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VOL. XIII.

VOTES AND PROCEEDINGS OF THE LEGISLATIVE
COUNCIL OF HONGKONG.

No. 1 of 1867.

MONDAY, 25TH FEBRUARY, 1867.

PRESENT:

His Excellency Governor SIR RICHARD GRAVES MACDONNELL, C.B.
The Honorable the Chief Justice (JOHN SMALE.)
The Honorable the Colonial Secretary (W. T. MERCER.)
The Honorable the Attorney General (JULIAN PAUNCEFOTE.)
The Honorable the Colonial Treasurer (F. H. A. FORTH.)
The Honorable the Auditor General (W. H. RENNIE.)
The Honorable HENRY JOHN BALL.
The Honorable JAMES WHITTALL.
The Honorable JOHN DENT.
The Honorable H. B. GIBB.

The Council meets this day, by special Summons, at 12 Minutes past 11 A.M.

The Minutes of the Council held on the 5th September last, are read and confirmed.

His Excellency The GOVERNOR lays on the Table the Jury List for 1867, and the same being revised and amended, 59 of the names on the List are designated as "Special Jurors."

His Excellency then states that the business for which the Council was summoned (namely, the Revision of the Jury List) which elsewhere is a matter for the Executive is here placed in the hands of the Legislative Council. The Members of the Press had therefore not been invited to attend the Meeting,—the discussion necessarily involving many personal matters. In their absence, His Excellency prefers not laying on the Table any Public Despatches or Bills till the next Meeting of Council.

His Excellency then adjourns the Council *sine die*.

RICHARD GRAVES MACDONNELL,
Governor.

Read and confirmed, this 15th Day of May, 1867.

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

GOVERNMENT NOTIFICATION.

The following Bills, which were read a first time at a Meeting of the Legislative Council held this day, are published for general information.

By Order,

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

Council Chamber, Hongkong, 15th May, 1867.

Title.	<i>An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, for embodying in One Ordinance, the Definition of Words and Expressions ordinarily adopted in different Ordinances.</i>
Preamble.	Be it enacted by His Excellency the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—
Short Title.	I. This Ordinance shall be cited as “The Interpretation Ordinance 1867.”
Interpretation of Terms.	II. The Terms and Words hereinafter enumerated shall, if inserted in any Ordinance hereafter to be passed, be understood as hereinafter defined or explained, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such Definition or Explanation, (that is to say):—
“Governor.”	The Term “Governor” shall include the Officer for the time being administering the Government of the Colony of Hongkong.
“Governor in Council.”	The Term “Governor in Council” shall mean the Officer administering the Government with the Advice of the Executive Council of the Colony.
“Colony.”	The Term “Colony” shall mean the Colony of Hongkong and its Dependencies.
“Colonial Waters.”	The Term “Colonial Waters” shall mean the Waters of the Colony of Hongkong.
“Harbor.”	The Term “Harbor” shall mean the Harbor of Victoria.
“Chinese Authorities.”	The Term “Chinese Authorities” shall mean any Officer of the Chinese Government acting on behalf of such Government and recognized as such Officer by the Government of Hongkong.
“Gazette.”	The Term “Gazette” shall mean the <i>Hongkong Government Gazette</i> .
“Public Offices.” “Public Department.”	The Term “Public Office” or “Public Department” shall extend to and include every Officer or Department invested with or performing duties of a Public Nature whether under the immediate Control of the Governor or not.
“Person.”	The Term “Person” shall include Body Corporate.
“Emigration Officer.”	The Term “Emigration Officer” shall include every Person lawfully acting as Emigration Officer, Emigration Agent, or Protector of Emigrants in Hongkong.
“Master.”	The Term “Master” shall include any Person having charge of a Ship or Vessel other than Her Majesty’s Ships of War, the Ships of War of any Foreign Nation and the hired Armed Vessels or Transports in Her Majesty’s Service or the Service of any Foreign Nation.
“Magistrate.”	The Term “Magistrate” shall mean either of the Police Magistrates.
“Goods and Chattels.”	The Term “Goods and Chattels” shall include Money, Bills, Bonds, Notes, and Personal Property of any kind or description whatsoever.
“Month.”	The Term “Month” shall mean Calendar Month.
“Public Officer.”	III. When reference is made to any Public Officer by the Term designating his Office such Term shall include the Officer for the time being executing the duties of such Office.
Computation of Time.	IV. In all Cases in which any particular number of Days shall be prescribed or mentioned for the doing of any Act or for any other purpose the same shall be reckoned exclusive of the first and inclusive of the last Day.
Number and Gender.	V. Unless the contrary shall be expressly provided or shall be implied from the context and general purview of the Ordinance, Words importing the Singular Number or the Masculine Gender only, shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Bodies Corporate as well as Individuals, and Females as well as Males; and Words importing the Plural Number shall be understood to apply to One Matter as well as to more than One, and to One Person as well as to more than One; and the Words “Oath” “Swear” and “Affidavit” shall include and apply to the Affirmation or Declaration, of any Person by Law allowed to make an Affirmation or Declaration in lieu of an Oath.
“Oath,” “Swear,” “Affidavit.”	

An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, for the Establishment and Regulation of a Naval Yard Police Force.

Title.

Whereas it is expedient to make Provisions for the Establishment and Regulation of a Police Force hereafter to be employed at the Naval Yard of Victoria in this Colony: Be it therefore enacted by His Excellency the Governor of Hongkong with the Advice of the Legislative Council thereof, as follows:

Preamble.

I. It shall be lawful for His Excellency The Governor in Council from time to time to order any number of Members of the Police Force for the Colony of Hongkong which may be required by the Senior Naval Officer for the time being at Hongkong to be set apart for the purpose of doing special duty as a Naval Yard Police Force; Provided always that all expenses in respect of the Pay, Accoutrements, Pensions and other Disbursements whatsoever incurred under Ordinance No. 9 of 1862 or otherwise on account of the Members of the Police Force so set apart as aforesaid be paid by the Naval Department of Her Majesty's Service to the Government of Hongkong.

Power to set apart Members of the Police Force to do Duty as a Naval Yard Police.

II. This Ordinance and Ordinance No. 9 of 1862 shall be construed together and for all requisite purposes be deemed and taken as One Ordinance.

Ordinance to be read with Ordinance No. 9 of 1862.

An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to authorize the Appropriation of a Supplementary Sum not exceeding One hundred and Twenty-five thousand Dollars to defray the Charges of the Year 1866.

Title.

Whereas it has become necessary to make further Provision for the Public Service of the Colony for the Year 1866, in addition to the Charge upon the Revenue for the Service of the said Year already provided for in the Estimates submitted to the Legislative Council: Be it enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Preamble.

I. A Sum not exceeding One hundred and Twenty-five thousand Dollars shall be and the same is hereby charged upon the Revenue of this Colony for the Service of the Year 1866, and the said Sum so charged shall be expended as hereinafter specified; that is to say:—

Supplementary Estimates, 1866.

ESTABLISHMENTS:—		\$	c.
Colonial Secretary,		211.29	
Colonial Treasurer,		378.69	
Auditor General,		265.00	
Surveyor General,		494.66	
Master of the Mint,		312.58	
Postmaster General,		391.15	
Harbor Master,		2,118.93	
Supreme Court,		62.65	
Summary Jurisdiction Court,		320.00	
Police Magistrates,		119.33	
Police,		297.00	
Gaols,		1,458.00	
TOTAL ESTABLISHMENTS,		6,429.28	
REVENUE SERVICES, exclusive of Establishments,		339.40	
ADMINISTRATION OF JUSTICE, do.,		1,420.75	
HOSPITALS, do.,		1,533.84	
POLICE, do.,		1,264.88	
MINT, do.,		3,910.95	
RENT,		3,721.99	
WORKS & BUILDINGS,		90,555.02	
ROADS, STREETS & BRIDGES,		6,688.50	
MISCELLANEOUS SERVICES,		1,100.00	
INTEREST,		3,299.78	
LAND & HOUSES PURCHASED,		3,051.14	
MILITARY CONTRIBUTION,		1,658.54	
		<hr/>	
		\$124,973.17	

An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to regulate the Importation and Storage of Gunpowder.

Title.

Whereas it is expedient to regulate the Importation and Storage of Gunpowder: Be it enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Preamble.

- Short Title. I. This Ordinance may be cited for all purposes as "The Gunpowder Storage Ordinance 1867."
- Commencement of Ordinance. II. This Ordinance shall commence and take effect on such Day as shall hereafter be fixed by Proclamation under the Hand of the Governor.
- Repeal of Section XII of Ordinance No. 1 of 1862, and application of other Sections. III. Section XII of Ordinance No. 1 of 1862, shall be and the same hereby is repealed, and the provisions of the other Sections thereof shall be held to extend to Gunpowder of every kind and description whatsoever anything in the said Ordinance to the contrary notwithstanding.
- Vessels to be provided for Storage of Gunpowder; IV. His Excellency the Governor is hereby empowered to provide at the expense of the Colony, one or more Vessel or Vessels for the Storage of Gunpowder, and no Gunpowder shall be Stored either on Land or on the Water without the permission in writing of the Harbor Master and such other Officer or Officers as the Governor may from time to time appoint, and subject to the observance of the Rules and Regulations to be made under Section XVII of this Ordinance.
- To be termed Government Dépôt for the Storage of Gunpowder. V. Such Vessel or Vessels shall for the purposes of this Ordinance be termed a Government Dépôt or Government Dépôts for the Storage of Gunpowder and shall be under the Control and Management of the Harbor Master subject to such orders as he may from time to time receive from the Governor; and shall be fitted and manned in such manner as the Harbor Master with the approval of the Governor shall deem expedient.
- Master of Vessel having upwards of Two hundred Pounds of Powder on board to furnish Harbor Master with Particulars immediately. VI. The Master of every Vessel arriving in this Colony and having on board thereof any quantity of Gunpowder exceeding Two hundred Pounds shall immediately upon the arrival thereof, furnish the Harbor Master with a Copy of the Manifest of such Gunpowder, the Marks of all the Packages wherein such Gunpowder shall be contained, and the names of the Consignees of such Gunpowder if he shall know the same.
- Master of such Vessel to take same to specified Place and there remain until he have permission to leave. VII. The Master of every such Vessel as in the last preceding Section mentioned shall as soon as possible take the same to the place which shall be pointed out to him by the Harbor Master and the said Vessel shall not be removed therefrom without the Permission in writing of the Harbor Master.
- Mode of proceeding when Gunpowder is to be exported. VIII. When any quantity of Gunpowder exceeding Two hundred Pounds is about to be conveyed out of the Colony the Master of the Vessel about to convey the same shall, on producing the written Authority of the Owners thereof, receive from the Harbor Master a permit to take on board the packages mentioned in such Authority and the Master of such Vessel shall thereupon move the same into such Anchorage as the Harbor Master may deem expedient and from such Anchorage the Master of such Vessel shall not remove the same except for the purpose of proceeding on his Voyage or for some other sufficient cause to be approved by the Harbor Master.
- Masters having more than Two hundred lb of Gunpowder on board to exhibit a Flag, also when transhipping the same. IX. The Master of every Vessel having on board more than Two hundred Pounds of Gunpowder or whilst engaged in the transhipment of any quantity shall exhibit at the highest Masthead, a Flag to be specified by the Harbor Master and the description of such Flag shall be notified in the *Hongkong Gazette*.
- No Gunpowder to be transhipped at night. X. It shall not be lawful for the Master of any Vessel to tranship any Gunpowder between the Hours of 6 P.M. and 6 A.M. from October to March inclusive nor between the Hours of 7 P.M. and 5 A.M. from April to September inclusive, without the written permission of the Harbor Master.
- No Vessel to anchor within Five hundred Yards of a Government Dépôt for Storage of Gunpowder. XI. It shall not be lawful for the Master of any Vessel without the written permission of the Harbor Master to anchor such Vessel within Five hundred Yards of any Government Dépôt for the Storage of Gunpowder.
- No Master of a Vessel having more than Two hundred Pounds of Gunpowder on board to anchor within Five hundred Yards of any other Vessel. XII. It shall not be lawful for the Master of any Vessel having on board Gunpowder exceeding in quantity Two hundred Pounds to anchor nearer than Five Hundred Yards of any other Vessel.
- No Person to keep in any House, Store, &c. more than 25 lbs. of Gunpowder. XIII. It shall not be lawful for any Person without the permission in writing of the Governor to keep for any time however short within any House, Store, Godown, or other place a larger quantity of Gunpowder than 25 lbs.

XIV. It shall be lawful for any Justice of the Peace or Constable duly authorized by warrant of any Justice of the Peace to enter and if necessary to break into any House, Store, Godown, Vessel, or Place either on Land or Water within which such Justice of the Peace shall be credibly informed on Oath or Declaration or shall have reasonable grounds of his own knowledge to suspect and believe that Gunpowder is kept or carried or is on board of any Vessel contrary to the Provisions of this Ordinance.

Power to Justices to issue Warrants to search.

XV. A copy of this Ordinance shall be delivered to the Master of each Vessel entering the Harbor and on neglect to return such Copy on obtaining Clearance a Fee of One Dollar shall be payable by the Master.

Copy of this Ordinance to be delivered to Master.

XVI. The Governor in Council is hereby empowered to make Rules and Regulations for the proper carrying out the Provisions of this Ordinance including the Storage of Gunpowder on land and to fix and vary from time to time the Sums chargeable for the Storage of Gunpowder as hereinbefore prescribed and every violation or neglect of any such Rules or Regulations shall render the party so offending liable to the penalties imposed by Section XIX of this Ordinance for Offences against any Provisions thereof.

Governor in Council empowered to frame Rules for carrying out Provisions of Ordinance and to fix Charges.

XVII. The Sums charged in respect of such Storage shall be paid Monthly by the party claiming to be entitled to such Gunpowder and in the event of the same not being paid within Twenty One Days after the same shall have become due and payable it shall be lawful for the Governor to direct the said Gunpowder to be sold in order to defray the expense of Storage, and the proceeds thereof after deducting the Government's Charges and the expenses of Sale shall be paid to the party who shall prove himself entitled thereto to the satisfaction of the Governor.

Sums how to be paid and if not paid how to be recovered.

XVIII. Every Offence against the Provisions of this Ordinance shall be a Misdemeanor and may be tried in a Summary way before a Magistrate or before the Marine Magistrate.

Trial of Offences under this Ordinance.

XIX. Every Master who shall violate or refuse or fail to comply with the Provisions of this Ordinance shall incur a Penalty or Fine not exceeding Three hundred Dollars and not less than Fifty Dollars or Imprisonment for any period not exceeding Six Months and not less than One Month.

Penalty for Infraction of Provisions of this Ordinance.

XX. Nothing in this Ordinance contained shall apply to Her Majesty's Ships of War or to the Ships of War of any Foreign Nation, or to hired armed Vessels in Her Majesty's Service or in the Service of any Foreign Nation or to Government Naval or Military Stores.

Ships of War and Government Stores excepted.

An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to amend Ordinance No. 9 of 1858.

Title.

Whereas it is expedient to amend Ordinance No. 9 of 1858, and to make further Provision for the Letting of Buildings, Shops and Stalls in the Markets, and the Granting of Privileges to Slaughter Cattle and other incidental Matters: Be it enacted by His Excellency the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Preamble.

I. This Ordinance may be cited as "The Markets Ordinance 1867."

Short Title.

II. Sections XII and XX of Ordinance No. 9 of 1858 are hereby repealed: Provided that every Act duly done and every Instrument duly made or granted before this Ordinance comes into operation shall continue and be of the same force and effect as if the said Sections had not been repealed; and that every Action, Prosecution, and other Proceeding which shall have been commenced before this Ordinance comes into operation or shall thereafter be commenced in respect of any such Matter or Thing may be prosecuted, continued, and defended in the same manner as if this Ordinance had not been passed.

Sections XII and XX of Ordinance 9 of 1858 repealed.

III. All the Powers and Authorities vested in the Surveyor General by Ordinance No. 9 of 1858, except such as relate to the erection, alteration and maintenance of Buildings as provided by Sections V and XVII of the said Ordinance shall from and after the commencement of this Ordinance be vested solely in the Registrar General and for that purpose Ordinance No. 9 of 1858, shall except as to the two Sections aforesaid be read as if the words Registrar General were inserted therein in lieu of the words Surveyor General.

Powers transferred to Registrar General except &c.

Mode of letting
Houses, &c., in
Markets.

IV. All Houses, Shops, Lan, or other Tenements in Markets shall be let by the Registrar General either by Public Tender or Private Contract for such Rent, Premium, or Consideration and for such Period and upon such Conditions as shall from time to time be fixed by the Registrar General with the approval of the Governor in Council.

Slaughter Houses to be
provided, & Privilege
of Slaughtering how
granted.

V. A sufficient number of fit and proper Slaughter Houses to meet the requirements of the Colony shall be provided by the Government and it shall be lawful for the Governor in Council to grant to any Person or Persons the sole Privilege of Slaughtering Cattle within the Colony or within any Particular District or Locality therein, for such Rent, Premium, or Consideration and for such Period and upon such Conditions as shall be deemed expedient.

If Lessee, &c., breaks
condition of his
holding as to repairs,
&c., he may be
summoned before
Magistrate.

VI. In case the Lessee or Tenant of any House, Shop, Lan, or other Tenement under Section IV of this Ordinance or the Grantee of a Privilege to slaughter Cattle under the last preceding Section shall fail to comply with any condition of his holding or Grant as to the Execution of any Repairs or other Works whatever, the Surveyor General may summon such Lessee, Tenant, or Grantee before a Magistrate who may summarily order him to execute such Repairs or other Works within a reasonable time to be specified in such Order and in case he shall not comply with such Order within such time as aforesaid or within such further time as the Court may allow he shall be guilty of a Misdemeanor and liable to a Fine not exceeding One hundred Dollars or to Imprisonment for any Term not exceeding three Months.

Penalty on Person
not complying with
Section XV of
Ordinance 9 of 1858.

VII. Every Person being at the time of the passing of this Ordinance a Lessee or Tenant of any Shop, Lan or Stall who shall not within One Month after the commencement of this Ordinance have complied with the Provisions of Section XV of Ordinance No. 9 of 1858 and every Person hereafter becoming such Lessee or Tenant as aforesaid who shall fail to comply with the said Provisions shall be liable on Summary Conviction to a Fine not exceeding One hundred Dollars and not less than Twenty-five, and upon every such Conviction the Registrar General may summarily cancel and determine the Lease or Tenancy of such Person.

Definition of Express-
ion District of
Victoria in Ordinance
No. 9 of 1858.

VIII. The Expression "District of Victoria" in Ordinance No. 9 of 1858 shall mean the Nine Districts of the City of Victoria established and defined by Section III of the "Victoria Registration Ordinance 1866" and shall extend to and include such other Localities in the Colony as the Governor in Council may from time to time direct and as shall be signified by Proclamation under the hand of the Governor.

Ordinance No. 9 of
1858 to be continued
with this Ordinance.

IX. This Ordinance and so much of Ordinance No. 9 of 1858 as is not hereby repealed, shall be construed together and for all requisite purposes shall be deemed and taken as One Ordinance.

When to come into
operation.

X. This Ordinance shall commence and take effect on such Day as shall hereafter be fixed by Proclamation under the hand of the Governor.

No. 79.

GOVERNMENT NOTIFICATION.

His Excellency Governor SIR RICHARD GRAVES MACDONNELL, C.B., has provisionally appointed The Honorable HENRY JOHN BALL to act as Colonial Secretary till further notice, *vice* The Honorable W. T. MERCER, absent on leave.

By Order,

HENRY JOHN BALL,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 14th May, 1867.

No. 80.

GOVERNMENT NOTIFICATION.

The following Return of Notes in Circulation and Specie in Reserve at the Bank of the ORIENTAL BANK CORPORATION, in Hongkong, is published for general information.

By Order,

HENRY JOHN BALL,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 16th May, 1867.