

No. 56.

GOVERNMENT NOTIFICATION.

His Excellency The Governor has been pleased to appoint Second-Class Staff-Surgeon EDWARD MENZIES, to be Surgeon of the Lock Hospital, under Ordinance No. 12 of 1857, from this date.

By Order,

W. T. BRIDGES,
Acting Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 14th June, 1858.

No. 57.

GOVERNMENT NOTIFICATION.

Notice is hereby given, that the Lots for Stalls and Lans in Government Markots, will be drawn on Friday, the 25th instant, by the Surveyor General.

At the Central Market,	at 10 A.M.
At the Western Market,	at 12 Noon.
At Tai-ping Shan Market,	at 1½ P.M.
At Eastern Market,	at 3 P.M.
At Wan-chi Market,	at 4 P.M., and
At Soo-kun Poo,	at 5 P.M.

By Order,

W. T. BRIDGES.
Acting Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 18th June, 1858.

GOVERNMENT NOTIFICATION.

The following Ordinance having been read a second time, and undergone revision in Committee, is published for general information.

By Order,

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

Council Room, Victoria, Hongkong, 15th June, 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.

An Ordinance for the prevention of Offences touching Securities, Sales, and Deposits.

[June, 1858.]

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

I. All Additions to Drafts on Bankers within the meaning of Ordinance No. 3 of 1857, shall be deemed to be (by whomsoever and at whatsoever Time the said Additions may be made) part of the Drafts themselves, for the purpose of the payment thereof respectively, and any Cancellation or Erasure of such Additions, and likewise any Alteration thereof (except for the mere purpose of filling up any blank therein), shall be deemed a Forgery of the said Drafts respectively. Additions to Cheques on Bankers.

II. A Person obtaining by fraud or false pretence the acceptance of a Bill of Exchange (whether drawn by himself or any other Person) from a Third Party, shall (whether the said Bill so accepted remain in his hands or not) be deemed to have obtained a valuable Security by fraud, or (as the case may be) false pretence, within the meaning of the Laws in force for the repression of the said Offences. Acceptances obtained by fraud or false pretence.

III. No Person shall act as a Lender of Money to an amount being less than Five Hundred current Dollars in any one transaction upon deposit of Goods and Chattels, unless he be then the actual holder of a Pawnbroker's License, or as a Public Salesman, unless he be then the actual holder of an Auctioneer's License. Pawnbrokers' and Auctioneers' Licenses.

IV. Every such License shall be granted by and at the Discretion of His Excellency in Executive Council, on such Conditions, touching Fees or otherwise, as shall be deemed meet; and the same shall be for One Year only, but may be renewed at the like Discretion from Year to Year. To be granted by the Governor in Council.

V. No such Lender of Money as aforesaid shall, during the continuance of his said License, carry on any other Trade or Occupation in his place of business as such Lender. No Lender to carry on another trade.

VI. He shall cause to be painted and kept painted in large and legible English Letters and Chinese Characters, over the Door of his said place of business, his Name at length, and after his Name the words "Pawnbroker" (or "Pawnbrokers" if he be the Member of a Firm of such Lenders.) Names and business of Lenders to be painted.

VII. He shall, whensoever thereunto required by the Superintendent of Police, or any Inspector of Police, or by any other Member of the Police Force bearing a written Order in that behalf under the authority of the said Superintendent, produce for the inspection of the Party so requiring him all or any Goods or Chattels pledged or deposited with him on loan of Monies, and all Books and Papers relating to the same. Inspection of Books, &c., by Police.

VIII. Over and above the principal Monies lent upon any Goods or Chattels, pawned or pledged to the Lender, he may demand, receive, and take from the Person applying to redeem the said Goods or Chattels, before re-delivering the same to such Person, Interest upon the said principal Monies for the same. Interest on Loans.

Month, and every Fractional Part of a Month, after such rate as shall have been agreed upon at the time of the making of the said Loan;—which said principal Monies and Interest shall be taken in full satisfaction of all Charges for or incident to the Loan to which the same relate; yet so as that the First Month's Interest shall be deemed to be due on the First day of the First Month, unless redemption be applied within the First three Days thereof.

No further profit to be made.

A General Book to be kept, and Entries made, and numbered.

A Supplemental Book to be kept for Articles not of Chinese manufacture or use.

Tickets to be delivered by the Lender to the Borrower.

Production on re-delivery of Tickets.

The goods to be given up to any Person producing the Ticket.

Exception of cases.

Provision for lost Goods or Tickets.

Search Warrants may be issued.

After Six Months the goods, if unredeemed, to be the property of the Lender.

IX. Every such Loan shall be *bonâ fide* made without deduction out of the amount expressed to be lent, and no Profit or Interest over and above the Rate aforesaid shall be on any pretext received or demanded.

X. Before any Monies shall be advanced on any such Loan as aforesaid, the Lender thereof shall enter or cause to be entered in a Book, to be by him kept for that purpose, and to be called "The General Book," a fair, true, and regular Statement of the Nature and Description, and also of the actual condition, of the Goods or Chattels upon which the said Loan shall be made, and of the exact Amount in Value of the said Loan, and of the exact rate of interest thereon, and of the Name, Description, and Abode of the Borrower, and of the Number (if any) of the Place and the Name (if any) of the Street of such his Abode (distinguishing him, if the Occupier of his Place of Abode by the Chinese Characters 包租者 and by the English Letter O, and if only an Inmate thereof by the Chinese Characters 同居者 and by the English Letter J, and also of the like particulars (distinguished in like manner) of the Name, Description, and Abode of such other Person (if any) as the said Borrower shall represent to the said Lender to be the true Owner of the said Goods and Chattels; and lastly, of the Day of the English Month and Year upon which the said Loan shall be made: yet so as that, before any of the said Entries shall be made in the said Book, the said Lender shall to the best of his ability ascertain from the said Borrower the truth thereof respectively. And every Loan, the particulars whereof shall have been so entered as aforesaid, shall be numbered in the said Book from Number One progressively to the end of the Month as they are received in Pawn; *exempli gratiâ*, the first Pledge that is received in Pawn after the commencement of this Ordinance shall be numbered One, the second Two, and so on progressively until the end of the now instant Month of June; and the first Pledge that is received in Pawn in the Month of July next, shall be in like manner numbered One, and the second Two, and so on progressively until the end of that Month: And the like Regulation shall be observed in every succeeding Month for ever after.

XI. If any of the said Goods and Chattels shall consist of Articles, not of Chinese manufacture, and not especially adapted for Chinese use, the said Lender shall, immediately before or immediately after entering such particulars as aforesaid in the said General Book, make a second and separate Entry of the same tenor in another Book, to be kept by him for that purpose, and to be called "the Supplemental Book."

XII. Together with the full Amount of the said principal Monies, the Lender shall at the time of making any such Loan as aforesaid deliver to the Borrower a Ticket, containing a fair, legible, and true Extract of the Number of the Entry of the said Loan in the said Book, and also of the Statement of the said particulars thereof so entered as aforesaid, and further setting forth in a fair, legible, and true Manner, the Name, Description, and Abode, of the said Lender, and of the Street (if any), and of the Number (if any) of the Place of his said Abode, which said Ticket shall be so delivered *gratis*; and if the said Borrower shall decline, neglect, or omit to accept and take the same, it shall not be lawful for the said Lender to receive or retain the Goods and Chattels therein mentioned.

XIII. In order to entitle any Person to redeem and re-demand from the said Lender or his representatives the said Goods and Chattels, the said Ticket must be produced and re-delivered to the said Lender or his Representatives by the Person applying to redeem the same: and upon such Redemption being effected, the said Lender or his representatives shall fairly and legibly enter or cause to be entered on the said Ticket a true and exact note of the Amount of Interest taken by or for him upon the said principal Monies, and shall retain the same Ticket in his Custody for the space of Twelve Months next following the Day of the making of such last-mentioned Entry.

XIV. On the production and tender of any such Ticket as aforesaid, together with the full amount then due for Principal and Interest in respect of the Loan to which the same refers, if made at the end of Six Months from the day of the making of the said Loan, it shall be the duty of the Lender therein named and his Representatives, to receive the same, and to deliver up to the Person producing and tendering the same the Goods and Chattels described in the said Ticket, whether such Person shall be or not the Borrower therein named.

XV. The Section next preceding shall not extend to Cases where, at or previously to such production and tender, the said Lender or his Representatives shall have had from the said Borrower, or the Owner of the said Goods and Chattels, notice not to deliver the same upon the said production and tender, or shall have had knowledge or notice that the same have been, or are suspected to have been, unlawfully obtained from or lost by the Owner thereof, before the making of the said Loan, nor to Tickets as to which the Borrowers shall have taken such proceedings as are provided by the Section next immediately following:—in all which Cases it shall be the duty of the Lenders and their Representatives to withhold such delivery, if required merely upon the production and tender aforesaid,

XVI. Upon the application of any Person (other than the said Borrower) representing himself to be the Owner of the said Goods and Chattels, or of any Person (other than the holder of the said Ticket) representing himself to be the Owner thereof, and to have lost or been unlawfully deprived of the same, it shall be the duty of the said Lender, or his Representatives, if the said Goods and Chattels be still unredeemed, forthwith to deliver to such Applicant a copy of the Entry in the said General Book, or (as the case may be) of the said Ticket, which said Applicant shall immediately thereupon proceed to the Office of the Court hereinafter mentioned, and obtain an appointment there for the purpose of verifying by lawful evidence the truth of such representation; and if he shall verify the same to the satisfaction of the said Court within Seven Days then next following, and shall obtain from the said Court a Certificate to that effect, endorsed upon the said Copy, it shall be the duty of the said Lender or his Representatives, upon the said Copy so endorsed being produced and delivered by the said Applicant, to deliver unto him according to the circumstances of the case, and as the said Court shall order, the said Goods and Chattels, and either with or without payment of the said principal Monies or Interest, or both Principal and Interest, as the circumstances of the case shall require, and the said Court shall direct.

XVII. It shall be the duty of a Stipendiary Magistrate upon lawful evidence being given to his satisfaction, that there are probable grounds for believing that any Goods or Chattels have been pawned without the privity of their Owner, to issue his Warrant for searching within the Hours of Business any Place where the said Goods and Chattels shall appear to him to be, and it shall be the duty of the Lender, or his Representatives, and of all Persons in or about the said Place, to give effect and be obedient to the said Warrant; and if any of the said Goods and Chattels shall have been upon such search discovered, it shall be the duty of the Person executing the said Warrant to take them or cause them to be taken to the said Office, there to abide the Order of the said Court.

XVIII. Subject to the Provisions hereinbefore contained for securing the delivery of Goods and Chattels to the said holder of the Ticket, Borrower, Owner, or other Person, the said Goods and Chattels from and after the expiration of the said Six Months, if the same are then still unredeemed, shall become and be the Property of the said Lender and his Representatives absolutely.

XIX. Every Person, applying to borrow shall, at the time of his application in that behalf, give to the Person to whom such application is made, a full, true, and satisfactory Account of himself, his Name, his Place of Abode, the Goods and Chattels, with respect to which the said application is made, his possession thereof, the right of property therein, and the Name and Place of Abode of the Owner thereof; and every Person applying to redeem any Goods and Chattels or for a Copy of a Ticket, shall, at the time of his application in that behalf, give to the Person to whom such application is made a full, true, and satisfactory Account of himself, his Name, his Place of Abode, the Name and Place of Abode of the Owner thereof, and of the circumstances under which such his application is made.

Applicants to give true accounts of themselves, the Goods, &c.

XX. Any Person to whom any application is made to borrow or redeem, or for a copy of a Ticket without such full, true, and satisfactory Account having been in that behalf given by the Applicant, as in the Section next immediately preceding is specified, or who shall have reasonable cause to suspect any unlawful practice on the part of an Applicant in either of the above cases, is hereby required to seize and detain any such Applicant, and empowered to call in the aid of any other Person for that purpose, yet so as that the Applicant when so seized, shall be by the Person seizing him delivered over with all reasonable speed together with the Goods and Chattels (if any) or the Ticket or Document (if any) produced or tendered by the Applicant at the time of his said application, into the Custody of a Member of the Police Force, who is hereby required to receive him and convey him and the Articles (if any) so produced or tendered as aforesaid, unto a Stipendiary Magistrate, to abide his order and direction, as to custody, commitment to the Court of Petty Sessions, or liberation, or otherwise.

Duty to seize and deliver into custody applicants not giving true accounts.

XXI. Lenders and their Representatives shall be liable to make good all Loss or Damage accruing to Borrowers in the cases following, that is to say:—

Liabilities of Lenders:

1. Where the Goods and Chattels pawned have been disposed of by the Lenders or their representatives otherwise than according to the provisions of this Ordinance:
2. Where the same have been stolen, embezzled, or lost, before the Period for the redemption thereof is elapsed:
3. Where the same, before the said Period is elapsed, have been by the default, neglect, or misfeasance of the Lenders, their Representatives, or Servants, destroyed, damaged, or impaired in Value (but not otherwise, except where Division Two of this Section is applicable):

1. For improperly disposing of Goods pawned.
2. In case of theft or loss.
3. In case of Damage or neglect.

And in any of the said cases the Court shall allow and award the full Amount in satisfaction of such Loss or Damage, to be settled and deducted or paid in manner next hereinafter mentioned.

How settled for.

XXII. Where the Amount so allowed shall be less than the Amount due from the Borrower for Principal Monies and Interest, the same shall be deducted from the latter, and the said Borrower shall be charged with the Balance alone after making such Deduction; and where the Amount so allowed shall exceed the Amount so due, the latter shall be in like manner deducted from the Amount so allowed, and the Borrower shall be entitled to receive from the Lender or his Representatives the Balance alone, after making such last-mentioned Deduction.

XXIII. Allowances so made and awarded shall be immediately and without Condition carried into effect by the Lenders and their Representatives, according to the tenor thereof.

Lenders to carry into effect such allowances.

XXIV. No Person shall receive any Goods or Chattels in Pawn from, or lend to, any one not being of the Age of Twelve Years at the least.

No Loans to Persons under Twelve Years.

XXV. No Person in the Employment of Government, or being a Member of the Family of any such Person, or an Agent of, or in the employment of, any such Person, or of any Member of such Family, shall lend or advance, or act as Lender of, any Monies under this Ordinance.

Persons in the Employment of Government and their Families disqualified.

XXVI. It shall not be lawful for any Person to receive in Pawn any Goods or Chattels, having upon them any Mark or Sign denoting them to be, or to have been, the Property of the Crown, or of any Public Department.

Public Property.

XXVII. No business shall be transacted at any of the said Places of business after Eight of the Clock in the Night, or before Eight of the Clock in the Morning,—except only for One Week next, before the First Day of the Chinese New Year.

Hour of Business.

XXVIII. Forms of Tickets and Entries in Books, for the purposes of this Ordinance, shall be notified from time to time in the *Hongkong Government Gazette*, in English and Chinese; and of all such Notifications, cognisance shall be taken, and due obedience rendered thereunto, by all Persons whom they may concern, at the peril of the said Persons respectively.

Forms of Tickets and entries to be notified in the *Government Gazette*.

XXIX. All Adjudications and Certificates under this Ordinance, except Sections One and Two thereof, shall be summarily had and granted by the Court of Petty Sessions, and enforced according to the Laws for the time being in force, for regulating the said Court and its practice.

The Court of Petty Sessions.

XXX. Every Person purchasing, receiving, or taking in, any Goods or Chattels, and paying Money for, or advancing Money upon, the same, with or under any Understanding, Agreement, or Condition, express, implied, or reasonably inferable, from the nature or character of the dealing, or the usage in respect thereof, that the said Goods or Chattels in whole or part may be afterwards redeemed or re-purchased upon any Terms soever, shall be deemed to be a Lender within the meaning of this Ordinance.

Lender defined.

XXXI. For Violations or Defaults in Obedience to this Ordinance, there shall be imposed the Penalties following, that is to say:—

Penalties:

1. For every Offence against Section Three, Section Five, or Section Six, a Fine not exceeding Two Hundred current Dollars; and moreover, for a Third or any subsequent Offence against Section Six, the forfeiture of the Offender's said License.
2. For every Offence against either of the Sections, from Seven to Sixteen both inclusive, a Fine not exceeding Five Hundred current Dollars, together with (if the Court shall so direct) the forfeiture of the said License.
3. For every Offence against Section Nineteen, the Penalty of Imprisonment with or without hard Labour for a Term not exceeding Two Years.
4. For every Offence against Section Twenty, or Section Twenty-three, a Fine not exceeding Fifty current Dollars.
5. For every Offence against Section Twenty-four, a Fine not exceeding One Hundred current Dollars, together with (if the Court shall so direct) the forfeiture of the said License.
6. For every Offence against Section Twenty-five, a Fine not exceeding Fifty current Dollars, and also (where applicable) the forfeiture of, and disqualification for, Office under Government.
7. For every Offence against Section Twenty-six, a Fine not exceeding Five Hundred current Dollars.
8. For every Offence against Section Twenty-seven, a Fine not exceeding one Hundred current Dollars.

1. Against Sections III, V., and VI.

2. Against Sections VII. to XVI.

3. Against Section XIX.

4. Against Sections XX. and XXIII.

5. Against Section XXIV.

6. Against Section XXV.

7. Against Section XXVI.

8. Against Section XXVII.

XXXII. All Fines received or levied under this Ordinance, shall be paid into the Treasury to the use of the Crown.

Fines to be paid into Treasury.

XXXIII. Nothing herein contained shall affect the right of Appeal by Crown or Party, against any Adjudication, nor the General Jurisdiction of the Supreme Court.

Right of Appeal not affected.