

- also from time to time cause to be provided, and put, and affixed upon the said Irons and Posts, such number of Lamps, and of such Sizes and Sorts respectively, as shall be found requisite for the Lighting of said Streets, Roads, Ways, and Thoroughfares respectively. And it shall be the duty of the Superintendent of Police to light and to keep lighted the said Lamps with Oil for any number of hours in every twenty-four hours, as the said Surveyor General shall from time to time direct.
- III. The Laws relating to the removing, taking, carrying away, or stealing of Fixtures and Chattels, Lamps, and Oil respectively, shall be interpreted to apply to the removing, taking, carrying away, or stealing of the said Irons, Fixtures and Chattels, extended to Lamps, Irons, &c.
- IV. If any person shall wilfully extinguish the Light of any such Lamp, or wilfully injure, displace, or remove any such Lamp or any other of the said articles, every such offender shall, upon conviction thereof by any Justice of the Peace, forfeit and pay for every such Offence a sum not exceeding Fifty Dollars or less than One Dollar, and shall further forfeit and pay the full amount of the Damage by him so done thereon, and all incidental Costs and Expenses.
- V. It shall be lawful for any person witnessing the commission of an Offence against Section Three of this Ordinance, to seize the said Offender, and to deliver him to any Constable, or to the said Justice of the Peace; and no Warrant shall be in any case necessary to justify the Apprehension of any such Offender as aforesaid. Apprehension of Offenders without Warrant.
- VI. When any Damage or Injury shall have been occasioned unto any such articles by any person other than wilfully, and such person shall not have made satisfaction for the same, it shall be the duty of any Justice of the Peace, upon Complaint thereof made, to order and compel the said person to make full satisfaction for the amount of such Damage or Injury, together with all incidental Costs and Expenses. Carelessness or Accidental Damage.
- VII. All Proceedings before a Justice of the Peace under this Ordinance, except as provided by Section Four shall be had, and the payment of all pecuniary Penalties, Costs, and Damages under the same shall be enforced, in like manner as in other cases of or belonging to the summary jurisdiction of Justices before Justices. Summary procedure before Justices.
- VIII. All Monies recovered or received under this Ordinance shall be paid into the Colonial Treasury. Disposal of Monies.

JOHN BOWRING.

Passed the Legislative Council of Hongkong, this 12th Day of June, 1856.

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

HONGKONG.

ANNO DECIMO NONO VICTORIÆ REGINÆ.

No. 12 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 to regulate Chinese Burials, and to prevent certain Nuisances, within the Colony of Hongkong. [12th June, 1856.]

Whereas the increase of Population and Buildings in the City of Victoria has made it necessary to provide other arrangements for the Interment of the Dead, and whereas there exist certain Nuisances which the Laws hitherto in force have failed effectually to prevent: 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. For the construction as well of this Ordinance as of Ordinance No. 14 of 1845, the Ordinance No. 2 of 1854, the Ordinance No. 8 of 1856, and the Ordinance No. 11 of 1856, the following Rules of Construction shall be observed in addition to whatsoever other Rules are by the said Ordinances respectively provided, that is to say:—

The expressions "Public Officer" or "Public Department" shall extend to and include His Excellency the Governor and every Officer or Department invested with or performing duties of a public nature, whether under immediate control of His Excellency or not. "Public Officer" or "Department."

The expression "Lawful Authority" shall extend to and denote any Permission which may be lawfully given by a Public Officer or Department or by a Private Person. "Lawful Authority."

Where no specific Description is given of the Ownership of any Property, the word "Property" shall be taken to apply to all such Property of the kinds specified, whether owned by the Crown, by a Public Department, or by a Private Person. "Property."

II. It shall be lawful for His Excellency in Executive Council from time to time to select and appoint, and by advertisement in the *Hongkong Government Gazette* to notify, sufficient and proper Places to be the Sites of, and to be used as, Cemeteries or Places of Burial for the Chinese; and from time to time to alter, vary, and repeal the said Notifications by others, to be advertised in the like manner; and in such Cemeteries or Places it shall be lawful for the Chinese, in conformity with the Provisions of the Notifications actually in force, to bury their Dead, yet so as that any person who shall use for that purpose a Grave of less than Five Feet in depth from the ordinary surface of the ground to the uppermost side of the Corpse or Coffin therein deposited, shall for every such Offence forfeit and pay a sum not exceeding Fifty Dollars, nor less than Five Dollars. The Governor in Executive Council to appoint Sites for Chinese Cemeteries, &c.

III. His said Excellency in Executive Council is authorized from time to time to notify, by advertisement in the *Hongkong Government Gazette*, that any Chinese Cemetery or Burial Ground shall, from a time in such Notification to be specified, be closed, and the same shall be closed accordingly; and whosoever after the expiration of the said specified time shall bury any Corpse in the said Cemetery or Burial Ground shall, for every such offence, forfeit and pay a sum not exceeding One Hundred Dollars nor less than Five. Power to close Chinese Cemeteries.

IV. Whosoever shall bury any Corpse or Coffin in any Ground not being a Cemetery or Burial Ground authorized under this or any other Ordinance, shall (except in cases provided for by Section Three of this Ordinance) for every such his offence forfeit and pay a sum not exceeding One Hundred Dollars nor less than Five. Penalties on Burials elsewhere than in Cemeteries, &c.

Further penalties on Burials being Nuisances, &c.

Nuisances punishable, at the discretion of the Court.

Injury to Trees, Shrubs, Turf, or Fences.

Injury or Obstruction to Ways, Seashore, Navigation, &c.

Trespass on Public Lands, &c.

Indecency.

Whipping may be substituted in the case of offences against Section VI Divisions 1 and 4.

Extension of penalties to Accessories.

Incorporation with former Ordinances.

Except in case of illegal works, &c., any Complainant may be heard.

Costs may be given.

English Law of Nuisances to come in force within this Colony.

Orders, &c., of the Board of Health.

Saving as to Acts done or sanctioned by Lawful Authority.

V. The penalties in Sections Three and Four specified shall be deemed to be cumulative and not substituted penalties, in any case where the commission of any of the Offences to which the same are applicable shall occasion a Nuisance within the meaning of Ordinance No. 8 of 1856, Section Fourteen.

VI. The Offences next hereinafter specified shall be deemed to be Nuisances within the meaning of all Laws, at any time in force within this Colony, for the better repression of Nuisances, save that the Court or Justices before whom any person shall be found guilty of any such offence, in lieu of all other punishment for the same, shall order him for every such offence to pay a penalty not exceeding One Hundred Dollars nor less than One Dollar, that is to say;

1. The Felling, Cutting, Destroying or Injuring of any standing or growing Tree, Shrub, or Underwood, any Grass-sod or Turf, or any Fence or Portion thereof (except in cases where any such offence shall be proved to have been committed with a felonious intention).
2. The doing any act whereby Injury or Obstruction, whether directly or consequentially, may accrue to a Public Road, Path, or Walk, or to the Shore of the Sea, or to Navigation, Mooring, or Anchorage, Transit or Traffic, or whereby any other Nuisance within the meaning of Ordinance No. 8 of 1856, Sections Fourteen, Fifteen, and Sixteen, whether directly or consequentially, may happen.
3. The trespassing, by Man or Beast, upon or in any Messuage, Tenement, Cemetery, or Land being vested in or under the control or management of any Public Officer, or Department whatsoever.
- And 4. The obeying the calls of nature on any Way or in any public exposed or other improper Place, to the annoyance of others.

VII. It shall be lawful for the Court or Justices before whom any person shall be found guilty of any offence against Division One or Division Four of Section Six of this Ordinance, to order him, in lieu of all other punishment, to be once or twice publicly whipped, yet so as that no Offender shall receive in all for any one such offence more than Fifty Blows nor less than Five.

VIII. Upon proof made to the satisfaction of the Court or Justices that a person accused of any Nuisance or Offence under this Ordinance, or any of the said enumerated Ordinances, is in fact guilty of having procured, permitted, connived at, or continued any such Nuisance or Offence, or of having neglected or refused to perform any Duty cast upon him by Law for the prevention or repression of the same, the said Court or Justices shall find the said person guilty of the said Nuisance or Offence, and shall award against him the penalty or other punishment to which persons guilty of the said Nuisance or Offence are or shall be liable.

IX. This Ordinance shall be read together with the Ordinances enumerated in Section One, and shall be incorporated therewith.

X. All summary proceedings under this Ordinance, or the said enumerated Ordinances, (except proceedings under Ordinance No. 8 of 1856, Sections Two to Nine, both inclusive) may be had upon the information of any Complainant: But the disposal of Materials of Nuisances, of Building Materials, and of Utensils under Sections Seventeen and Nineteen of the last-mentioned Ordinance, shall be at the absolute discretion of the Surveyor General.

XI. The Court, or Justices before whom any proceedings whatsoever shall be had under this Ordinance or the said enumerated Ordinances, may award Costs and Expenses to be paid by any Offender upon conviction, and to enforce payment thereof by any of the ways and means prescribed by Ordinance No. 8 of 1856 in respect of penalties.

XII. All Nuisances prohibited by the Laws for the time being in force within England, are equally prohibited within this Colony, and may be abated and punished according to the Provisions of this Ordinance and the said enumerated Ordinances; but notwithstanding this or any other Ordinance against Nuisances now in force or hereafter to come in force, all Remedies compatible therewith for the Prevention, Abatement, or Punishment of, or the Compensation for, Nuisances which are or shall be at any time in force within England, shall, until express Provision be made to the contrary, extend to and be enforced within this Colony likewise.

XIII. Such of the Orders and Regulations of the General Board of Health established in London under Authority of the Acts of Parliament for the Protection of the Public Health, or any of them, as shall be from time to time by the Governor in Executive Council determined and notified, with such Modifications thereof respectively as His Excellency in Council shall think fit to adopt, shall for such time and to such extent or with such modifications as shall be so notified, extend to and be enforced within this Colony under the authority of this Ordinance.

XIV. Nothing contained in this Ordinance, or in any of the Ordinances therewith incorporated, shall operate to the Restraint or Punishment of any Act or thing done under Lawful Authority or sanctioned by the same, yet so as that in every case the Proof of such Lawful Authority shall lie upon the person alleging the same.

JOHN BOWRING.

Passed the Legislative Council of Hongkong,
this 12th Day of June, 1856.

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

NOTICE.

THE business of the late Mr JOZE VICENTE JORGE, will from this date be carried on by the undersigned, under the name of JOZE JORGE & Co. All outstanding Accounts of the Estate will be received and settled by the new Firm.

JOZE JORGE.
IZIDORO ANTONIO D'ALMEIDA.
Macao, 3d April, 1856.

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.

NOTICE.

WHEREAS the Firm of NYE BROTHERS & Co. of Canton, China, did, on the 11th day of March, 1856, at the Office of the UNITED STATES CONSULATE in Canton, execute an Assignment of all their Property, real and personal, in trust for the benefit of their Creditors, to the undersigned: We hereby give notice to all concerned to make payment to us of all sums due to, and to present to us any claims against, the said Firm.

RUSSELL & Co.
JAMES PURDON & Co.
Canton, 18th March, 1856.

CARD.

CHARLES MARKWICK,
Government and Supreme Court Auctioneer
and Appraiser,
and
GENERAL STOREKEEPER,
Queen's Road, Victoria, Hongkong.
Established 1843.

SMITH & BRIMELOW,

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Wholesale and Retail Wine and Spirit Merchants,
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An extensive and well-selected supply of WINES, BEER, and SPIRITS, LIQUEURS, CORDIALS, &c., of a superior description.

OILMAN'S STORES from the well known house of Copland, Barnes & Co.; also, STORES per Overland and Mail Steamers Monthly for domestic purposes.
Hongkong, 7th July, 1855.

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