No. 8 of 1844.

Title.

An Ordinance for prohibiting the distillation of spirits within the Colony of Hongkong.

[20th March, 1844.]

Preamble.

Distillation of spirits prohibited.

WHEREAS it is expedient to prohibit the distillation of spirits within the Colony of Hongkong: Be it therefore enacted by His Excellency the Governor of Hongkong, with the advice of the Legislative Council thereof, that from, and after the passing of this Ordinance, all distillation of spirits from grain, sugar, molasses, fruit, or any other materials whatsoever, and all rectifying, and compounding thereof, within the Colony of Hongkong, and its dependencies, shall be, and the same is hereby prohibited.

No person to keep or use a still under a penalty of two thousand five hundred dollars.

2. And be it further enacted, and ordained, that from, and after the passing of this Ordinance, it shall not be lawful for any person, except as hereinafter is excepted, to have, keep, or make use of any still, or other utensil or vessel for distilling spirits, in any place, or part of the said Colony of Hongkong, and its dependencies, under a penalty of a sum not exceeding two thousand five hundred dollars, to be recovered as hereinafter directed.

Apothecaries chemists and druggists may have stills of eight gallons contents.

[* *See Ordinance No. 6 of 1862.*]

3. And be it further enacted and ordained, that it shall and may be lawful for the * Chief Magistrate of Police for the time being, or other person to be appointed by the Governor, for the time being, for that purpose, to issue a licence free of all charge, to any apothecary, chemist, or druggist, applying for the same to keep and use on his premises, a still of not more than eight gallons contents, for the purposes of his trade only, provided that every person, wishing to keep such still, shall notify his intention so to do to the said Chief Magistrate, or other person appointed as aforesaid, who shall thereupon require such person to give a bond, with two sufficient sureties, in the sum of one thousand dollars, that he will not make use of such still, or suffer it to be made use of, except for the preparation of medicines, or other articles required *bonâ fide* for medical purposes, and every such person found to have such still, without having entered into such bond, and obtained such licence, shall forfeit, and pay a sum not exceeding two thousand five hundred dollars.

Justice of the Peace, Officer of Customs or other person duly appointed suspecting private distillation may enter house or place and seize still.

4. And be it further enacted and ordained, that it shall and may be lawful for any Justice of the Peace, Officer of Customs, or other person duly and lawfully authorized, having reasonable grounds to believe, and suspect that any private and concealed still, or other utensil, or vessel for the distillation of spirits, is set up, or kept, in any house, or place within the said Colony, or its dependencies, to enter into such house, or place in the day time, and accompanied by a peace officer, to search for, and seize any such still, utensil, or vessel, and also all spirits, and other materials preparing for distillation, and either to detain, and keep the same in the house, or place where found or to remove the same to the Customs, or Police Office, or other place in charge of the Officer of Customs, or Chief Police Magistrate, or as they, or one of them, or any Justice of

the Peace shall direct, and the said still, or vessel, and all spirits, and other materials being prepared for distillation, shall be absolutely forfeited, and the proprietor, or owner, or occupier of any house, or place, where any such private and concealed still, utensil, or vessel, shall be so found, and seized, or the person or persons in whose custody, the same shall be found, shall be liable to, and pay the penalty, or sum of, not exceeding five hundred dollars, exclusive of, and in addition to any other penalty, he may be liable to, and if any person shall obstruct oppose molest or hinder such Justice of the Peace, Officer of Customs, or other person aforesaid, in the due searching for, and seizing any such private, and concealed still, or other utensil, or other vessel, spirits, and other materials for distillation, or in detaining, keeping, or removing the same, or any of them after seizure, then, and in every such case, every person so offending, shall forfeit a sum, not exceeding five hundred dollars.

Such still absolutely forfeited proprietor or owner of house or person in whose custody still &c. is found liable to penalty of five hundred dollars.

Obstructing Justice or other officer.

Penalty.

5. And be it further enacted and ordained, that in case any such Justice of the Peace, Officer of Customs, or other person as aforesaid, after having demanded admittance into the house, or place where such private and concealed still, utensil, or vessel for the distillation of spirits, is reasonably suspected to be kept and used, shall not be immediately, and without the least delay admitted into such house, or place, it shall, and may be lawful for such Justice of the Peace, Officer of Customs, or other person as aforesaid, being accompanied by a peace officer, by force to break into, and enter such house, or place, and make search therein, and every person found in such house, or place, after admittance demanded and refused, shall for every such offence forfeit, and pay a penalty, not exceeding five hundred dollars.

Justice or officer empowered to enter such house or place.

And after demand and not admitted to break therein.

Penalty for refusal.

6. And be it further enacted and ordained, that all fines, penalties, and forfeitures imposed, and accruing under this Ordinance, shall be sued for, and recovered in such Supreme Court of Judicature as shall hereafter be erected in Hongkong, or by summary proceedings to be had before the Chief Magistrate of Police, or before any two Justices of the said Colony of Hongkong.

Recovery of penalties.

7. And be it further enacted, and ordained that all fines, penalties, and forfeitures, which shall be levied, and enforced under this Ordinance, shall, after deducting the charges of prosecution, from the proceeds thereof, be divided, paid, and applied as follows; that is to say, the moiety, or one half of the net proceeds thereof, shall be paid to the said Chief Magistrate, for the use of Her Majesty Her Heirs, and Successors, to be applied to the public uses of the said Colony, and the other moiety, or half part thereof shall be paid, and distributed to, and among such person or persons, who shall have assisted in the seizure of, or have given information, or evidence leading to the conviction of the offender or offenders, in such portions, as the said Court, Chief Magistrate, or Justices adjudicating upon the matter, shall in their discretion think proper, *and any overplus of such last mentioned moiety, or half part shall be paid to the said Chief Magistrate for the purposes aforesaid.* [*Repealed by Ordinance No. 9 of 1864 and new words substituted.*]

Fines &c. to be paid one half to the Queen and one half to the witnesses &c.

[*Repealed by Ordinance No. 21 of 1886.*]