Supreme Court, which he may consider should be investigated there.

## —1853.—

[*Originally* No. 2 of 1853.

Law Rev. Ord., 1924.]

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## No. 1 of 1853.

*An Ordinance for the removal of doubts regarding the right of aliens to hold and transfer property within this Colony.*

[17th Nov., 1853.]

WHEREAS doubts have arisen regarding the right of aliens to hold and transfer property within this Colony:—

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BE IT THEREFORE ENACTED by the Governor of Hongkong with the advice of the Legislative Council thereof in pursuance of the Act of Parliament 10 and 11 Victoria, chapter 83, entitled "An Act for the Naturalization of Aliens", and the power inherent in the said Governor and Council, as follows:—

Short title.

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**1.** This Ordinance may be cited as the Aliens (Rights of Property) Ordinance, 1853.

* As amended by Law Rev. Ord., 1923.

† 10 and 11 Vict. c. 83 *rep.* 33 and 34 Vict. c. 14, s. 18: *see* No. 31 of 1911, s. 15.