No. 2 of 1853.

An Ordinance for the Removal of Doubts regarding the Right of Aliens to hold and Transfer Property within the Colony of Hongkong.

[17th November, 1853.]

WHEREAS doubts have arisen regarding the right of aliens to hold and transfer property within the Colony of Hongkong: Be it therefore enacted and ordained by His Excellency the Governor of Hongkong, with the advice of the Legislative Council thereof, in pursuance of the Act made and passed at a session holden in the tenth and eleventh years* of the reign of Her Majesty, intituled "An Act for the Naturalization of Aliens," and of the power inherent in the said Governor and Council:

1. That it shall be lawful for any alien, and he or she is hereby declared entitled, by grant, conveyance, lease, assignment, or bequest, or otherwise, to take, acquire, hold and possess, any lands or other immovable property situated in this Island; and the said lands or other property as aforesaid to sell, transfer, assign, or bequeath, to any other person, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions, and privileges, as if he or she were a natural born subject of Her Majesty residing in this Island.

2. And that every such grant, conveyance, lease, assignment, or bequest, sale, transfer, or other act heretofore made or done by or with any such alien, shall be deemed in law as valid and effectual as if it had been made or done by or with any natural born British subject.

No. 3 of 1853.

An Ordinance to extend the duties of Chinese Tepos appointed under Ordinance No. 13 of 1844; to determine their emoluments; and to provide for the amicable settlement of civil suits among the Chinese Population of Hongkong.

[2nd December, 1853.]

WHEREAS disputes occasionally arise among the Chinese population of this Colony which might be more conveniently and amicably settled by the tepo, aided by the respectable Chinese inhabitants, than before an English tribunal; and whereas with a view to make the tepos of the several districts of the Colony more...
Efficient, and to extend their usefulness, it is desirable that the voluntary fees now paid by Chinese householders for the support of the said tepos be made rateable and compulsory: Be it enacted and ordained by His Excellency the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:

1. Whenever the majority of rate-payers in any district for which a tepo has been appointed under the said Ordinance No. 13 of 1844, shall, by petition to the Governor, declare their wish to adopt the provisions of this Ordinance, the Governor may by proclamation declare that this Ordinance shall be in force in the said district; and before such proclamation this Ordinance shall not apply to any such district.

2. After proclamation so made, the rate-payers of the said district shall elect from among themselves not less than five nor more than twelve persons, whose names they shall submit to the Governor for his approval, and after approval such persons shall, for one year from the date of such approval, and afterwards until their successors be chosen, become assessors of the district: And should a less number than twelve be chosen and approved, the Governor may nominate fit persons to fill the vacancies. The Governor may also from time to time direct that any vacancy occurring afterwards among the said assessors be filled in like manner by election and approval, and in default of election within a time to be fixed by him, may himself nominate persons to fill the vacancies.

3. The assessors so approved and nominated shall by a majority of votes choose one of their number to be tepo, and such person after approval by the Governor shall be tepo of the district for one year from the date of such approval, and afterwards until his successor be chosen. Provided that nothing herein contained shall be held to circumscribe the power of appointing such tepo, possessed by the Governor under section 2 of the said Ordinance No. 13 of 1844.

4. The election of assessors and tepo shall take place not oftener than once a year, at such time and in such manner as the Governor may determine, and the qualification for an elector or assessor shall be the previous occupation during one year immediately preceding the election of a tenement rated to the Police tax, and the payment of all arrears to the said tax: And all disputes as to qualification or the mode of election shall be determined by the Chief Magistrate.

5. The majority of assessors may from time to time, not being oftener than once in the year, by petition to the Governor declare what salary they consider it necessary that the tepo should receive, and the Governor may thereupon authorize the said assessors to levy on the annual value (as assessed to the Police tax), of all premises in the occupation of Chinese tenants, a rate per cent sufficient to defray the amount of such salary: and from the money so raised the assessors shall pay the salary to the said tepo, reserving the remainder, if any, for such other purposes of public utility as the Governor may sanction. And the Chief Magistrate may enforce the payment of the said rate by distress and sale of the goods and chattels found on the premises of the defaulter, in the manner provided by Ordinance No. 2 of 1845, for the enforcement of the payment of Police rates.
6. If any person have a complaint against a Chinese he may apply for redress to the tepo of the district, who shall use his best endeavour to obtain an amicable settlement thereof. Failing such settlement he shall ask the plaintiff and defendant in the case, whether they are willing that he should determine the dispute assisted by assessors; and should the parties consent to such determination, they shall, if resident within the limits of the city of Victoria, thereupon sign before some Justice of the Peace a declaration of their consent. The tepo shall then summon all the assessors to his assistance; and shall proceed to hear and determine the case, not less than three assessors being present during the proceedings; and the decision of the majority of the assessors present, (the tepo voting as an assessor and having also the casting vote), shall be binding upon the parties: but the assessors instead of coming to a decision may, if they think it proper, refer the matter for the decision of the proper English tribunal.

7. The decision so given by the tepo and assessors shall be reported in writing by the tepo to the Chief magistrate, who, upon being duly called upon so to do, and upon being satisfied that the parties voluntarily submitted their dispute for determination in this manner, shall enforce the judgment by distress and sale of the goods and chattels of the defaulters, and failing these, by imprisonment not exceeding six months. Provided that, if the judgment appear to him on the face of it to be manifestly erroneous or unjust, he may refuse to enforce it, and may remit the case to be re-heard by the tepo and assessors, or to be re-heard by the proper English tribunal.

8. Nothing herein contained shall be held to give to such tepo or assessors jurisdiction over any criminal cause, or to prevent any person from bringing his complaint in the first instance before any English Court having jurisdiction therein.

[Repealed by Ordinance No. 6 of 1857.]

No. 4 of 1853.

An Ordinance to Amend Ordinances Nos. 11 of 1844 and 5 of 1845, and to improve the Regulations for the Sale of Spirituous Liquors by Chinese, and the Regulations for the Retail and Preparation of Opium.

[22nd December, 1853.]

WHEREAS the Ordinance No. 11 of 1844, regulating the sale of spirituous liquors, has been found inconvenient in its application to Chinese dealers, and doubts have arisen as to the construction of the regulations for the retail of opium made by His Excellency the Governor on the 19th July, 1847, in pursuance of the provisions of Ordinance No. 5 of 1845: Be it enacted and ordained by His Excellency the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows: