

THE



Hongkong's Government

GAZETTE.

NEW SERIES.

VICTORIA, SATURDAY, 19TH APRIL, 1856.

VOL. I. No. 42.

GOVERNMENT NOTIFICATION.

The Contract for publishing this *Gazette*, entered into on the 24th September, 1853, was terminated on the 30th ultimo; and notice is hereby given, that a New Series of this *Gazette* will be published hereafter, to commence from the 7th instant, under a New Contract, and that

“THE HONGKONG GOVERNMENT GAZETTE”

will, as before, be the only Official Organ for PROCLAMATIONS, NOTIFICATIONS, and PUBLIC PAPERS, of this Government.

By Order,

W. T. MERCER, *Colonial Secretary.*

Colonial Secretary's Office, Victoria, Hongkong, 2d July, 1855.

No. 49.

GOVERNMENT NOTIFICATION.

L. A. WIESE, Esquire, having notified to this Government that an application to Her Majesty's Government in London is about to be made on his behalf, to enable him to officiate as Consul in this Colony for the Free Hanseatic City of Hamburg, in place of Edward Reimers, Esquire, resigned: His Excellency The Governor directs it to be made known, that Mr WIESE will be recognized as such Consul pending the receipt of Her Majesty's pleasure.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 16th April, 1856.

[*Government Notification* No. 50, containing the Report, &c., of the Bowring Praya Commission, will be published in a *Supplemental Gazette*, on Tuesday Morning.]

HONGKONG.

ANNO DECIMO NONO VICTORIÆ REGINÆ.

No. 8 of 1856.

By His Excellency SIR JOHN BOWRING, Knight, LL.D., Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, Her Majesty's Plenipotentiary and Chief Superintendent of the Trade of British Subjects in China, with the Advice of the Legislative Council of Hongkong.

An Ordinance for Buildings and Nuisances.

[16th April, 1856.]

Whereas further Provision hath been found necessary for the better Regulation of Buildings and prevention of Nuisances; Be it therefore enacted and ordained by His Excellency the Governor of Hongkong with the Advice of the Legislative Council thereof in manner following, that is to say:—

I. The following words and expressions in this Ordinance contained shall be construed in manner hereinafter appearing; that is to say:—

The word 'Wall' shall extend to and include every external Wall and party Wall.

The word 'Floor' shall extend to and include every Horizontal Platform forming the base of any Story, and every Joist, Board, Timber, Stone, and Brick, or other substance constituting the said Platform.

The word 'Story' shall extend to and include the full thickness of every Floor, and the space between the under surface thereof and the upper surface of the Floor or (if there be no such Floor) the Ground next below the said first-mentioned Floor.

The word 'Works' shall extend to and include the constructing, reconstructing, pulling down, opening, cutting into, adding to, and altering any Building, Wall, Chimney, Stack, Flue, Drain, Sewer, Cesspool, or any work whatsoever.

The word 'Building' shall extend to and include every House, Outhouse, or Shed.

The word 'House' shall extend to and include every Dwelling House, Warehouse, Shop, Manufactory, Work-room, Distillery, and Place of secure storage or custody.

The expression 'guilty of a Nuisance' shall apply to and denote any person guilty of committing or continuing any Nuisance whatsoever, and any person guilty of permitting or suffering any Nuisance whatsoever, and any person guilty of omitting to take all proper and reasonable means for procuring the abatement of a Nuisance committed and continuing within his tenement, or upon or over some way or public place in the immediate neighborhood of his tenement, for the space of twelve hours after the said Nuisance shall have been committed.

II. All works henceforward shall be under the survey and inspection of the Surveyor General, and shall be commenced, resumed, prosecuted and completed with due observance of this Ordinance and particularly of the Rules next following, that is to say:—

1. The Walls of all Houses shall be solidly built of Bricks or Stones throughout, and shall be of the thickness of not less than nine inches at the upper Story, thirteen and a half inches at the Story immediately below the upper Story, and eighteen inches at the Story (if any) immediately below the said two Stories.

Title,

Preamble,

Definitions,

Wall.

Floor.

Story.

Works.

Building-
House.

Guilty of a Nuisance.

Rules to be observed
as to works.

1. Walls of House^s

2. Foundations of Walls of Houses.

2. The Foundations of every Wall of a House shall be of the depth of not less than twice the thickness of the Wall at the lowest Story of the said Building; and the lowest course of every such Foundation shall be of not less than twice the thickness of the Wall at the said lowest Story; and the height and thickness of the upper courses of such Foundation shall diminish gradually towards the upper surface thereof.

3. Floors in general.

3. The Floors of any one House shall not approach nearer than nine inches' length towards the Floors of any other House separated by a party Wall from the House first-mentioned; And the space intervening between the said two Floors shall be properly and substantially built up with Bricks or Stones as the case may be.

4. Floors of outside Houses.

4. In the case of two or more Houses separated from each other, or others, by one or more party Walls, the external ends of the Floors of the first and last of the said Houses shall be carried to and terminate at the Space of not less than nine inches from the Outside of the external Walls of the said first and last Houses respectively.

5. Supports of floors and roofs.

5. The floors and roofs of houses or verandahs shall in all cases abut upon and rest against at least nine inches of solid brick or stone work, as the case may be.

4 Days' Notice to be given before commencing or (in the case of works suspended for above 3 months) resuming works.

III. It shall not be lawful for any person to commence or (in the case of any works, the progress whereof shall have been for a period exceeding three months suspended) to resume any works, until four days written notice of the intention to commence or resume the same shall have been given unto the Surveyor General at his Office by the person by or for whom such works are intended to be commenced, or resumed, and every such notice shall specify the material particulars of the said intended Works, and any person commencing or resuming any works without having first given such notice as aforesaid to the Surveyor General, or before the expiration of four days from the giving thereof, shall for every such default forfeit and pay to Her Majesty a sum not exceeding Fifty Dollars nor less than Ten Dollars; except where any inevitable accident or emergency shall have occurred to make it necessary to commence or resume any works immediately, in which case only it shall be lawful to commence or resume the same, yet so as that written notice thereof and of the material particulars of such works shall within Two Days after commencing or resuming the same be given by the person by or for whom the same were so commenced or resumed unto the said Surveyor General at his Office aforesaid.

Penalty for every default. Except in case of inevitable necessity.

In which case notice to be given within Two Days after commencing or resuming the works.

Works to be liable in certain cases to be abated as a Nuisance.

IV. In cases where any penalty shall have been incurred under the provisions of the Section next immediately preceding, or where the Surveyor General shall be refused admittance to any tenement for the purpose of surveying or inspecting any works thereon or therein commenced, resumed, or in progress, the said works shall be liable to be abated as a Nuisance.

Contracts to be made or executed to the contrary of this Ordinance.

V. All contracts hereafter to be made for works contrary to the provisions of this Ordinance shall be null and void, and it shall not be lawful to execute in contravention of the said Provisions any contracts heretofore made for works and in force at the passing of this Ordinance, unless the same have heretofore received the sanction of the Surveyor General.

Double Police Rates to be paid for Buildings illegally constructed, &c., until abatement.

VI. Over and above all other penalties and liabilities by this Ordinance imposed, the owner of every Building constructed, reconstructed, or altered in contravention of this Ordinance shall pay in respect of the same a periodical Police Rate of double the amount to which, but for such contravention he would have been liable in respect of the said Building, yet so as that if the same shall be abated, diminished, or removed under the provisions of this Ordinance, the said owner shall cease to be liable to pay any such Police Rate in respect thereof.

Saving of Crown remedies.

VII. No remedies for breaches of contract committed by Crown lessees or others now vested in the Crown or its officers shall be prejudiced by this Ordinance.

Every House to have a Cooking Place and Privy.

VIII. It shall not be lawful to construct, reconstruct, or (if now in the course of construction or reconstruction) to complete any House without a sufficient and safe Place for lighting of fires and cooking of Food; and also a sufficient Watercloset or Privy, and a sufficient Ashpit furnished with proper Doors and Coverings; All which shall be provided to the satisfaction of the Surveyor General, and from time to time emptied and cleansed, at such periods as the Surveyor General may direct; and every Person offending against any of the enactments in this Section contained shall for every such offence forfeit and pay to the Crown a penalty not exceeding Fifty Dollars nor less than Ten Dollars.

Penalty.

The Surveyor General shall require the owner or occupier of any House to make good all deficiencies in works of that kind and cause them to be made good.

IX. The Surveyor General shall in case any House whether now existing or hereafter to be constructed or reconstructed shall not be provided or shall be imperfectly provided with any of the works in the last immediately preceding section specified, or with one or more proper drain or drains to the said House of at least six inches in diameter, give written notice of every such deficiency to the owner or occupier of the said House, thereby requiring him to provide for and make good the said deficiency forthwith or within some specified and reasonable term to the satisfaction of the Surveyor General: and in case the said owner or occupier shall not obey or comply with the said requirement, the said Surveyor General shall cause the said works to be executed, and may recover the charges and expenses thereof together with his costs of procedure by summary application to a Stipendiary Magistrate, or any two Justices, who shall, in case of default in payment thereof, levy the amount so recovered by warrant of distress and sale upon the goods and chattels of such owner or occupier, without prejudice to the right of either party to recover over, retain, or deduct against the other the amount so paid or recovered.

Public and common privies, sewage places, etc., may be provided.

X. The Surveyor General may provide and maintain in proper and suitable situations common Waterclosets, Privies, Urinals, and other like conveniences for public accommodation; and also proper Buildings, Pits, Places, Boxes or other conveniences for the temporary reception and collection of Sewage, Dung, Soil, Filth, Dust, Ashes, and Rubbish, yet so as not to occasion annoyance or nuisance; And all such matters so received or collected therein shall be vested in and may be disposed of at the discretion of and by the Surveyor General; And all the proceeds (if any) of such as shall in any wise be so disposed of shall be paid into the Colonial Treasury on account of the Crown.

Works contravening this Ordinance to be deemed a Nuisance.

XI. Every work whatsoever hereafter to be commenced, resumed, prosecuted, or finished, in contravention of this Ordinance shall be deemed a Nuisance.

Ruinous Buildings to be deemed Nuisances.

XII. Every Building, or Part of a Building, being in a ruinous or dangerous condition, shall be deemed a Nuisance.

Buildings erected of inflammable Materials to be deemed Nuisances.

XIII. Every Building erected or to be hereafter erected of any inflammable material, in such wise as to endanger any neighbouring Building, shall be deemed a Nuisance.

Deposits or accumulations of decaying matter, &c., to be deemed Nuisances.

XIV. Every deposit or accumulation of decaying, noisome, noxious, or offensive matter, in, on, or under any tenement, Crown land, or way, or water, or Drain or Sewer, whereby the health of the Queen's Subjects may be endangered, shall be deemed a Nuisance.

Projections from Buildings to be deemed Nuisances.

XV. Every projection from or over any Building which shall cause annoyance or obstruction to any way or to the Passengers thereon, and every encroachment on, over, or under any way or any Crown land shall be deemed a Nuisance.

Nuisances by the Law of England shall be deemed Nuisances here.

XVI. Every Work which would be deemed a Nuisance in England if begun, conducted, or completed there, shall within this Colony be deemed a Nuisance.

Summary proceeding in cases of Nuisance.

XVII. The Surveyor General shall summon every person guilty of any of the Nuisances hereinbefore enumerated before a Stipendiary Magistrate, or any two Justices of the Peace who shall thereupon proceed in a summary way to enquire into and adjudicate upon the premises after the manner of other summary

proceedings before Justices of the Peace; And where he or they shall adjudicate any one person to have been guilty of any of the said Nuisances, he or they or any other Justice of the Peace shall, upon the application of the Surveyor General, order him or any other proper officer to abate, demolish, or remove the said Nuisance, and to sell and dispose of the Materials thereof (if any) and out of the monies arising by such sale or disposition (if any) to retain or pay the charges and expenses of or incident to such abatement, demolition, or removal; And the said Magistrate, Justices, or Justice shall order and compel all Persons who shall have been found guilty of any such Nuisance, after such adjudication as aforesaid, to satisfy all charges and expenses of or incident to the abatement, demolition, or removal thereof, and for which no other or no efficient satisfaction is hereby provided, and shall thereupon, by warrant under his or their Hand and Seal, and Hands and Seals, cause the same to be levied by distress and sale of the goods and chattels of the said Persons respectively in case of default in payment.

XVIII. In the event of the insufficiency of any distress to be made under this Ordinance, the house of the defaulter shall be subject and liable to defray the deficiency; and a Stipendiary Magistrate or Justice of the Peace upon the application of the Surveyor General shall by warrant authorize and direct a proper officer to seize and take possession of the said house, and to hold the same until such deficiency shall be defrayed, and all the accruing rents and profits of the said house shall be applied by the said Magistrate or Justice in payment of the said deficiency.

XIX. The Surveyor General and his Officers are authorised to seize any Utensil, which he or they shall detect any person in the act of dipping into any public Tank, or Reservoir; and also all building materials found by him or them deposited or lying upon any public Road, or in the side channels thereof; and all Utensils or Materials so seized may be lawfully confiscated by the Surveyor General, and disposed of as he shall direct.

XX. All existing remedies for the prevention or abatement of Nuisances and the punishment of those guilty thereof shall continue to be in force notwithstanding this Ordinance.

JOHN BOWRING.

Passed the Legislative Council of Hongkong,
this 16th Day of April, 1856.

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

GOVERNMENT NOTIFICATION.

Diplomatic Department.

His Excellency SIR JOHN BOWRING, Chief Superintendent of British Trade in China, &c., &c., &c., has received from Mr Consul Robertson at Shanghai, the following Notification, which is now published for the information of all concerned.

By Order,

W. WOODGATE.

Superintendency of Trade, Victoria, Hongkong, 12th April, 1856.

No. 5.

NOTIFICATION.

SHANGHAI, March 13, 1856.

The undersigned, the Consuls of Great Britain and France, and the Vice-Consul of the United States of America, have to notify, for the information of all under their respective jurisdictions, that His Excellency the Superintendent of Customs has announced to them that henceforth the importation of Saltpetre, Gunpowder, Muskets, Guns, and every kind of Munition of War, is strictly forbidden; and that any infringement of this rule will be followed by seizure of such articles.

[L.S.]	(Signed)	D. B. ROBERTSON, H. B. M. Consul.
[L.S.]	(")	B. EDAN, H. I. M. Consul.
[L.S.]	(")	M. W. FISH, Acting U. S. Vice-Consul.

True Copy,

W. WOODGATE.

GOVERNMENT NOTIFICATION.

Diplomatic Department.

His Excellency Her Majesty's Plenipotentiary and Chief Superintendent of Trade, &c., &c., &c., having been pleased to allow Mr Vice-Consul Backhouse to proceed to England on Medical Certificate, M. C. MORRISON, Esquire, has been appointed to officiate as Her Majesty's Vice-Consul in Charge at the Port of Amoy.

By Order,

W. WOODGATE.

Superintendency of Trade, Victoria, Hongkong, 16th April, 1856.

NOTICE.

THE Next CRIMINAL SESSIONS of the SUPREME COURT will be held on FRIDAY, the 23th day of April instant, at 12 o'clock at Noon.

By Order of the Court,

WILLIAM HASTINGS ALEXANDER,
Acting Registrar.

- In re ANTONIO F. TAXERIA, deceased.
- " MUNGLOO, "
- " CAETANO FERNANDEZ, "
- " MAHOMED ALLI, "
- " THOMAS COTTER, "
- " FOONG AHOAN, "
- " WILLIAM ELLIS, "

NOTICE—All claims against the above Estates must be proved before the OFFICIAL ADMINISTRATOR, before the 19th day of October, 1856, otherwise they will not be included in the Scheme of Distribution. All persons indebted to the said Estates are requested to make immediate payment to

WILLIAM HASTINGS ALEXANDER,
Acting Registrar—Official Administrator.

IN THE SUPREME COURT OF HONGKONG.

In the matter of the Insolvency of CHUN-CHIN-POO, late of Victoria, in the Colony of Hongkong.

NOTICE is hereby given, that the ESTATE and EFFECTS of the above named Insolvent have been vested in WILLIAM HASTINGS ALEXANDER, Acting Registrar of the said Court, and Provisional Assignee of Insolvent Estates.

By the Court,

WILLIAM HASTINGS ALEXANDER,
Acting Registrar.

NORTHERN ASSURANCE COMPANY.
CAPITAL £1,259,760.

THE undersigned are authorized to grant POLICIES covering Risks from FIRE, on BUILDINGS in this Colony owned by Europeans, though the Premises may be in the occupation of Chinese. They are further authorized to grant POLICIES upon LIVES of EUROPEANS resident in China.

TURNER & Co.,
Agents in China for the

"Northern Assurance Company."
Hongkong, 10th April, 1856.

IN THE COURT FOR THE RELIEF OF INSOLVENT DEBTORS AT CALCUTTA.

In the matter of the Asiatic Marine Insurance Office.

NOTICE is hereby given, that by an Order of this Court, bearing date the fifth day of January last, the SHAREHOLDERS of the said ASIATIC MARINE INSURANCE OFFICE are required to pay the several sums respectively assessed upon them by the Official Assignee, at the rate of Rs2000 on each share, on or before the following dates: that is to say, the Shareholders resident in CALCUTTA or the Suburbs thereof on or before the first day of March next; the Shareholders resident in HONGKONG and BOMBAY on or before the third day of May next; and the Shareholders resident in GREAT BRITAIN, and all other places not mentioned in the said Order, on or before the fifth day of July;—and that the Official Assignee will be at liberty to apply that the defaulting Shareholders be adjudged to have committed an Act of Insolvency according to the provisions of the Indian Insolvent Act.

DENMAN, HATCH, & DAVIS,
Attorneys for the Official Assignee.