

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.

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. Governor in Council empowered to establish and close Markets and to make Regulations and By-Laws.

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.

Prohibition of other Markets.

IV. From the passing of this Ordinance, no Market shall be opened or kept open except under the Provisions of this Ordinance; and every Market which shall be opened or kept open otherwise than as aforesaid shall, together with the Building or Buildings (if any) wherein the same shall happen to be holden, be deemed a Common Nuisance.

Certain marketable Articles may be sold out of Market.

V. Licensed Hawkers may lawfully hawk for sale, any Green Vegetables, Fruit, Bean Curds, Congee, Confectionary, and Soup, and Boatmen may lawfully sell any Fresh Fish from their Boats or Vessels to the Crews or Occupants of other Boats or Vessels, at a distance from the Shore of at least Three Hundred Feet; neither shall this Ordinance extend to prohibit *bona fide* public Sales by licensed Auctioneers, or Sales (not being Sales of Raw Butcher's Meat) in Shops or Stores not kept by Asiatics, nor the sale of Rice, nor to prevent any Person from selling on his own Premises any Bread, Milk, Conjee, Confectionary or Soup, or Salt Fish by Hawkers as aforesaid, not being less at any one time than the Weight of One Picul, nor (if a Licensed Victualler or Keeper of a Boarding, Eating, or Coffee House, or Cook Shop) from supplying any cooked Provisions to a Customer.

All other sales of marketable Articles out of Market prohibited.

VI. All Persons soever within the said District of Victoria or the Harbour thereof (except in the cases specified in Section Five), are hereby forbidden to sell or expose for Sale in any Place soever, not being a Public Market within the meaning of this Ordinance, any Articles of Food for Man usually sold or exposed for sale in a public Market.

Sales in Markets to take place in Stalls or Shops.

VII. No Sales within any Market (except in cases to which Section Nine is applicable) shall take place but in a Stall or in a Shop.

Underletting forbidden.

VIII. No Lessee or Renter of a Stall, or of a Shop or House, within any Market, shall underlet or assign the same, or any part thereof, without the written License of the Surveyor General.

Wholesale Depots to be provided in each Market.

IX. In such Markets as may be by the Governor in Council thereunto specially determined, and which shall be notified as aforesaid, there shall be set apart Lan or Entrepots for the sale and purchase by wholesale of Swine, Fish, Fowl (whether alive or dead), Vegetables, and Fruit, whereat Dealers having Stalls or Shops in such Market may purchase their supplies of the same Articles; and such Lan or Entrepots, and the Persons frequenting or using the same, shall be regulated and governed by such of the aforesaid By-Laws as shall relate thereunto; and no Person shall be allowed to vend any Articles in any such Lan or Entrepot as a wholesale Trader or Dealer therein, except under License approved by His said Excellency in Council, who is hereby empowered from time to time to grant such Licenses as aforesaid, and make such Regulations for the duration or Conditions thereof, and the Fees or Taxes to be imposed or levied for the same; and such Licenses shall be granted to all approved Applicants for whom there may be Accommodation, but shall not be transferable.

Erection or adaptation of Slaughter-houses.

X. His said Excellency in Council is further empowered to grant unto any Person or Persons in such Manner, for such Consideration or Rent, upon such Conditions, and for such Period as shall be from time to time ascertained and fixed by such of the said By-Laws as shall relate thereunto, the sole Privilege of slaughtering Cattle, within such Slaughter-houses as shall be provided or appointed for the said Purpose, for the supply of the said Markets, or for the supply of any Person residing in the said District of Victoria.

Slaughtering elsewhere prohibited.

XI. No Person shall within the said District of Victoria slaughter any Cattle or dress any Carcass for Sale as Food for Man, except within the said Slaughter-houses or Buildings.

Tariff of Tolls for the use of Slaughter-houses.

XII. Every Grantee of the said Privilege shall at all Times during such Period of the Day or Night, as shall be from time to time determined by such By-Laws as aforesaid, allow any Person (who shall first pay or tender unto him such Toll as in that behalf is provided by a Tariff of Tolls to be from time to time in like Manner determined) to slaughter any Cattle or dress any Carcass for sale within the said Slaughter-houses or Buildings as Food for Man.

Keeping or selling Food, or slaughtering Cattle, in an unwholesome condition.

XIII. No Person shall keep, sell, or expose for sale anywhere, or bring into this Colony or any Market or Slaughter-house, any Article of Food for Man which shall be in an unwholesome Condition or unfit for such Food; or bring, lead, carry, or drive into, or keep or slaughter in this Colony or any Slaughter-house, or permit to be so brought, led, carried, or driven thereto, or kept or slaughtered therein, any Cattle which shall be unfit for slaughter.

Keeping, selling &c., unwholesome Fodder.

XIV. It is also forbidden to any Person to keep, sell, or expose for Sale in, or bring into this Colony or any Market or Slaughter-house, any Fodder for Beasts which shall be in an unwholesome Condition, or unfit for such Fodder, or to give, or allow to be given, any such Fodder to any Beasts.

Exaction of other Fees, &c., than as provided under this Ordinance, to be Extortion.

XV. For the performance of the several Duties of the Police Force in enforcing this Ordinance, the Superintendent of Police and his Officers, and the other Members of the said Force together or singly, shall have at all Times free access to every Part of every Market, and of every Stall and Building therein, and of every Slaughter-house and so may abide therein at the pleasure of the said Superintendent; and none shall presume to impede, obstruct, or resist him, them, or any of them, in the performance of the said Duties respectively.

Application of Rents, and power to mortgage Rents.

XVI. Except where otherwise by this Ordinance provided, it shall be unlawful for any Person soever to demand or receive any Chattel, Money, or other valuable Thing, as, or for, or under pretence of, a Fee, Fine, Toll, Rent, Stallage, or otherwise, for access, or admission to, or buying, or selling, or slaughtering in any Market or Slaughter-house respectively.

Disqualification of certain Persons in respect of interest.

XVII. No Person in the Public Service, and no Person in the employment or Member of the Family of any Person in such Service, shall, either in his own right or in the right of another, and either for his own benefit or for the benefit of another, and either at Law or in Equity, be directly or indirectly interested in or concerned with any Market, Stall, Building, or Slaughter-house as aforesaid.

Rents, Fees, and Taxes, how payable.

XVIII. All Monies payable to the Crown under this Ordinance for Rents, Fees, or Taxes, shall be paid in advance on the First Day of every Month to the Registrar General, and shall be, within Three Days next after receipt thereof, paid over by him into the Treasury, to the use of the Crown.

Monies to be paid in current Dollars.

XIX. All Sums of Money to be paid under, or by virtue of this Ordinance, or any of its Provisions, are to be paid in current Dollars.

Penalties for Offences.

XX. All Violations or Disobediences of, or Defaults in compliance with, the Provisions of the Sections of this Ordinance next hereinafter specified, shall be heard and determined summarily under the Ordinance for the time being in force, touching the Jurisdiction of the Court of Petty Sessions; and on conviction of such Offences, the respective Offenders shall be sentenced to pay the several Penalties, or in Default of payment thereof, to suffer the several Terms of Imprisonment respectively hereinafter specified:

1. Against Sections IV., XV., XVI., and XVII.

1. For every Offence against Sections Four, Fifteen, Sixteen, or Seventeen, a Fine not exceeding Five Hundred Dollars, over and above (in Cases of Nuisance under Section Four) the Expense of, or incident to, abating and removing the same; or, instead of such Fine, Imprisonment for a Term not exceeding Six Months, for every Offence against either of the said Sections.

2. Against Sections VI., VII., and IX.

2. For every Offence against Sections Six, Seven, or Nine, a Fine not exceeding Twenty-five Dollars, or Imprisonment for a Term not exceeding One Month.

3. Against Sections VIII., XI., and XII.

3. For every Offence against Sections Eight, Eleven, or Twelve, a Fine not exceeding One Hundred Dollars, or Imprisonment for a Term not exceeding Three Months.

- | | |
|--|---------------------------|
| 1. For every Offence against Section Thirteen, a Fine not exceeding Two Hundred Dollars, over and above the Expenses of the removal of the Food or Cattle in question; and also (if the Court shall order the Destruction thereof), the Expenses of, or incident to, the same; or, instead of such Fine, Imprisonment for a Term not exceeding Six Months. | 4. Against Section XIII. |
| 5. For every Offence against Section Fourteen, a Fine not exceeding Fifty Dollars, or Imprisonment for a Term not exceeding One Month. | 5. Against Section XIV. |
| 6. For every Offence against Section Eighteen, a Fine not exceeding in amount the Sum of Money not paid or paid over. | 6. Against Section XVIII. |
- XXI. The Laws relating to Nuisances and Cruelty to Animals are not affected by this Ordinance.
 XXII. The word "Cattle" in this Ordinance shall include Swine, and all graminivorous Beasts, except Pigs, Asses, and Mules.
- Saving as to Nuisances.
 Interpretation of "Cattle."

GOVERNMENT NOTIFICATION.

His Excellency SIR JOHN BOWRING, Her Majesty's Plenipotentiary and Chief Superintendent of Trade in China, &c., &c., publishes, for general information, the following Notification, which he has received from Mr Acting Consul WINCHESTER, on the subject of the Foreign Cemeteries at Whampoa.

By Order,

Superintendency of Trade, Victoria, Hongkong, 13th May, 1858.

G. W. CAINE.

NOTIFICATION.

The following Translations of Agreements entered into by the Consuls for Canton of the Treaty Powers with the Chinese Owners, by which concession of, and right to, enclose the Foreign Cemeteries on Danes' Island and French Island have been secured, are published for general information.
 The Community will probably at no distant period be invited to consider in what manner the enclosures provided for in the Agreements are to be effected and kept up. In the meantime, Graves, 5 feet in depth, are opened in the Danes' Island Cemetery, on payment of the sum of \$5 to Tsang-kwang-keen; but the expense of interments on French Island will, for the present, remain the subject of individual arrangement.

CHARLES A. WINCHESTER,
H. B. M.'s Acting Consul.

British Consulate for Canton, 12th May, 1858.

AGREEMENT RESPECTING THE BURIAL GROUND AT MEAOU-KOW-KONG.
(Translation.)

Tsang-kwang-keen, the writer of this document, is an inhabitant of the upper Chang-chow Village, and hereditary possessor of a lot containing six Mow, which is situated at Meau-kow-kong. Said lot has been already formerly used as a Burial place for Foreigners, the amount charged for each Grave was variable, being more or less according to the stipulation made at the time.
 He now [herely] publicly agrees to limit the burial fees, henceforth, to the sum of \$3 per Grave. This will include the cost of making the Grave; but the construction of enclosures, to keep cattle from trampling on and injuring the Tombs, will be matter for the consideration of the purchasers themselves; and as a guarantee thereof, he now hands over to each of the Governments of Great Britain, France, and the United States, one Copy of this Agreement, to be retained by them respectively.
 Dated 16th April, 1858.

Translated by

(Signed)

J. MONGAN,
Student Interpreter.

CONCESSION OF THE CEMETERY AT MA-GAN-KONG.
(Translation.)

The Elders of the Clan of Ling-too-hwuy of the Kin-ting Village, hereby declare their readiness to act in accordance with the order of Governor General Pihkwei, as transmitted to them upon the 24th day of the 2d moon (7th April) through Yu, the township magistrate of Ma-gan-tang and Liang, who holds the brevet rank of Salt Commissioner, [said order being that] they should give up a lot of land upon the city of Ma-gan-kong, measuring 596 Chinese feet in circumference, to the Governments of Great Britain, France, and the United States, to be used by them as a Cemetery, and enclosed at their option [and expense].
 In proof whereof they now execute this deed.
 Dated 10th April, 1858.

Translated by

(Signed)

J. MONGAN,
Student Interpreter.

True Copies,

H. F. HANCE.

GOVERNMENT NOTIFICATION.

His Excellency SIR JOHN BOWRING, Her Majesty's Plenipotentiary and Chief Superintendent of Trade, &c., &c., is pleased to direct, that the subjoined Description of the Pratas Reef and Island, drawn up by the Surveying Officer of H.M.S. *Saracen*, be published for general information.

By Order,

Superintendency of Trade, Victoria, Hongkong, 14th May, 1858.

G. W. CAINE.

DESCRIPTION OF THE PRATAS REEF AND ISLAND.

The Pratas Reef is of Coral formation, about 14 miles in diameter, nearly circular, slightly flattened on its Northern side, having a lagoon in the centre. The Reef is from one to two miles broad; nearly two-thirds of it is just dry at low-water, spring tides; the remainder is a sunken Barrier to the Lagoon on its Western side. An Island rising from this sunken Barrier, forms two Channels into the Lagoon. The North Channel is 4 miles broad, and has 3 fathoms near the middle. The south Channel is 5 miles broad, and has 4 fathoms near the middle at low-water spring tides. The South Channel is by far the best of the two—from its superior capacity as well as its comparative freedom from Coral knolls. The Lagoon has from 5 to 10 fathoms in it. It is thickly studded with Coral knolls round its margin, but completely clear near the middle.
 Pratas Island is situated at the West side of the Reef, near the middle of the sunken part. It is one-and-a-half mile long E. by S., and half-a-mile wide and 40 feet high, of which elevation the scrubby bush, with which it is covered, forms about 10 feet. There is a lagoon running into its Western side for about half-a-mile. The Island is a mere heap of sand; we did not see a particle of mould or decayed matter, and, under such circumstances, it appears very wonderful how the scanty vegetation manages to exist. Brackish water may be seen flowing a few feet into the sand. Gannets are numerous, and may be easily knocked down with sticks. I made the N.E. end of the Island Latitude 20° 42' 03" N., Longitude 116° 43' 22" E., Variation 1. It is high-water at full and change about 4 A.M. There is only one possible ebb and one flow in 24 hours, on full and change days. The Rise and Fall is about 5 feet. The highest Tide on the occasion of our visit, occurred on the third day after the full moon, but we found the Tides altogether very irregular.

True Copy,

H. F. HANCE.

JOHN RICHARDS,
Master Commanding H.M.S. "Saracen."