No. 9 of 1844.

Title.

An Ordinance to restrain all persons within the Colony of Hongkong from trading in the Empire of China to the northward of the 32d degree of north latitude.

[16th April, 1844.]

Preamble.

WHEREAS to secure the due observance of the treaties between the Empires of Great Britain and China, it is expedient to confine the trade of all persons within the Colony of Hongkong to the limits included by the five ports in China, provided by the said treaties for the same.

Trade to the northward of the 32d degree of north latitude to be unlawful.

1. Be it therefore enacted by His Excellency the Governor of Hongkong, with the advice of the Legislative Council thereof, that all trade whatsoever by any person within the Colony of Hongkong, in, to, or from any part of the coast of China, to the northward of the 32d degree of north latitude, shall be, and is hereby declared to be unlawful.

Conveying goods from forbidden limits. [*See Ordinance No. 1 of 1846.*]

Fitting out vessels for unlawful trade.

Lending money to be employed in unlawful trade. Guaranteeing agents.

Engaging in any manner in unlawful trade. Shipping goods &c. Navigating ship.

Insuring ship.

Penalties for above offences.

2. And be it enacted, if any person within the Colony of Hongkong shall export or carry, or contract for exporting or carrying, or shall ship or embark, or contract for shipping and embarking, from, to, or in the limits aforesaid, any treasure, goods, or merchandize whatsoever, or shall fit out, man, navigate, equip, despatch, use, employ, let, take to freight, or on hire any vessel, or so contract, in order to embark in the trade hereby declared unlawful, or shall knowingly, and wilfully lend and advance, or become security for, or contract for the lending or becoming security for the loan of money, or effects employed, or to be employed in such trade as aforesaid, or shall knowingly and wilfully, become guarantee or security for, or contract for guaranteeing any agent employed, or to be employed, in conducting such trade as aforesaid, or in any other manner engage, or contract to engage, directly or indirectly, therein as a partner, agent, or otherwise, or shall knowingly and wilfully ship, tranship, lade, receive, or put on board, or contract for shipping, goods, money, or effects, to be employed in such trade as aforesaid, or shall take the charge of, or command, or navigate, or enter, or embark, on board of any vessel or contract to do so as captain, master, mate, surgeon, or supercargo, knowing that the vessel is employed, or intended to be employed in such unlawful trade as aforesaid, or shall knowingly and wilfully insure, or contract for the insuring of any property, or effects whatsoever, employed or intended to be employed in such trade as aforesaid, then and in every such case, the persons so offending, shall forfeit to Her Majesty, Her Heirs and Successors, a sum not exceeding ten thousand dollars, and in default of payment of such penalty, shall be liable to be imprisoned for any term not exceeding two years.

Penalty on seamen serving on board ships engaged in unlawful trade.

3. And be it enacted, if any person shall enter and embark on board of any ship or vessel as petty officer, seaman, marine or servant or in any other capacity knowing that the vessel is actually employed, or intended to be employed, in the trade hereby declared to be unlawful, such person so offending, shall forfeit to Her Majesty,

Her Heirs and Successors a sum not exceeding five hundred dollars, and in default of payment, shall be liable to be imprisoned, with or without hard labour, for any period not exceeding three months.

Seamen giving information to be indemnified and rewarded.

4. And be it enacted that if any person offending as a petty officer, seaman, marine, or servant, against any one of the provisions of this Ordinance, shall within one year after the offence, give information on oath before a competent Magistrate against any person whatsoever, who shall have committed any offence against this Ordinance, and shall give evidence on oath against him, before any Magistrate, or Court, before whom such offender shall be tried, or if such petty officer, seaman, marine, or servant, so offending, shall give information, so that such offender shall be convicted, then and in such case, such informer shall receive such part of any forfeited sum of money as is hereinafter provided, and shall not be liable to any of the pains or forfeitures provided by this Ordinance.

Superintendent of Trade to control all proceedings.

5. And be it enacted that the Superintendent of the Trade of Her Majesty's subjects in China, and no other person whatsoever, unless duly authorized by him, shall commence, institute, and conduct all proceedings, for any offence against this Ordinance, which may be taken in Her Majesty's Courts in Hongkong.

Superintendent of Trade to remit penalties and to reward informers and others.

6. And be it enacted that it shall be lawful for the Superintendent of the Trade of Her Majesty's subjects in China, so long as such Superintendent shall also be Governor of the Colony of Hongkong, but not otherwise, to remit wholly, or in part, any penalty or forfeiture provided by this Ordinance, and to award a part not exceeding one moiety of any sum forfeited, by any offender convicted under the provisions of this Ordinance, to any person who shall have given such information or assistance, as shall have led to the conviction of such offender.

Ships to be seized.

7. And be it enacted, that it shall be lawful for the commanders of any of Her Majesty's ships, or any other officers duly authorized in that behalf to seize and detain any ship or vessel sailing under the British flag, the master whereof, shall appear on sufficient grounds to such commander, or other officer, to have offended against the provisions of this Ordinance. Provided always that the said commanders of Her Majesty's ships and others shall be specially instructed and authorized by the Superintendent of Trade aforesaid, so to do, and that nothing herein contained shall be construed to give such power as aforesaid, without the said special instructions and authorization of the said Superintendent of Trade. [*Amended by Ordinance No. 1 of 1846.*]

Ships liable to be sold in satisfaction of penalties notwithstanding any transfer of property therein.

8. And be it further enacted, that all ships or vessels sailing under the British flag, which shall have been employed in any way so as to offend against the provisions of this Ordinance shall, together with their cargoes, be liable to be seized and sold, to satisfy any penalty incurred by such employment, and that all bills of sale, mortgages, and other transfers of property therein made, within three months after such vessel shall have been so unlawfully employed, or within three months from the time of any suit having been commenced against the owner or master thereof, for any offence

against this Ordinance, or made at any time whatsoever to the knowledge of the purchaser with the view to evade the recovery of the penalties herein provided, shall as against the said liability to be sold for the purposes aforesaid, be void and of none effect. [*Amended by Ordinance No. 1 of 1846.*]

[*Suspended until amendment see C. O. D., No. 58, 20th November, 1844. Repealed by effect of H.M.'s Order in Council, 3rd March 1859, Government Notification, Gazette of 9th July, 1859.*]

No. 10 of 1844.

Title. [*See Orders. No. 6 of 1847; No. 5 of 1850; No. 16 of 1875*].

An Ordinance to regulate summary proceedings before Justices of the Peace, and to protect Justices in the execution of their office.

[10th April, 1844.]

Preamble. Proceedings before Justices.

WHEREAS it is expedient and necessary to make provision for regulating and for securing uniformity in summary proceedings before Justices of the Peace, and to afford due protection to Justices in the execution of their office. Be it thereof enacted by His Excellency the Governor of Hongkong, with the advice of the Legislative Council thereof, that from and after the passing and publication of this Ordinance, the provisions hereof shall extend to all cases wherein by any English law, or statute, or by any ordinance enacted in this Colony, any proceeding shall have been, or shall be or is by this Ordinance directed to be had, or matter authorized to be heard and determined, by or before any Magistrate of Police, or before any Justice or Justices of the Peace for the Colony of Hongkong, or in a summary way, and it shall be lawful for any one Justice to receive the information or complaint, and to issue the summons or warrant requiring the parties and witnesses to appear before himself, or before any two or more Justices as the case may require, and upon the appearance of the defendant, or his contempt by not appearing after having been duly summoned in manner hereinafter mentioned, and after sufficient time for his appearance and proof thereof on oath* to the satisfaction of the Justice or Justices as the case may be, such Justice or any two or more Justices, as the case may require, shall and may proceed to examine into, and hear and determine the matter in a summary way, and examine upon oath, all necessary witnesses produced, and give his or their judgment thereon, and in case

One Justice to adjudicate.

[**See Ord. No. 2 of 1860.*]