

[Land Regulations. Canton.]

have effect unless and until they shall be disapproved by Her Most Gracious Majesty, and notification of such disapproval shall be received and published by me or other of Her Majesty's ministers in China.

NOTE.—All fines levied by virtue of or under the General or Special Port Regulations, are to be applied as directed by the China and Japan Order in Council, 1865, in diminution of the public expenditure, unless otherwise specially ordered.

THOMAS FRANCIS WADE.

Peking, 28th March, 1881.

(No. 132.) *LAND REGULATIONS and Bye-Laws for the British Concession at Canton (Shamien). 25th September, 1871.**

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REGULATIONS.

Boundaries.

1. That the limits wherein these Regulations are binding be the British Concession, Shamien.

Roads, Jetties, &c. Assessment on Land and Houses, Rates, Dues, and Taxes. Consul to convene a Meeting of Renters and other persons entitled to vote.

2. In order that due provision should be made for the better order and good government of the Settlement, and also proper

* As revised and approved by Her Britannic Majesty's Minister, 4th December, 1899. New Regulations and Bye-laws, dated 23rd January, 1908, have since been issued.

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arrangements for the making of roads, building public jetties and offices, and keeping them in repair, and for cleansing, lighting, watering, and draining the Settlement generally, and establishing a watch or police force therein, paying the persons necessarily employed in any municipal office or capacity, or for raising money by way of loan for any of the purposes aforesaid, Her Britannic Majesty's Consul shall, as soon after the first day of January in each year, or when it may appear to him needful, or on the requisition of a certain number of the renters of land, or others entitled to vote on the terms hereinafter mentioned, convene a meeting of such persons to devise ways and means of raising the requisite funds for these purposes: and at such meeting it shall be competent to the said persons or a majority of them in public meeting duly assembled, to declare an assessment in the form of a rate to be made on the said land or buildings, and it shall also be competent for the said persons, or a majority of them as aforesaid, to impose other rates and taxes for the purposes aforesaid, in the form of dues on all goods landed in, shipped from, or passing through the British Concession.

Land-Renters and others to appoint a Committee or Council. Authority to sue for Taxes, &c.

3. And be it further ordered, that the said land-renters and others as aforesaid, in public meeting duly assembled, under and in accordance with the provisions of the preceding article, shall appoint, in the mode hereinafter provided, an executive Committee or Council, to consist of not more than five persons for the purpose of levying the rates, dues, and taxes hereinbefore mentioned, and applying the funds realised from the same for the purposes aforesaid, and for carrying out the Regulations now made; and such Committee, when appointed, shall have full power and authority to levy and apply such rates, dues and taxes for purposes aforesaid, and shall have power and authority to sue for all arrears of such rates, dues and taxes, and recover the same from all defaulters in the Court under whose jurisdiction such defaulter may be.

Making of new Bye-Laws.

4. When in pursuance of these Regulations the above-mentioned Committee or Council shall be duly elected, all the power, authority and control conferred by the Bye-laws now sanctioned and annexed to these Regulations, and all the rights and property, which by such Bye-laws are declared to belong to any Committee or Council as aforesaid, shall vest in and absolutely belong to such Committee or Council and to their successors in office, and such successors as are duly elected, and such Committee shall have power and authority from time to time to make other Bye-laws for the better enabling them to carry out the object of these Regulations, and to repeal, alter, or amend any such Bye-laws, provided such other Bye-laws be not repugnant to the provisions of these Regulations, and be duly con-

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firmed and published ; and provided also that no Bye-law made by the Committee under the authority of these Regulations, except such as relate solely to their Council, or their officers or servants, shall come into operation until passed and approved by Her Britannic Majesty's Consul and Minister and the ratepayers in special meeting assembled, of which meeting and the object of it, ten days' notice shall be given.

Audit of Accounts.

5. And whereas it is also expedient that due provision should be made for the auditing of the accounts of the said Committee or Council, and for the obtaining the approval and sanction of them by the ratepayers in public meeting duly assembled, be it ordered that the said audit and the said sanction and approval shall be made at the annual public meeting convened by Her Britannic Majesty's Consul as hereinbefore mentioned.

Recovery of Penalties under Bye-Laws.

6. Be it also further ordered, that any penalty or forfeiture, or fees on licences, provided for in the Bye-laws framed under the authority of these Regulations, and imposed in pursuance of such Bye-laws, may be recovered by summary proceedings before the proper authority, and it shall be lawful for such authority upon conviction to adjudge the offender to pay the penalty or incur the forfeiture as well as the costs attending the conviction, as such authority may think fit. All fines and penalties levied under these Regulations, and the Bye-laws framed and to be framed under them, shall be carried to the credit of the Committee or Council in diminution of the general expenditure authorized by the provisions of these Regulations.

Consul may at any time call Meeting of Ratepayers.

7. Be it further ordered, that it shall be competent for Her Britannic Majesty's Consul, at any time when it may appear to him needful, or at the requisition of ten of the ratepayers, seven of whom must be resident within the British Concession, to call a public meeting, giving ten days' notice of the same, setting forth the business upon which it is convened for the consideration of any matter or thing connected with the Municipality. All resolutions passed by a majority at any such public meeting, on all such matters aforesaid, shall be valid and binding on the whole of the ratepayers, provided not less than two-thirds of the resident ratepayers shall concur in the resolution. At such meeting Her Britannic Majesty's Consul shall take the chair ; and in his absence then such ratepayer as the majority of voters present may nominate, who shall report to Her Britannic Majesty's Consul the resolutions passed at such meeting for his concurrence and approval, and unless such approval be officially given, such resolution shall not be valid and binding,

provided always that a term of ten days shall elapse between the date of the resolution and the signification of approval by Her Britannic Majesty's Consul. In all cases in which ratepayers in public meeting assembled, herein provided, decide upon any matter of a municipal nature not already enumerated, and affecting the general interest, any person considering himself prejudiced in property or interests by the resolution may, within the period of ten days aforesaid, represent his case to Her Britannic Majesty's Consul for his consideration. After the expiration of the term of ten days, the Consular approval, if signified, shall be binding.

Election of Council. Persons entitled to vote.

8. That members of the Municipal Council shall be elected by ballot at the annual meeting to be held in January, as set forth in Rule No. 2; and that at all meetings the following persons shall alone be entitled to vote, viz.: Land-renters, who shall have one vote for every whole Lot, or the equivalent thereof: Persons holding formal authority to act as proxies for absent land-renters; Tenants of houses on which, within the previous twelve months, taxes or rates have been paid on an assessed rental of not less than \$600 per annum.

Qualified Voters may nominate Five Persons for Council.

9. That on or before the second day of January in each year it shall be competent for every person entitled to vote for the election of Council to send in writing, to Her Britannic Majesty's Consul, the names of five duly qualified persons whom he wishes should act for that year, attaching his signature to the memorandum, and stating the number of votes he is entitled to. The names of all the persons proposed will then be published or exhibited in the Consulate Office, and any one refusing to serve must notify such refusal to Her Britannic Majesty's Consul on or before the 10th day of January. On the day appointed for the election, should the members proposed exceed the required number, a ballot shall take place as set forth in the foregoing Regulation.

Qualification for Members of Council.

10. All land-renters owning at least one whole lot, or the equivalent thereof; all tenants of houses on which, during the previous twelve months, taxes or rates have been paid on an assessed rental of not less than \$1,200 per annum, and the duly appointed representatives of firms carrying on business on the British Concession, Shamien, and qualified as aforesaid, shall be eligible to serve on the Municipal Council.

Vacancies.

11. In case of a vacancy or vacancies occurring in the Committee or Council during the municipal year, a meeting shall be convened

for the purpose of filling up such vacancy or vacancies, in terms of Rules 8 and 9.

Tenure of Office.

12. The Council shall enter upon their office as soon after the accounts of the retiring Committee shall have been audited and passed at the annual meeting in January, and at their first meeting the new Council shall elect a Chairman, Secretary, and Treasurer. In the temporary absence of the Chairman, the members present at any meeting of the Council shall elect their Chairman for such meeting.

Officers.

13. The Council may from time to time appoint such officers and servants as they think necessary for carrying out these Regulations, and fix the salaries, wages, and allowances of such officers and servants, and may pay the same out of the municipal funds, and make Bye-laws for the Government of such officers and servants, and may discontinue or remove any of them, from time to time, as they shall think fit.

Funds.

14. The Council shall administer the municipal funds for the public use and benefit at their discretion, in accordance with object and views expressed at the general meeting; provided they do not exceed the amount of the assessment voted at said meeting; and a statement shall be drawn up by them at the end of each year for which the Council has been elected, showing the nature and amount of the receipts and disbursements of the municipal fund for that year, and the said statement shall be published for general information at least ten days before the general meeting is convened.

Persons acting in execution of these Regulations not to be personally liable.

15. No matter or thing done, or contract entered into, by the Council, nor any matter or thing done by any member thereof, or person whomsoever, acting under the direction of the Council, shall, if the matter or thing were done, or the contract entered into *bonâ fide* for the purpose of executing these Regulations, subject them or any of them personally to any action, liability, claim, or demand whatsoever. And any expense properly, and with due authority, incurred by the Council, member thereof, or person acting as last aforesaid, shall be borne and repaid out of the rates levied under the authority of these Regulations. The Council shall be liable to be sued, through their Secretary, in Her Britannic Majesty's Consulate Court at Canton, by any person who may deem himself injured by any act of the Council or its officers, and should the plaintiff obtain damages in any such suit, said damages and the cost of such suit shall be summarily recoverable by Her Britannic Majesty's

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Consul, and paid out of the funds levied under the authority of these local Regulations.

Transfers of Land.

16. All transfers of land in the British settlement at Shamien shall be made by the parties to the transfer, or by their representatives duly authorized for that purpose, in the presence of an officer of Her Britannic Majesty's Consulate, and shall be registered in the said Consulate within one month of such transfer, under a penalty not exceeding \$100. No transfer of land in the Settlement at Shamien to a subject or citizen of any other Power excepting Great Britain, shall be valid unless he shall previously undertake, in writing in his own name, and with the official consent of his national authority, to conform to the terms of the lease granted by Her Britannic Majesty, and to obey all Regulations made or which hereafter may be made or sanctioned by Her Britannic Majesty's Minister, for the peace, good order and government of the said Settlement.

BYE-LAWS*

Annexed to the Land Regulations for the British Concession, Shamien.

1. The entire control and management of the bridges, all public buildings, sewers and drains within the limits of these Regulations, and all sewers and drains in and under the roads, and all the works and materials thereunto belonging, whether made at the time of the passing of these Regulations, or at any time thereafter, and whether made at the cost of the Council or otherwise, shall vest in and belong to the Council.

2. No sewer or drain shall be made, or any building be erected over any sewer belonging to the Council, neither shall any branch drain be carried into any of the sewers or drains above vested in the Council, without the consent of the Council being first obtained in writing. And if after the passing of the Land Regulations any sewer or drain be made, or any building be erected, contrary to the provisions herein contained, the Council may demolish the same, and the expenses incurred thereby shall be paid by the person so offending, and shall be recoverable as damages.

3. All sewers and drains within the limits of these Regulations, whether public or private, shall be provided, by the Council or other persons to whom they severally belong, with proper traps or other coverings, or means of ventilation, so as to prevent stench.

4. The expense of maintaining and cleansing all sewers not hereinbefore provided for, shall be defrayed out of the rates and taxes, to be levied under Article 1 of the Land Regulations.

5. It shall not be lawful to erect any house in the Settlement, or to rebuild any house in the Settlement, without at the same time constructing a covered drain or drains of such size and materials, and at such level, and with such fall as to the Council shall appear necessary and sufficient for the proper and effectual drainage of the same and its appurtenances, in terms of Bye-laws No. 1 and 2; the drain or drains so to be constructed shall communicate with such sewers as the Council may direct. And whosoever erects or rebuilds any house or other building, or constructs any drains contrary to this Bye-law, shall be liable for every such offence to a penalty not exceeding \$250.

6. No person shall be allowed to erect a matshed on the Settlement, without the permission of the Municipal Council, and any person erecting such building shall be liable to a fine not exceeding \$100.

7. The Council, and none other, shall be surveyor of all highways within the limits of the aforesaid Regulations, and within those limits shall have all such powers and authorities as any surveyors of highways are invested with in England.

8. The management of the streets, bunding, and jetties, and the laying out and

* See footnote on page 691.

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repairing thereof, shall be vested in the Council; and all materials, implements, and other things provided for laying out and repairing said streets, bunding, and jetties, shall belong to the Council.

9. The Council may stop up any streets, and prevent all persons from passing along and using the same during the construction, alteration, repair, or demolition, of any sewer or drain in or under any street, but must allow access to houses.

10. Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags, or other materials of any street, bunding, and jetties, under the management of the Council, without their consent in writing, shall be liable to a penalty not exceeding \$25.

11. When any building materials or other things are laid, or any hole made in any of the roads, whether the same be done by order of the Council or not, the person or persons causing such hole to be made, shall, at his own expense, cause a sufficient light to be fixed in a proper place on or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and enclosed until such materials or other things are removed, or the hole filled up, or otherwise made secure. And every such person who fails so to light, fence, or enclose the same, shall for every such offence be liable to a penalty not exceeding \$25.

12. If any building, wall, or hole, or other place near any street, be, for want of sufficient repair, protection, or enclosure, dangerous to the passengers along such street, the owner shall repair the same, or in default the Council shall cause the necessary repairs to be made, and the expenses of the same shall be recoverable as damages from the owner. If the owner cannot be found, or any agent who will undertake to act for him, within the limits of these Regulations, the Council, after giving twenty-eight days' notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building, or on the land on which such building stood, or other place, may take such building or land and sell the same by public auction under Consular injunction, and from and out of the proceeds of such sale reimburse themselves for the outlay incurred, and shall restore any overplus arising from such sale to the owner of such property on demand; but should the proceeds of such sale not cover the expenses incurred, the Council shall have the same remedies for compelling the payment of the balance as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

13. The Council may give notice to the owner or occupant of any house or other building to remove or alter any porch, projecting window, step, or any other obstruction or projection, erected or placed against, or in front of, any house or other building within the limits of these Regulations, and which is an obstruction to the safe and convenient passage along any street; and such owner and occupant shall, within fourteen days after the service of such notice upon him remove such obstruction or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty not exceeding \$10; and the Council in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the owner or occupant so making default, and shall be recoverable as damages.

14. No person shall obstruct the public roads or footpaths with any kind of goods or building materials under a penalty of \$10 for every twenty-four hours of continued obstruction; and after the first twenty-four hours that notice of removal shall have been given to the owner of the same, or the person using, employing, or having control over the same, or in the absence of any such person, or inability on the part of the agents of the Council to find him, the Council shall remove and retain the same until the expense of such removal shall have been repaid, or may recover the expense of such removal as damages or may sell the same to recover such expenses, holding the balance, if any, after payment of penalties, expenses, and costs, to the use of the person entitled to the same.

15. In the case of any stagnant pool, ditch, or pond of water, pig-stye, cow-house, stable, privy, or any other building, construction, or thing, being proved a nuisance to the occupiers of adjacent lots, or to the public, the Secretary of the Council shall forthwith give notice to the owner, or reputed owner, or agent, that such nuisance must be removed; and if the same be not removed within a time considered reasonable by the Council, the Council may abate such nuisance at the expense of the owner of such property, the same being recoverable as damages.

16. That no spirit shop, or house of entertainment of any kind, shall be opened within the limits of the Settlement, without a licence first obtained from the Council, countersigned by Her Britannic Majesty's Consul (charges for such licence to be

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hereafter arranged) under a penalty not exceeding \$100, recoverable from the person committing such offence.

17. All persons causelessly creating a noise or disturbance, and all persons guilty of furious and improper riding or driving, or leading or riding horses upon the chunam roads, or obstructing the fairway to or from the landing steps or who shall commit any act which may legitimately come within the meaning of the term "nuisance," shall be liable to a penalty not exceeding \$10.

18. No cattle or ponies shall be allowed to go loose at any time or shall be tethered in the middle or front roads of the Settlement (the canal road only being available for tethering cattle and ponies between the hours of 5 A.M. and 5 P.M. under a penalty not exceeding \$5.

19. All Chinese passing through or in the Settlement after 6 P.M. in the winter, and 8 P.M. in summer, until daylight, must be provided with lighted lanterns, under a penalty of being handed to Her Britannic Majesty's Consul for transmission to the native Authorities.

20. It shall be lawful for any officer or agent of the Council, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of these Bye-laws, and if he be a Chinese subject, or a foreigner belonging to some nationality not represented by a Consul, to hand him to Her Britannic Majesty's Consul to be disposed of according to law. If the offender be a citizen or subject of some nationality duly represented, he shall be handed over to his own Consul for adjudication.

21. Nothing in these Bye-laws contained shall be construed to render lawful any commission or omission on the part of any person which is, or would be, deemed to be a nuisance at common law, from prosecution or action in respect thereof, according to the forms or proceedings at common law, nor from the consequences upon being convicted thereof.

22. Every penalty or forfeiture imposed by these Bye-laws, made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before Her Britannic Majesty's Consul, or the Consul of the nation to which the offender may belong, and upon conviction the offender shall pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such Consul shall think fit.

23. No dogs are to be allowed on Shamien without collars or unattended. The police shall be instructed to capture all stray dogs, which, if unclaimed within a reasonable time, shall be destroyed.

In the event of the same dog being repeatedly seized by the police and remonstrance with the owner proving ineffectual, the Council shall give notice in writing to the owner that on the next occasion of its seizure they will order its destruction. And if after this notice the dog shall again fall into the hands of the police, it shall be lawful for the Council to order it to be destroyed.

24. The Council may, on giving a week's notice in writing to the occupant of any house, building, or lot, in the British Concession, Shamien, enter the premises, either by themselves or by their duly appointed Inspector, for the purpose of inspecting the sanitary condition of such premises. The Council may abate all nuisances discovered upon inspection, as provided for in Bye-law 15.

Provided always that nothing in this Bye-law shall authorize any entry into any building other than the rooms (not forming a portion of the main buildings) in occupation of Chinese employés, cookhouses, latrines, and other out-houses (not including godowns) without permission of the occupant.

25. No person or persons shall be allowed to print any Chinese newspaper, of what kind soever, within the limits of these Regulations, and person or persons printing such newspaper shall be liable to a penalty not exceeding \$100 for each issue of the same.

26. No inflammable or explosive material, goods, or merchandise, likely to endanger loss or cause injury to individuals or property, such as ammunition (excepting for shooting game or for use with rifle and revolver for personal protection), dynamite, &c., gun cotton, &c., nitro glycerine, &c., gunpowder, saltpetre, sulphur, large quantity of spirits in bulk, petroleum, naphtha and other explosive materials, gases or liquids, shall be allowed to be landed on the British Concession of Shamien for the purpose of storage, or be placed on the premises of any individual.

Every violation of this rule will subject the offender to a fine not exceeding \$300, and to seizure of the unlawful goods, at the expense of the owner, to be dealt with summarily as the Council may direct. All penalties and forfeitures imposed under this Bye-law are to be recovered in the manner prescribed in Bye-law 22.

27. On and after the 1st February, 1894, a tax of \$5 per annum will be levied on every dog over age of three months, kept on the British Settlement at Shamien.

In order to show that a dog has been duly registered, and the tax paid, suitable tickets will be provided by the Municipal Council to be affixed to the collar.

Any dog whose owner has failed to pay the tax will be liable to be destroyed, if the tax still remains unpaid for seven days after the owner has received notice of his omission to do so from the municipal police.

28. All bicycles must be numbered and registered, and a yearly tax of \$10 shall be levied by the Council on each bicycle registered. Bicycles which have not been registered with the French or English Municipalities will be stopped and the owners fined not more than \$25.

It is forbidden to ride bicycles except on such paths and between such hours as shall hereafter be notified by the Municipal Council. Any infringement of such notification will render the offender liable to a fine of not more than \$25 for each infringement.

All bicycles must be provided with bells, horns, or other signalling appliances, and after dusk lighted lanterns must be carried; the omission to conform to this rule will render the offender liable to a fine not exceeding \$25 for each offence.

29. The importation of dogs into the British Concession without special permission from the Council is strictly prohibited, under a penalty not exceeding \$100 and not less than \$25.

(No. 133.) *ORDER IN COUNCIL extending the Jurisdiction of the Supreme Court of Hong Kong in respect of matters arising in the neighbourhood of the Colony of Hong Kong. Balmoral, 23rd October, 1877*.*

At the Court at Balmoral, the 23rd day of October, 1877.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament passed in the 7th year of Her Majesty's reign [cap. 80],† intituled "An Act for the better Government of Her Majesty's subjects resorting to China," it is (amongst other things) enacted that it shall be lawful for Her Majesty, by any Order or Orders made with the advice of Her Majesty's Privy Council, to ordain, for the government of Her Majesty's subjects being within the dominions of the Emperor of China, or being within any ship or vessel at a distance of not more than 100 miles from the coast of China, any law or ordinance which to Her Majesty may seem meet, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects being within the Island of Hong Kong.

And whereas Her Majesty was pleased by and with the advice of Her Privy Council, by Order in Council of the 9th day of March, 1865, to ordain (amongst other things) that all Her Majesty's jurisdiction exercisable in China or in Japan for the judicial hearing and determination of such matters as are by the 4th Section of the said Order specified, should be exercised according to the provisions

* "London Gazette," 26th October, 1877.

† "Hertslet's Commercial Treaties." Vol. 6. Page 251.