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簿五十二第

No. 1.

GOVERNMENT NOTIFICATION.

Translations into Chinese, for the information of the Chinese portion of the Community, of some of the Government Notifications are inserted herein, but it is to be understood that in case of variance in the sense of the English and Chinese versions, the sense of the English text must be considered as correct.

By Command,

W. H. MARSH,
Colonial Secretary.

Colonial Secretary's Office,
Hongkong, 17th November, 1879.

HONGKONG.

ANNO QUADRAGESIMO-SECUNDO

VICTORIÆ REGINÆ.

JOHN POPE HENNESSY, C.M.G.,
Governor and Commander-in-Chief.

No. 7 OF 1879.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to amend "The Excise Ordinance (Opium) 1858-1879."

[9th December, 1879.]

WHEREAS it is expedient to make better provision for the apprehension and punishment of offenders against the Opium Ordinances, and also to further amend the said Ordinances.

Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

I. This Ordinance may be cited as "The Excise Ordinance (Opium) 1858-1879, Amendment Ordinance 1879."

II. Sections II and VI of Ordinance No. 1 of 1879, are hereby repealed.

號 一 第 報 憲

己卯年 十月 初四日 示

十七日

一千八百七十九年十一月

輔政使司馬 奉
督憲諭為憲報英文華文并刊
事照得本港轅門報內有憲
報由英文譯出華文者俾本
港華人週知但須知若由英
文譯出華文間有未能脗合
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大英大君主威克

多理阿四十

二年

欽命總督香港

等處地方兼

理水陸軍務

佩帶三等寶

星兼

出示曉諭將

一千八百七

十九年第一

條則例刊錄

於下

香港總督督同定例

局員於一千八百七

十九年十二月初九

日將一千八百五十

八年及一千八百七

十九年承充洋煙餉

例修改議定按照現

為方便妥備嚴拿究

辦所有違犯洋煙則

例者並方便再行修

改該則例為此香港

總督督同定例局員

議定特諭於後

第一款

此則例可

稱為一千

八百七十

九年重修

一千八百

五十八年

及一千八

百七十九

年承充洋

煙餉例

第二款

現將

一千八

百七十

九年第

一條則

例第二

款及第

六款廢

除

III. Section VII of Ordinance No. 2 of 1858, is hereby amended by inserting after the word "transferable," the words "and shall contain a notice printed in English and Chinese, in the following form":—

"Notice is hereby given that the monopoly of the Hongkong opium farm, at present held by the undersigned, expires on the _____, and that the boiled or prepared opium now purchased and sold cannot be legally used or retained in your possession after noon of the 3rd day from the above date, without the consent of the new holder of the monopoly or of the Governor.

IV. No certificate granted under the provisions of the said section, as amended, by any person holding such exclusive privilege as aforesaid, or by any licensee under him shall be valid after noon of the third day from the date of the expiration of his privilege.

V. Section VIII of Ordinance No. 2 of 1858, is hereby amended by striking out the words "except in cases to which section VII applies," by inserting before the words "prepared opium" "boiled" and by adding after the words "prepared opium," the words "without having a valid certificate under section VII of Ordinance No. 2 of 1858, as amended."

VI. Section XIII of Ordinance No. 2 of 1858 is hereby amended by substituting in subsection (1) for the words "a fine not exceeding Two hundred and fifty current dollars" the words "a fine not exceeding Five hundred current dollars," and by substituting in subsection (2) for the words "a fine not exceeding Five hundred current dollars" the words "a fine not exceeding one thousand current dollars," and by inserting after the word imprisonment in both subsections the words "with or without hard labour."

VII. Section V of Ordinance No. 1 of 1879 is hereby repealed, and in substitution thereof, be it enacted as follows:— Neither the holder of the exclusive privilege nor his licensees shall, during the three months preceding the end of his term, manufacture more than the usual quantity of boiled or prepared opium, or during the said three months sell any boiled or prepared opium at less than the average current prices of the day, or in greater quantities than usual at the time of the year, and at the end of his term shall not sell, export, or otherwise make away with, or dispose of any of his stock of boiled or prepared opium, but shall make over to the new holder of the said exclusive privilege the full and complete stock of raw or boiled and prepared opium then in his possession at the marketable value thereof and in the event of any difference arising as to quantities of boiled and prepared opium manufactured or sold during the last three months of the term and the price of the same and of the nature and quantity of the raw or boiled or prepared opium so to be purchased or made over and the prices thereof such difference shall be determined by three arbitrators, one to be appointed by the new holder of the exclusive privilege, one by the person whose exclusive privilege has expired or is about to expire, and one by the Governor, and the award of such arbitrators or a majority of them shall be final, and the arbitration or such other settlement shall be held at such time after the end of the term of the outgoing holder of the exclusive privilege as to the Governor may seem reasonable, and any award made may be filed in Court pursuant to the provisions of "The Hongkong Code of Civil Procedure."

第三款 在一千八百五十四年第四款 凡第五款 現要修改第六款 現要修第七款 第一節執該承充之全權者及由伊領牌照者於期滿先三年第八年第二條則例第七款內有牌照由承充該全權之第二條則例第八款八年第二條則例一千八百五十年現將個月內不得煮熟洋烟多過平時亦不得在該三個月內賤於而可遷與他人句下增入人遵此重修而廢除第七款所第十三款第一節百七十年所賣者期滿之時斷不得將現存煮熟洋烟一些販賣出該牌照內必要有英字及華字之告白如左

啟者現在所有承充洋煙之出者或由領熟煙二字上加一煮十大圓改作罰不一條則盡交新承充人該貨照依時價給值倘有因前三個月內煮權於某月某日期滿凡有煮牌照之人藉字及要在熟煙二字過五百大圓又第五條廢除值貴賤等情而爭論則當立公正人三名即由新承充人立熟洋煙現時發沽倘過該期該承充人轉之下增入者如左二節代罰不過五款廢除一名由舊承充人即期已滿或期將滿者立一名由本港總後第三日正午之後則爾等批者均於承充期滿後第八百五十八年第二過一千大圓等語議定增督立一名然後由該公正人同心合意而定厥議或二人所客商案例不能擅自留存必充期滿後第八百五十八年第二過一千大圓等語議定增督立一名然後由該公正人同心合意而定厥議或二人所須預先請新承充人或求三日正午銷領牌乃可

督憲允准乃可為此報知 除領牌乃可 或不用苦工等字 後必由本港總督意見裁酌定奪而該公正人所決定者可 在按察使司衙門遵照香港國家審判錢債則例陳明

某某謹啟

(2.) It shall be lawful for the majority of the arbitrators to determine and they are hereby empowered to decide in each particular case what are usual quantities within the meaning of this Ordinance.

(3.) In case the outgoing or the incoming holder of the exclusive privilege fails to appoint an arbitrator within ten days from his receiving notice from the Governor so to do, it shall be lawful for the other two arbitrators to proceed with the award and in case of difference of opinion, they shall appoint an umpire, whose award shall be final and may be filed in Court pursuant to the provisions of "The Hongkong Code of Civil Procedure."

(4.) The Governor in fixing the time for holding the arbitration shall also fix the period within which the award is to be completed, and the same shall be specified in the appointment.

(5.) The arbitrators shall have the same powers as if the appointment and reference to arbitration had been made by an order of the Supreme Court under the provisions of "The Hongkong Code of Civil Procedure," and such award in each case shall be final.

VIII. It shall be lawful for an Inspector of Police having reasonable ground for believing that there is boiled or prepared opium in any ship within the waters of the Colony contrary to the provisions of the Opium Ordinances, (such ship not being a ship of war or vessel having the status of a ship of war) to proceed without warrant on board such ship and search for boiled or prepared opium and seize any boiled or prepared opium so found, and it shall be lawful for such Inspector to take the opium so found together with the person in whose custody possession or control it is found before a Police Magistrate, to be dealt with according to law.

IX. It shall be lawful for any Police or Excise Officer to arrest, without warrant, any person within the Colony whom he reasonably suspects to be conveying or to have concealed on his person boiled or prepared opium which has not paid duty to the holder of the exclusive privilege, and to convey such person to the nearest Police Station, there to be dealt with according to law.

X. Section XIV of Ordinance 2 of 1858 is hereby repealed; and in lieu thereof, it is hereby enacted:—If any charge or complaint shall be preferred under "the Excise Ordinance (Opium) 1858-1879" or under any of the said regulations made thereunder and upon the said charge or complaint the accused shall be convicted, the pecuniary penalty imposed upon the offender shall, after the adjudication of a portion of the same not exceeding one half at the discretion of the Magistrate to the informer, be paid to the holder of the exclusive privilege, and all the boiled or prepared opium to which the same relates shall be forfeited and by the Magistrate adjudged and delivered to the holder of the privilege.

Passed the Legislative Council of Hongkong, this 9th day of December, 1879.

H. E. WODEHOUSE,
Clerk of Councils.

第二節 至於在各案內照此則例之意

第三節 倘舊承充人或新入承充全權者由總督吩附立公正人之後十日內未經立有公正人則其餘公正人二位有權直行議定若有意見不合則必另立中人一名而該人所決定者

第四節 香港總督立公正人酌議之時亦須立定酌奪時期該期由立公正人之時開

第五節 該公正人所執之權與按察使司照依香港國家審訊錢債則例所立所問之公正人一式無異而該人所定者是為

第八款 凡有總差合理覺得本港灣內船隻內有煮熟洋煙不合洋煙則例所定者除所有戰艦及有戰艦權勢之船外則有權可於未領傳票先徑行登舟查搜倘搜得有煮熟洋煙該總差亦有權將如此搜獲之洋煙與及凡照顧或所有或所管理此洋煙者一併拿解巡理府

第九款 凡有差役與及餉員合理覺得有人遷移或身上藏有煮熟洋煙未向操此全權之人輸餉者則有權於未領傳票先直將該人携往最近差館按

第十款 現將一千八百五十八年第二條則例第十四款廢除代該款所立者如左
倘遵一千八百五十八年及一千八百七十九年餉員則例或遵該則例所准各規條所有告訟情事因斷被告有罪者則一切罰罪人之項任由巡理府意見可將一份賞給線人但不過一半其餘皆歸操承充全權之人而該案所有煮熟洋煙全沒入官即由巡理府定奪交與操承充全權者

定例 二吏員屈議政局 立此為憑 照得 香港定例局於本日將已上所列則例議定頒行 一千八百七十九年十二月九日 立