of books or papers, who shall not have made and subscribed the following declaration before the Chief Magistrate of Police at Hongkong; and whoever shall keep in his possession any such press, without making such a declaration, shall on conviction be punished by fine, to an amount not exceeding three thousand dollars, and by imprisonment for a term not exceeding two years.

"I A. B. declare that I have a press for printing at

" " and this last blank shall be filled up with a true and precise description of the premises where such press may be.

Punishment and penalty for making any false declaration.

9. And be it enacted, that any person who shall, in making any declaration under the authority of this Ordinance, knowingly affirm an untruth shall on conviction thereof be punished by fine, to an amount not exceeding three thousand dollars, and imprisoned for a term not exceeding two years.

[*Repealed by Ordinance No. 6 of 1886.*]

No. 3 of 1844.

Title. [*See Ordinance No. 10 of 1856 as to "Lis Pendens."*]

An Ordinance to provide for the registration of deeds wills judgments and conveyances affecting real or immovable property in Hongkong.

[28th February, 1844.]

Preamble that it is desirable to facilitate the tracing of titles to landed property.

WHEREAS it is expedient to prevent secret and fraudulent conveyances in the Colony of Hongkong, and to provide means whereby the title to real and immovable property may be easily traced and ascertained. Be it therefore enacted by His Excellency the Governor of Hongkong and its dependencies, with the advice of the Legislative Council thereof, that from and after the passing of this Ordinance, the Land Office in the said Colony shall be a public office for the registration of deeds conveyances and other instruments wills and judgments in manner hereinafter mentioned: and that all conveyances and other deeds, wills and devises and other instruments in writing, now or hereafter to be made or executed, and all judgments hereafter to be obtained, by which conveyances deeds and other instruments in writing wills and judgments, any parcels of ground, tenements or premises in Hongkong aforesaid or its dependencies now are, or shall or may hereafter be affected may be entered and registered in the said office in the manner hereinafter directed.

Establishment of a Registry Office.

From the passing of this Ordinance all instruments affecting land may be registered within the said office.

Such instruments to have priority according to their respective dates of registration.

2. And be it further enacted that all such judgments and conveyances or instruments in writing obtained made or executed respectively after the passing of this Ordinance, and registered in pursuance hereof, shall have priority one over the other according to the priority of their respective

dates of registration, and that all such judgments deeds conveyances or instruments in writing as last aforesaid, and all future devises which shall not be registered in pursuance of this Ordinance shall (as against any subsequent *bonâ fide* purchaser or mortgagee of the same parcels of ground tenements or premises for valuable consideration) be absolutely null and void to all intents and purposes. Provided that nothing herein contained shall extend to *bonâ fide* leases at rack rent for any term not exceeding three years.

Notice of unregistered instrument not to affect instruments duly registered.

3. And be it enacted that no notice whatsoever, either actual or constructive, of any prior unregistered deed judgment will conveyance or instrument in writing, shall affect the priority of any such instrument as aforesaid as shall be duly registered in pursuance of this Ordinance.

Such instrument to be registered within a certain time after execution.

4. And be it further enacted that all judgments deeds wills conveyances or instruments in writing hereafter obtained made or executed, which shall be duly registered within the respective times next mentioned: that is to say, all deeds conveyances and other instruments in writing (except wills) which (if executed in Hongkong or its dependencies) shall be registered within one month, or which if executed in any other place shall be registered within twelve months after the time of execution thereof respectively, and all wills which (if the devisor die in Hongkong or its dependencies) shall be registered within one month, or which (if the devisor die in any other place) shall be registered within twelve months, after the decease of every devisor respectively, and all future judgments which shall be registered within one month after the entry or recording thereof, shall severally be in like manner entitled to priority, and shall take effect respectively by relation to the date thereof, only in the same manner as if this Ordinance had never been made.

Mode of registration by a memorial containing certain particulars to be delivered to the Land Officer.

5. And be it further enacted that the registration intended by this Ordinance shall be made in manner following: that is to say; a memorial containing the particulars hereinafter specified shall be delivered into the said Land Office, signed (in case of deeds conveyances or other instruments in writing except wills) by some or one of the parties to the original deed or instrument, or if such parties be dead or absent from the Colony, then by one or more of the witnesses to such deed or instrument, and (in case of wills and devises) signed by some or one of the devisees or his or her guardian or trustees, and (in case of judgments) signed by the plaintiff or plaintiffs: and every such memorial shall be verified by the oath of

some competent person, that the same contains a just and true account of the several particulars therein set forth, which oath shall be taken before the * Chief Magistrate of Police, or before any Justice of the Peace of the said Colony.

[* *See Ordinance No. 6 of 1862.*]

Particulars which it is necessary for the memorial to contain.

6. And be it further enacted that every memorial of any judgment shall contain the following particulars; that is to say, the names and additions of the plaintiffs and defendants respectively, the sum thereby recovered or secured, the time of entry or recording the same, and the sum of money *bonâ fide* due thereon; and every memorial of any deed or conveyance will or other instrument shall contain and set forth the date of such deed conveyance will or other instrument, and the particular nature and object thereof the names and additions of all the parties to such deed conveyance or instrument, and of the devisor devisee or devisees of such will, and the names and additions of all the witnesses thereto, and shall especially particularize and express the parcels of ground tenements and premises affected or intended to be affected by such deed conveyance will or instrument, and the proper and ordinary or accustomed names of the places where the same shall be situated, and (except in cases of wills) the pecuniary or other consideration for the same, in the form or to the effect of the form numbered 1 in the schedule hereunto annexed. Provided always, that when there shall be more writings than one for perfecting the same conveyance devise or security affecting the same parcels of ground tenements and premises, all such writings shall be stated in one and the same memorial, in which it shall be sufficient to particularize such parcels tenements and premises only once.

Such memorial to be numbered by the Land Officer and a receipt to be given for the same and Land Officer shall endorse thereon a certificate of the day and hour when such memorial was delivered into his office, such certificate to be evidence of the time of registration of the memorial.

7. And be it further enacted, that on delivery of any such memorial as aforesaid, the said Land Officer shall number the same according to the order of time in which it shall have been so delivered, and shall give a receipt for the same, in which receipt shall be specified the certain day and time of day when such memorial shall have been so delivered, and the proper number thereof in the Register of the said Land Office, and he shall also in like manner immediately indorse on the back of such memorial a certificate, containing the day and time of day when the same was so delivered, and the name and place of abode of the person verifying the same and shall sign the certificate when so indorsed and such certificate shall be taken and allowed as evidence of the registration, and time of registration of every such judgment deed will devise conveyance or other instrument whereof such memorial shall be so made.

The memorial to be registered as soon as possible in a proper book and be deposited in a secure place in the office.

8. And be it further enacted that every such memorial shall, as soon after the receipt thereof as practicable, be carefully registered by the Land Officer, in regular succession as received, according to its proper number, in a particular book to be kept by him for that purpose, and shall afterwards be deposited by him in some secure place in his office, and there kept for future reference when required, and he shall also keep an index of the parcels of ground tenements and premises mentioned in every such memorial, and also a like index or indexes of the names of the several parties to conveyances and other deeds and instruments, and of devisors and devisees in wills, and of the plaintiffs and defendants in case of judgments with accurate references in all such indexes respectively to the number and page of registry of the memorial to which any entry in such index or indexes shall relate.

Land Officer to keep an index of places and names connected with the instruments so registered with correct references to the proper page of the registry book.

In case of mortgages and judgments Land Officer shall enter satisfaction for the same on receiving a verified certificate as after described.

9. And be it further enacted that in case of mortgages and judgments registered in pursuance of this Ordinance, if at any time afterwards such verified certificate as is hereinafter next mentioned shall be brought to the said Land Officer, signed by the respective mortgagors and mortgagees or plaintiffs and defendants or their agents respectively, and attested by two credible witnesses, whereby it shall appear that the whole of the monies due on any such mortgage or judgment have been fully paid, or that such mortgage or judgment is otherwise satisfied, then the said Land Officer shall make a short entry or memorandum thereof on the memorial and on the margin of the registry of such mortgage or judgment, and shall afterwards carefully register the same certificate in one of the registry books of his office, and the Land Officer, shall make an entry thereof in his index or indexes, referring accurately to the page of registry of such certificate.

Form of the certificate of satisfaction on a judgment or mortgage.

10. And be it further enacted that every such certificate shall contain the following particulars; that is to say, in case of judgments the names and additions of the plaintiffs and defendants, the time of entering up or recording the same, the sum or sums thereby recovered, the date or dates of payment or other satisfaction of the amount *bonâ fide* due thereon, and in case of mortgages the names and additions of the original parties, the date of the instrument, the sum thereby secured, and the time or times of payment or other satisfaction thereof, and every such certificate shall be verified by the oath of some competent person, that the same contains a just and true account of the several particulars therein set forth, which oath shall be made and taken before the said Chief Magistrate, or before

any Justice of the Peace of the said Colony, and on the back of such verified certificate the Land Officer shall immediately indorse the date when the same was received by him, and the name and place of abode of the person verifying the same and the said certificate shall after being so indorsed and entered as aforesaid be safely kept in his office for future reference when required.

Any person may deposit in the said office any deed will or other instrument for safe custody.

11. And be it further enacted that it shall be lawful for any person or persons whatsoever to deposit in the said Land Office for safe custody any conveyance deed power of attorney or instrument in writing whatsoever or his or her last will and testament of which deeds wills conveyances or other instrument the said Land Officer shall (first giving a receipt for the same) immediately make an entry or entries in a book to be kept for that purpose to which book he shall keep an accurate alphabetical index having reference therein as well to the name of the testator or parties to each such deed or instrument as to the person or persons depositing the same and the said Land Officer shall carefully and securely keep all such deeds wills or other instruments in his said office until required by the party or parties depositing the same to deliver them back again. Provided that every such will or testament shall be enclosed within a cover or envelope, sealed with the seal of the testator or testatrix, whose name shall be endorsed by the Land Officer on such envelope or cover, and every such will shall remain in the said office until the decease of the testator or testatrix unless he or she shall previously require the same to be delivered back, and upon the death of the testator or testatrix the said Land Officer shall (after examining such will) deliver the same to the executor first named therein, or to such other person as shall be duly authorized to receive the same.

Wills when so deposited for safe custody to be wrapped up in an envelope under the seal of testator or testatrix.

On the death of testator Land Officer shall deliver the will to the first named executor or to any person ordered to receive the same.

Penalty on Land Officer or subordinate officers wilfully neglecting their duty.

12. And be it further enacted that if the said Land Officer or any other person employed in the said Land Office shall wilfully neglect or omit to number register or enter in manner hereinbefore directed any memorial or certificate delivered into the said office, he shall for every such offence forfeit and be liable to pay to Her Majesty, Her Heirs and Successors for the public purposes of the said Colony, the penalty or sum of five hundred dollars, and be further liable in damages to the party injured to the extent of the loss or injury sustained. And if the said Land Officer or any clerk or person whatsoever shall wilfully destroy embezzle or secrete forge counterfeit raze deface or alter any memorial or any part thereof or

Wilful destruction forgery or alteration of any registered instrument with intent to

defraud or injure punishable with 7 or 14 years transportation.

any indorsement made thereon or any entry or registry thereof in any book in the said office, with intent to defraud or injure any person or persons, such Land Officer clerk or person so offending shall be guilty of felony, and being thereof duly convicted shall be liable to be transported beyond seas for any term not less than seven years and not exceeding fourteen years.

Correction to be verified by signature of Land Officer.

13. And be it enacted that all corrections by erasure interlineation or otherwise in any memorial of the registry of any document required to be registered by this Ordinance shall be noted and set forth at length in red ink in the margin of the memorial wherein they may be made together with the reasons for making the same and shall be attested and verified by the signature of the Land Officer for the time being.

Fees to be taken by the Land Officer.

14. And be it further enacted that the several fees or sums of money, mentioned in the list numbered 2 in the said schedule (and no higher or other fees) shall be demanded and paid by and to the said Land Officer for and in respect of the several matters and things to be by him performed and done under or by virtue of this Ordinance, and the said Land Officer is hereby required to keep an accurate account of such fees and to pay over the same to the Colonial Treasurer for the public purposes of the Colony of Hongkong.

Schedule referred to by this Ordinance.

No. 1.

1. Date of will or instrument.
2. Nature and object thereof.
3. Names and additions of the parties or devisors or devisees.
4. Names and additions of the witnesses thereto.
5. Description of the land or premises conveyed in or affected by the deed or will.
6. Name and description of the place where situate.
7. Consideration and to whom and how paid.
8. Any other particulars the case may require.

No. 2.

1.	For registering every assignment mortgage or other alienation.....	5 dollars.
2.	For registering every will or judgment or receiving any verified certificate.....	1 dollar.
3.	For receiving for safe custody any deed will or other instrument.....	5 dollars.
4.	For every search.....	1 dollar.
5.	For certificate of receipt of any document or certifying a copy thereof and every other certificate.....	5 dollars.
6.	For every uncertified copy of any will deed memorial or other instrument per folio of 80 words	25 cents.