

The Governor put the question,—That the proposed words be inserted.
Council divided.

Ayes (5.)

MR LYALL.
SURVEYOR GENERAL.
ACTING COLONIAL SECRETARY.
CHIEF JUSTICE.
LIEUTENANT GOVERNOR.

Noes (5.)

MR DENT.
MR JARDINE.
CHIEF MAGISTRATE.
COLONIAL TREASURER.
ATTORNEY GENERAL.

Amendment carried, by the Governor voting for the Ayes.

Mr Dent proposed that the Minimum Pecuniary Penalties under the said Section be struck out.
Debate ensued.

The Governor put the motion,—That the words proposed to be struck out stand part of the clause.
Council divided,

Ayes (2.)

ATTORNEY GENERAL.
LIEUTENANT-GOVERNOR.

Noes (8.)

MR DENT.
MR LYALL.
MR JARDINE.
CHIEF MAGISTRATE.
SURVEYOR GENERAL.
COLONIAL TREASURER.
ACTING COLONIAL SECRETARY.
CHIEF JUSTICE

Paragraph 1 amended and agreed to.

Paragraphs 2 and 3 struck out.

Paragraph 4 made Paragraph 2 and amended.

Paragraphs 5 and 6 were consolidated, amended, and ordered to stand as Paragraph 3.

Paragraphs 7 to 10 inclusive, renumbered as Paragraphs 4 to 7, and amended.

Paragraph 11 struck out.

Paragraphs 12 to 14 inclusive made Paragraphs 8, 9, and 10, and amended.

A new Paragraph added against violation of Section XXVII., and ordered to stand as Paragraph 11.

Paragraph 15 made Paragraph 12, and amended.

Section XXXI. made Section XXIX., amended, and agreed to.

Section XXXII. struck out.

Section XXXIII. made Section XXX., and amended.

Sections XXXIV., XXXV., and XXXVI., renumbered, and made Sections XXXI., XXXII., and XXXIII.

Schedule amended and agreed to.

Section II. recommitted, and amended.

Title amended.

The Governor put the question,—That this Ordinance as amended do pass.

Question put and carried.

The Ordinance passed.

It bore the following title: "*An Ordinance for Regulation of Chinese People and for the Population Census, and for other Purposes of Police,*"—being No. 8 of 1858.

It was ordered that this Ordinance be published in the next *Government Gazette*.

The Governor laid on the Table a Draft Ordinance "*for penal Servitude,*"

And a Despatch from the Secretary of State on the subject being read,—

The said Ordinance was read a first time, and ordered to be printed for circulation amongst Members.

On the motion of the Attorney General, it was agreed,—

That His Excellency The Governor be requested to order to be laid before this Council, a List of Prisoners in the Gaol from the 1st May, 1857, to the 1st May, 1858; distinguishing the Convicts, and also distinguishing how many of the Crimes were committed (or charged so to be) within this Colony, and how many within the Empire of China or on the high Seas; and whether the said Prisoners are of British or Colonial Birth or Domicile, or of any other, and what Places of Birth or Domicile; and, in the latter case, how many are from the Empire of China.

The Council adjourned till Friday next, the 14th instant, at 12 o'clock.

By Order of His Excellency The Governor,

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

HONGKONG.

ANNO VIGESIMO PRIMO VICTORIÆ REGINÆ.

No. 8 of 1858.

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 Regulation of the Chinese People, and for the Population Census, and for other Purposes of Police.

[10th May, 1858.]

Be it 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:—

Repeal of Ordinance
No. 6 of 1857.
Census and Regis-
tration Office estab-
lished.

I. Ordinance No. 6 of 1857 is hereby repealed.

II. The Census and Registration Office presently existing in Victoria shall, for the purposes of this Ordinance, be continued and established, together with the Registrar General and other the Officers and Assistants by whom the duties and business thereof have been hitherto performed; and also together with the Classification presently existing, in the Books of the said Office, of Boats and Vessels, for the purposes of the Schedule to this Ordinance.

III. The several Persons now being the Registrar General, Officers, and Assistants, of the said Office, shall discharge the duties and business thereof in future at their present Salaries during His Excellency's pleasure; and upon any vacancy, His Excellency may from time to time nominate and appoint such Person or Persons to be such Registrar General, Officers, and Assistants respectively, and at such Salary and Salaries as to His Excellency shall seem meet, and also remove him or them at His Excellency's discretion from time to time, and nominate and appoint another or others in his or their room; yet so as that Her Majesty's pleasure shall be taken as to every nomination, appointment, and removal of a Registrar General, and as to every new limitation of Salary under the provisions of this Section.

Appointments of Officers.

IV. The Registrar General is, by virtue of his Office, and for the execution of this Ordinance, and otherwise, the Protector of Chinese Inhabitants within this Colony, and as such is bounden to use his best endeavours to prevent the commission of crime, and, if committed, to discover and apprehend the Parties guilty thereof, and generally to watch over and protect the said Chinese Inhabitants; and, for the purposes aforesaid only, he is empowered to enter at any reasonable time or times, as he shall find meet, any Building soever within this Colony, or Vessel or Boat soever within the Waters of the same or adjacent thereto, if such Building, Vessel, or Boat shall then have any Chinaman within or on board of the same.

Powers and Duties of the Registrar General.

V. The other Officers and Assistants in the said Census and Registration Office shall be obedient and assisting unto the said Registrar General in the execution of this Ordinance.

Duties of the other Officers and Assistants.

VI. The Powers and Authorities touching the direction and Superintendence of the Police Force, which by Ordinance 12 of 1844 were vested in the Chief Magistrate of Police, are from henceforth vested in, and shall be exercised by, the Superintendent of Police for the time being, constituted under the said Ordinance; and obedience shall be rendered by the Police Force of this Colony to the orders of the said Superintendent of Police, and to all Rules and Regulations by him made or to be made with the approbation of the Governor in Council; and the Registrar General is hereby empowered to require from the Superintendent of Police, or in his absence from the Officer acting for him, the services of such of the subordinate members of the Police Force as he may deem necessary for the due execution of the duties of his office, and the said Force when so required shall receive orders from the Superintendent of Police or Inspector on duty, to obey the commands of the said Registrar General in the same manner as those of the Superintendent of Police.

The Chief Magistrate's authority to devolve upon the Superintendent of Police.

VII. Every Person occupying a House, shall cause the Number thereof to be continued upon or painted and affixed to such House, in such wise as the Registrar General shall direct.

Numbers to be painted.

VIII. His Excellency in Council shall have power to approve for, and appoint to, the office of Tepo in any Town, Village, Hamlet, and District, of this Colony, a proper Person to be presented unto him by the Occupiers of Chinese Houses therein, or (in default of such presentment) to be nominated by His Excellency in Council for that purpose.

Power to elect and appoint Tepos.

IX. Every Tepo shall have, throughout his Town, Village, Hamlet, or District, but not further or otherwise, the same powers and authorities, and perform the duties of Constable, and, in that capacity, shall be immediately subordinate unto the Registrar General, and shall conform to whatsoever lawful Orders, Rules, and Regulations he shall, with the approbation of His Excellency, frame and issue for the better execution of their duties under this Ordinance.

Powers and Duties of the Tepos.

X. The amount of the Salary of each Tepo shall be from time to time fixed by His Excellency in Council, and shall be paid out of the Produce of the Police Tax.

Salaries of the Tepos.

XI. The Hawking of Goods or Wares in the Streets or Roads of this Colony, without a License from the Registrar General, is hereby prohibited.

Unlicensed Hawking prohibited.

XII. No License for such Hawking shall be granted by the Registrar General to any Person except subject to forfeiture on conviction of the holder of any offence before any Justice of the Peace. And every Applicant, on receiving his said License, shall pay therefor to the Registrar General, to the use of the Crown, the Fee in that behalf mentioned in the Schedule hereunto annexed.

Conditions and Fees of Hawking Licenses.

XIII. The Registrar General shall grant to such fit and proper Persons, being Chinamen, as shall make application unto him in that behalf, Licenses to undertake and perform the Burials of Chinese Dead in the Cemeteries, and after the manner prescribed by law; and every such License shall be limited in duration to One Year, but renewable at the expiration of each Year; and there shall be paid to him to the use of the Crown for every such grant or renewal the Fee in that behalf specified in the Schedule hereunto annexed.

The Registrar General to grant Undertakers' Licenses.

XIV. No Person, not being an Undertaker licensed under Section Thirteen, shall henceforward undertake or perform any Burials of Chinese Dead, or dig any Grave within any such Cemetery as aforesaid.

None but Licensed Undertakers to bury or dig Graves.

XV. Every Licensed Undertaker is hereby required to use his best skill and endeavour to prevent and repress all Offences against, and Violations of, the Laws for regulating Chinese Burials, and to apprehend, or cause to be apprehended, all Persons accused thereof, and from time to time to report every such Offence or Violation to the Registrar General with all reasonable speed.

The Undertakers are required to prevent and repress Offences against Burial Laws.

XVI. The Registrar General shall grant to such Persons, upon such Security and in such Form as His Excellency in Council shall think fit, and upon payment made to the use of the Crown of such Fee therefor according to size as in the said Schedule hereunto annexed is in that behalf specified, Certificates of License of Boats or Vessels plying for hire within the Waters of this Colony, or carrying Passengers between this Colony and the Ports on the Chinese Main (other than Boats or Vessels having British, Colonial, or Foreign Registers (not being Chinese Registers); and also other than Market Boats or Vessels, or Boats or Vessels, visiting this Colony merely for Trading purposes); and every such Boat or Vessel shall carry on each of her bows and on her stern, legibly painted upon Wood or Tin, the true Number of her Certificate aforesaid, which Number shall be supplied by the Registrar General for that purpose; and no such Certificate or Number shall be transferred or lent unto any other Boat or Vessel, or the Persons on board of the same, nor shall any Certificate or Number other than such as the said Registrar General shall have granted under this Section be assumed or exhibited by any such Boat or Vessel, or the Persons on board of the same. And every Person having charge of any such Boat or Vessel is hereby commanded, whensoever thereunto required, to exhibit the Certificate granted in respect thereof under this Section. And all Persons having charge of Boats or Vessels, and, not having obtained or not having on board such Certificate as aforesaid (other than as aforesaid), are hereby forbidden to employ their said Boats or Vessels plying here within the said Waters, or in carrying Passengers between this Colony and the said Ports, or to cause, suffer, or connive at their said employment.

Licensing of Boats, &c.

XVII. Scales of Fares for all Licensed Boats and Vessels licensed to ply for Hire within the said Waters, and also Scales for the Hire of all Public Conveyances, Chair Coolies, and Porters, by the Day, Hour, or Job, with all proper Regulations for exceptional cases, shall be prepared and fixed, and, if expedient, from time to time altered and varied, by His Excellency the Governor; and every such Scale and Variation thereof shall be notified in the *Government Gazette*, and shall be evidence of the right of the Parties concerned to the Fares or Hires therein mentioned. And no Person owning or having charge of any such Boat, Vessel, or Conveyance, or being such Chair Coolie or Porter, or Bearer or Driver of any such Con-

Scale of Boat Fares, and Chair and Porter Hire.

veyance, shall demand or receive a greater Fare or Hire than by the Scale for the time being in force, and relating thereto is sanctioned and notified; and no such Person shall refuse, without reasonable and sufficient cause, to accept employment according to his Scale, whensoever offered in conformity with this Ordinance, or use any abusive or insolent language to any Person soever, so employing him, or offering him such employment.

Licenses to receive and lodge Coolies, &c.

XVIII. No Person soever, Chinaman or European, shall lodge, receive, or keep any Chinese Labourers or Coolies, (not being Persons in his actual employment as such, or *bona fide* Inmates of his Tenement, Boat, or Vessel,) nor any Chinese Emigrants, or intending Emigrants, in or upon any Tenement within this Colony, or on board of any Boat or Vessel lying within the same or the Waters thereof, and not being at the time actually and *bona fide* engaged in or for the lawful voyage of the Labourers, Coolies, or Emigrants, then on board thereof, unless such Person shall have first obtained from the said Registrar General his License in writing in that behalf, which License the said Registrar General is hereby required to grant for such term and upon such conditions as he shall think fit, upon proof first made of the fitness of such Person to receive the said License, and upon payment by him to the said Registrar General advanced and made for the same of such yearly or other Fee as in the Schedule hereto is expressed, and he may from time to time call in and revoke or alter the same so often as shall be expedient.

Visitation, inspection, and approval of Tenements, &c., for the purpose and prevention of abuse.

XIX. The Registrar General is charged especially for the purposes of this Ordinance to visit, inspect, and approve of any Tenement, Boat, or Vessel, in respect whereof application shall be made to him for a License, under Section Eighteen, before he shall grant or renew the same; and it shall be at all times during the continuance of any License by him so granted or renewed, his duty to enforce the observance of good order, decency, and morality, and the prevention or punishment of Nuisances and other abuses among the Inmates thereof, and whether by them or by any other Person committed, and to secure to the said Inmates the enjoyment of their personal rights, as British Subjects, whether permanently or for the time being.

Residing or Building, &c., on Crown Land.

XX. No private Person shall occupy or erect any Building or other thing soever upon Land not being under Lease from the Crown, without the License of the Surveyor General; nor with such License, if the same could not have been lawfully occupied or erected before the passing of this Ordinance.

Security to appear within Twelve Months.

XXI. Any Stipendiary Magistrate or Justice of the Peace may cause any Chinese Person to find reasonable Security for his appearance in any Court for any purpose and at any time within Twelve Months, and every adjudication to that effect shall be made in open Court and reported forthwith to His Excellency; and such Chinese not finding such Security shall be deemed a Person dangerous to the Peace of the Colony, within the meaning of Ordinance No. 9 of 1857.

Licenses for Public Meetings.

XXII. Written Licenses under the hand of the Governor for the holding of Meetings to consider in a lawful way the redress of supposed Grievances, or for Religious or Theatrical Entertainments, or for any other purposes of Public Interest, may be granted to any Chinese Occupier applying for the same; and without such Licenses, no Chinese people shall hold or be present at any Meetings soever of a public nature, not convened by the Governor or Sheriff, and not being solely for the purposes of Religious Worship.

Mendicancy forbidden.

XXIII. Mendicancy in the public Highways or Streets is hereby forbidden.

The Power to direct Census.

XXIV. The Governor in Council is empowered to direct the Census of Population to be taken within this Colony from time to time as to His said Excellency in Council shall seem meet, and every such direction may be addressed to the Registrar General.

Blank Returns to be prepared and delivered.

XXV. Upon receiving any such direction, the Registrar General shall prepare and cause to be delivered at every Dwelling and Place of Business throughout this Colony, a Blank Return, to be filled up before a certain day to be therein named with the Names and Number of the Occupiers and Inmates of every such Dwelling or Place of Business, and the Persons in their employment, or residing with them, or within their Tenements, according to their several Names, Sexes, Occupations, and Countries.

The Blank to be filled up and returned.

XXVI. Every such Blank Return shall, according to its tenor and the truth of the case, be filled up by the Occupier of the Dwelling or Place of Business where the same shall have been left; and he shall within Five Days after the day on which the same was so left, return, or deliver it, so filled up as aforesaid, to the Registrar General.

Disqualification of certain Persons in respect of interest.

XXVII. No Person acting or employed by any other Person acting in the execution of this Ordinance, and no Member of the Family of any such Person, shall be possessed of or interested in any of the Boats, Vessels, Conveyances, or (in cases within Section Eighteen) Tenements to which this Ordinance relates, either in his or her own right or in the right of another, and either at Law or in Equity.

Penalties.

XXVIII. Persons violating, or disobeying, or failing to comply with, the several Provisions of this Ordinance shall, upon summary conviction of such Offence before the Registrar General if a Justice of the Peace, or (if the said Person shall so demand) before a Stipendiary Magistrate, or any Two Justices of the Peace sitting for him, incur, and pay, or suffer the several Penalties and Forfeitures hereinafter respectively made applicable to the same, that is to say:—

1. Against Sect. 7.
2. Against Sect. 11.
3. Against Sects. 14 and 15.
4. Against Sect. 16.
5. Against Sect. 17.
6. Against Sects. 18 and 19.
7. Against Sect. 20.
8. Against Sect. 22.
9. Against Sect. 23.
10. Against Sect. 26.
11. Against Sect. 27.

1. For every Offence against Section Seven, a Sum not exceeding Forty Dollars.
2. For every Offence against Section Eleven, a Sum not exceeding Ten Dollars.
3. For every Offence against Section Fourteen or Section Fifteen, a Sum not exceeding Twenty-five Dollars.
4. For every Offence against Section Sixteen, a Sum not exceeding Fifty Dollars.
5. For every Offence against Section Seventeen, a Sum not exceeding Twenty Dollars.
6. For every Offence against Section Eighteen or Section Nineteen, a Sum not exceeding Fifty Dollars.
7. For every Offence against Section Twenty, a Sum not exceeding Fifty Dollars, (besides the Expenses of the Removal of the Building or Thing occupied or erected).
8. For every Offence against Section Twenty-two, a Sum not exceeding One Hundred Dollars.
9. For every Offence against Section Twenty-three, a Sum not exceeding Five Dollars; or the Offender shall, at the discretion of the Court, receive not more than Thirty-six Blows, not less than Five Blows, with a Rattan; and he shall also, if His Excellency in Council shall so decide, be deported to any place in the Chinese Empire or elsewhere.
10. For every Offence against Section Twenty-six, a Sum not exceeding Twenty Dollars.
11. For every Offence against Section Twenty-seven, a Sum not exceeding Five Hundred Dollars; and also, (where the nature of the case admits thereof,) forfeiture of, and incapacity to hold, any employment under this Ordinance.
12. And for every such Disobedience, Violation, or Default, for which no specific Penalty is hereinbefore provided, such Sum, not exceeding in any case Five Dollars, as the Court shall think fit.

Enforcement of Penalties.

XXIX. In case of non-payment of any of the said pecuniary Penalties, the same may be recovered by any of the ways and means whereby, on any summary proceedings before Justices, Penalties are or shall be recoverable; yet so as that no Offender against Section Twenty-six shall be liable to be imprisoned in such case.

XXX. Where, upon the conviction of any Offender under this Ordinance, it shall appear that, before the commission of the Offence, he had given security and that by such Offence the same is become void, the amount of such security shall be deemed to be the Penalty actually incurred by him, and shall not be lawful for the Court to impose any Penalty for his said Offence, save and except the amount of the said security. In case of Security, the amount of Penalty to be that of the Security.

XXXI. Every adjudication under this Ordinance shall be final, unless where a Case shall be referred, delivered, and prosecuted with effect according to Law, or unless a Certiorari for removing the proceedings, either before or after judgment, shall be obtained, by the Crown or by the Defendant, as the case may be, within Ten Days from the first commencement of the said proceedings, and unless the proceedings upon the said Certiorari shall be prosecuted, with effect, in the Supreme Court, within Six Weeks from the obtaining thereof. And the Costs of such Case, or (as the fact may be) Certiorari and Proceedings, shall be paid to or by the Crown according to the event thereof. Case or Certiorari.

XXXII. For the purposes of this Ordinance, the following Terms and Words shall be severally taken, not only in their received sense, but also to extend to and include the meanings hereinafter specified, that is to say:— Construction of words.

“Occupier,” “Person occupying,” and “Master of a House or Tenement,” shall include every Person acting as Master thereof, Occupant of the ground floor thereof at a rent, and (in the event of a vacant House or Tenement, or of no other Occupier thereof being to be found) Owner thereof, or his Agent. And “House,” “Tenement,” or “Building” shall include any Shop, Outhouse, Shed, or Roof. ‘Occupier.’
‘House or Building.’

And “European” shall include all Persons other than Asiatics, and also all such Asiatics (not being Chinese) as owe or shall owe permanent allegiance unto Her Majesty: ‘European.’

And “Chinese” shall include Natives of Hongkong and other places out of the Empire of China, being of Chinese blood or following Chinese usages: And ‘Chinese.’

Save only and except where by the express letter of this Ordinance a more limited meaning hath been attributed to any or either of the said Terms and Words. Exception.

XXXIII. All Acts done before the passing of this Ordinance, which, if done after the passing thereof, would have been legal and valid, shall be deemed legal and valid for all purposes soever. Retrospective.

Passed the Legislative Council of Hongkong, this 10th Day of May, 1858.

JOHN BOWRING.

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

SCHEDULE TO WHICH THIS ORDINANCE REFERS:—

Fee for Hawkers,		\$ 0.50	Quarterly.
1st Class Boats or Vessels.		10.00	Annually.
2d do. do.		5.00	”
3d do. do.		3.00	”
4th do. do.		0.50	”
Undertakers' Licenses,		10.00	”
Licenses of Tenements, Boats, or Vessels, for lodging or reception of			
Coolies or Emigrants (for every Ten Inmates) if by the Year,	5.00	”	
And if by a lesser term (for every Ten Inmates,)	0.10	per diem.	

GOVERNMENT NOTIFICATION.

The following amended *Draft Market Ordinance*, which passed this day through Committee of the Legislative Council, is published for general information.

By Order,

J. M. D'ALMADA E CASTRO,
for the Clerk of Councils.

Council Room, Victoria, Hongkong, 14th May, 1858.

HONGKONG.

ANNO VIGESIMO PRIMO VICTORIÆ REGINÆ.

No. of 1858.

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.

The Market Ordinance, 1858.

Be it enacted and ordained by His Excellency The Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:

I. Ordinance No. 2 of 1854 is hereby repealed.

Repeal of Ordinance No. 2 of 1854. Governor in Council empowered to establish and close Markets and to make Regulations and By-Laws.

II. All Markets presently established within the District of Victoria shall be subject to this Ordinance; but it shall be lawful for His Excellency the Governor in Executive Council from time to time to close the same or any of them, and also to establish and continue or close any new Market or Markets within the said District, and to make such By-Laws for the letting of Houses, Shops, Stalls, or Standings therein, in any of the said Markets, hereinbefore specified, and the Durations and Conditions of such Lettings, and the Rents to be received for the same, and also for the good government of the said Markets, the repression or prevention of Disorder therein, and the protection of the Traffic thereof, as to His Excellency in Council shall seem meet: Yet so as that no such By-Laws shall be contrary to this Ordinance, or capable of being enforced until the same shall have been in English and Chinese published in the *Hongkong Government Gazette*, and, for the space of Seven consecutive Days, posted in all existing Markets.

III. No new Market shall be deemed to be established until after Notification made by His said Excellency in Council, in the *Hongkong Government Gazette*, in English and Chinese, that the same is so established and open for public use. No Market to be deemed established till notified in the Gazette.