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THE HONGKONG GAZETTE.

Vol. I.

SATURDAY, MAY 1st, 1841.

No. 1.

PUBLIC NOTICE.

Captain William Caine, of Her Majesty's 26th (or Cameronian) Regiment of Infantry, is appointed Chief Magistrate of the Island of Hongkong, pending Her Majesty's further pleasure, and all persons repairing thither are required to respect the authority in him vested, agreeably to the annexed Warrant.

CHARLES ELLIOT,

Her Majesty's Plenipotentiary,

Charged with the government of the Island of Hongkong.

WARRANT.

By CHARLES ELLIOT, esquire, Her Majesty's Plenipotentiary, &c., &c., charged with the government of the Island of Hongkong:

Pending Her Majesty's further pleasure, I do hereby constitute and appoint you, William Caine, esquire, Captain in Her Majesty's 26th (or Cameronian) regiment of Infantry, to be Chief Magistrate of the Island of Hongkong; and I do further authorize and require you, to exercise authority, according to the laws, customs and usages of China, as near as may be (every description of torture excepted), for the preservation of the peace, and the protection of life and property, over all the native inhabitants in the said Island and the harbors thereof.

And I do further authorize and require you, in any case where the crime, according to Chinese law, shall involve punishments and penalties exceeding the following scale in severity, to remit the case for the judgment of the Head of the government for the time being.

Scale:—Imprisonment, with or without hard labor, for more than 3 months; or penalties exceeding \$400.

Corporal punishment exceeding 100 lashes.
Capital punishment.

And I do further require you, in all cases followed by sentence or infliction of punishment, to keep a record, containing a brief statement of the case, and copy of the sentence.

And I further authorize and require you, to exercise magisterial and police authority over all persons whatever (other than natives of the island, or persons subject to the mutiny act, or to the general law for the government of the fleet), who shall be found committing breaches of the peace, on shore or in the harbors of this island, or breaches of any regulation to be issued from time to time by this government, according to the customs and usages of British Police Law.

And I do hereby authorize you, for the po-

lice purposes herein-before specified, to arrest, detain, discharge, and punish such offenders, according to the principles and practice of general British Police Law.

And all persons, subject to the mutiny act, or the general law for the government of the fleet, found committing police or other offences, shall be handed over to their proper military superiors for punishment.

And I do further authorize and require you, to detain in safe custody any person whatever, found committing crimes and offences within the government of Hongkong, amounting to felony, according to the law of England; forthwith reporting your proceedings herein, and the grounds thereof, to the Head of the government for the time being. And for all your lawful proceedings in the premises, this Warrant shall be your sufficient protection and authority.

Given under my hand and seal of office at Macao, this thirtieth day of April, in the year 1841.

CHARLES ELLIOT.

PUBLIC NOTICE AND DECLARATION.

* * The following notice is published for general information. But the necessary particulars not having yet been obtained regarding the portions of land already surveyed, the blanks relating to number and extent of allotments, and period of sale, cannot yet be filled up.

Arrangements having been made for the permanent occupation of the island of Hongkong, it has become necessary to declare the principles and conditions, upon which allotments of land will be made, pending Her Majesty's further pleasure.

With a view to the reservation to the crown of as extensive a control over the lands as may be compatible with the immediate progress of the establishment, it is now declared, that the number of allotments to be disposed of, from time to time, will be regulated with due regard to the actual public wants.

It will be a condition of each title, that a building, of a certain value, hereafter to be fixed, must be erected, within a reasonable period of time, on the allotments; and there will be a general reservation of all Her Majesty's rights.

Pending Her Majesty's further pleasure, the lands will be allotted according to the principles and practice of British law, upon the tenure of quit-rent to the crown.

Each allotment to be put up at public auction, at a certain up-set rate of quit-rent, and to be disposed of to the highest bidder. But it is engaged, upon the part of Her Majesty's government, that persons taking land upon these terms shall have the privilege of purchasing in freehold (if that tenure shall hereafter be offered by Her Majesty's government), or of continuing to hold upon the original quit-rent, if that condition be better liked.

All arrangements with natives for the cession of lands, in cultivation, or substantially built upon, to be made only through an officer deputed by the government of the island; and no title will be valid, and no occupancy respected, unless the person claiming shall hold under an instrument granted by the government of the island, of which due registry must be made in the government office.

It is distinctly to be understood, that all natives, in the actual occupancy of lands, in cultivation, or substantially built upon, will be constrained to establish their rights, to the satisfaction of the land officer, and to take out titles, and have the same duly registered.

In order to accelerate the establishment, notice is hereby given that a sale of town allotments, having a water frontage of _____ yards, and running back _____ yards, will take place at Macao on the _____ instant, by which time, it is hoped, plans, exhibiting the water front of the town, will be prepared.

Persons purchasing town lots will be entitled to purchase suburban or country lots, of _____ square acres each, and will be permitted, for the present, to choose their own sites, subject to the approval of the government of the island.

No run of water to be diverted from its course without permission of the government.
Macao, 1st May, 1841.

CHARLES ELLIOT.

RULES AND REGULATIONS FOR THE BRITISH MERCHANT SHIPPING.

The following Rules and Regulations for the preservation of the peace, and the maintenance of due subordination on board the British merchant shipping, now at anchor or hereafter arriving within the port of Hongkong, are published for the information of all whom it may concern.

SECTION 1.

Of the functions of the magistrate.

REG. No. 1. To repair forthwith on board of any British ship, sending or making the signal for assistance (signals hereinafter specified), by reason of the riotous state of the crew, and, if a state of actual violence or resistance to authority shall exist, to take instant and energetic measures for the restoration of the peace and due subordination.

REG. No. 2. Fire arms in no case to be used on such occasions, except for the protection of life, till the Magistrate, or in his absence the commanding officer of the ship, or one of the

constables of police, shall have, audibly and ineffectually, made the following Proclamation (or words to the like effect):

"Our sovereign Lady the Queen commands all persons here assembled, immediately to disperse themselves, and to return peaceably to the performance of their duties. God save the Queen."

REG. No. 3. The Magistrate on the spot, after summary inquiry on the occasion of any riot, may issue his Warrant for the apprehension of any Persons who shall appear to him to have acted as ringleaders, either leaving them for safe custody on board their own ships, or committing them to jail, as he may judge best under the circumstances.

SECTION 2.

Of the offences cognizable by the magistrate, and the penalties thereunto attached.

REG. No. 1.

Offence.	Penalty.
1. Drunkenness with riot, either on board a ship, or on shore.	1. Confinement, with, or without, hard labor, not exceeding two weeks,—or a penalty not exceeding 20 shillings, or both—according to the particular gravity of the offence, and its frequency.
2. Contempt of the authority of the magistrate on any occasion of inquiry.	2. Either of the above penalties.
3. Disobedience of orders to desist from riotous conduct, or abusive and menacing language tending to the disturbance of the peace and of due subordination.	3. Confinement in the like manner, not exceeding 14 days,—or a penalty, not exceed £2 10s.—or both according to the circumstances.
4. Ringleaders in riots, attended with violence towards officers, or resistance to the magistrate, or the constables of police, engaged in the restoration of the peace.	4. Confinement in like manner, not exceeding one calendar month,—or a penalty not exceeding £5,—or both, according to the circumstances.

REG. No. 2. A decision against a prisoner involving higher penalties, or longer confinement, than those set down in the 1st and 2d specification, needs the sanction of the Head of the government, or in his absence of the Deputy superintendent, and is therefore not to be pronounced by the Magistrate, till that sanction has been received, the Prisoners remanded after the closing of the evidence on the defence.

REG. No. 3. All other offences of a more aggravated nature, or not specified above, to be reported to the Head of the government by the Magistrate, and the prisoners to be left in confinement according to the customs and usages of the sea service, pending further instructions under his hand; or to be committed to jail.

REG. No. 4. All prisoners to be maintained on the half allowance of provisions (without spirits), for which maintenance, a sum of 9d per diem shall be paid, and charged against their wages.

REG. No. 5. If the prisoner shall have been confined on board the ship to which he belongs, no charge shall be made for his maintenance.

REG. No. 6. Commanders of ships to which prisoners belong, under confinement according to these rules and regulations, are at liberty to hire laborers to supply their place, charging the daily expense to the wages of the prisoners.

REG. No. 7. In the case of prisoners not having wages enough to meet the penalties they have incurred, the magistrate may remit the same at the end of their confinement, and the want of funds may not be made a ground for detention beyond the period originally determined.

REG. No. 8. Commanders of ships, who have been called upon to pay penalties out of seamen's wages, to be furnished with a certificate by this government.

REG. No. 9. Nothing herein contained to be construed, to prevent the commander of any ship from restraining his crew, by such lawful means as he may see fit to use on his own responsibility, and without making application for police assistance.

SECTION 3.

Of the signals to be made by British ships, requiring assistance, by reason of the riotous state of the crew.

REG. No. 1. In the day time, ensign, union downwards, to be hoisted wherever most conspicuous or convenient, and a musket to be fired to draw attention.

In the night time, three or four lights in the after rigging, at irregular heights, and firing of single muskets, to be repeated at intervals till assistance arrive.

SECTION 4.

Of the rate at which payments are to be made, and the disposal of penalties.

REG. No. 1. All payments and penalties, made or incurred under these rules and regulations, to be at the rate of 5s. the Spanish dollar.



REG. No. 2. All penalties, levied agreeably to these regulations, to be for the use of Her Majesty, in part payment for the police expenses of this government.

SECTION 5.

Of the manner in which seamen or others on board British ships are to seek redress.

REG. No. 1. Any person having a complaint of ill usage to proceed respectfully to the commander, or commanding officers, and to request to be allowed to repair on shore to the office of the magistrate; and, failing redress by that means, to forward a letter to the head of the government, in order that such present inquiry and remedy may be had as the case demands. Given under my hand and seal of office at Macao, this thirtieth day of April, in the year of our Lord one thousand eight hundred and forty-one.

CHARLES ELLIOT,

H. M. Plenipotentiary,

Charged with the government of the island of Hongkong.

HONGKONG, MAY 1st, 1841.

A gazette will be published, under the authority of the Government of this Island, at half-monthly periods from this date, with a view to afford greater publicity to the general orders that may from time to time be issued by the officers of the British government.

The sheet will be filled up, when it is found necessary, by the insertion of such statistical returns and other public documents as shall be deemed valuable or interesting.

Translation of a memorial, from the minister, &c., Keshen, to the emperor.

Your majesty's slave, Keshen, minister of the Inner Council, and acting governor of the two Kwang,—kneeling presents this respectful memorial,—setting forth, how that the English foreigners have dispatched a person to Chekeang province to deliver back Tinghae,—how that they have restored to us the forts of Shakok and Taikok, in the province of Kwangtung, along with the vessels of war and salt-junks which they had previously captured, all which have been duly received back,—and how that the war ships of these foreigners have already retired to the outer waters:—all these facts, along with his observations upon the military position of the country, its means of offense and defense, the quality of its soldiery, and the disposition of its people, observations resulting from personal investigation,—he now lays before your imperial majesty, praying that a sacred glance may be bestowed upon the same.

Previously to the receipt of your majesty's sovereign commands, your slave had, with a view to preserve the territory and the lives of the people, ventured,—rashly and forgetful of his ignorance,—to make certain conditional concessions to the English foreigners, promising that he would earnestly implore in their behalf a gracious manifestation of imperial goodness. Yet, having done this, he repeatedly laid before your majesty the acknowledgment of his offense, for which he desired to receive severe punishment. It was subsequently thereto, on the 20th of January, 1841, that he received, through the General Council, the following imperial edict.

“Keshen has handed up to Us a report on the measures he is taking in regard to the English foreigners, under the present condition of circumstances. As these foreigners have shown themselves so unreasonable that all our commands are lost upon them, it behoves us immediately to make of them a most dreadful example of severity. Orders have now been given that, with the utmost speed, there be furnished from the several provinces of Hoonan, Szechuen, and Kweichow, 4000 troops, to repair without loss of time, to Canton, and there to hold themselves under orders for service. Let Keshen, availing himself of the assistance of Lin T'shiseu, and Tang Tingching, take the necessary measures for the due furtherance of the object in view. And if these rebellious foreigners dare to approach the shores of our rivers, let him adopt such measures as circumstances shall point out for their extermination.”

Again, on the 26th of January, your majesty's slave received the following imperial edict, sent him direct from the cabinet:

“Keshen has presented a report regarding the measures he is pursuing against the English foreigners: which We have perused and on the substance of which We are fully informed. In conformity with our previous commands, let a large body of troops be assembled, and let an awful display of celestial vengeance be made. Whatever may be required for the expenses of such military operations, may be drawn equally from the duties arising from commerce, and the revenues derivable from

“the land-tax, the drafts being made after due consideration, and a correct statement being drawn out of the expenditure. If these united sources do not afford a sufficient amount, let it be so reported to us, and our further pleasure awaited.”

With respect, your slave, humbly, upon his knees, has heard these commands. He would remark, that, while he had indeed made certain conditional concessions to the English, these amounted to nothing more than that he would lay their case before your majesty; and thus, in the article of trade, though it was expressly said, that they desired the trade to be opened within the first decade of the first month of this year (23d Jan. to 1st Feb.), he still has not, up to this time, ventured to declare it open. Yet have these foreigners, nevertheless, sent a letter, in which they restore to us the forts Shakok and Taikok, along with all the vessels of war and the salt-junks which they had previously captured; and, at one and the same time, they have dispatched a foreign officer by sea to Chekeang, to cause the withdrawal of their troops, and have given to your slave a foreign document which he has forwarded to Elepoo, at the rate of 600 *le* a day, by virtue whereof he may receive back Tinghae;—conduct, this, which on their part shows a more meek and compliant disposition than they have evinced before. But alas! your slave is a man of dull understanding and poor capacity, and in his arrangement of these things, he has not had the happiness to meet the sacred wishes of his sovereign. Trembling from limb to limb, how shall he find words to express himself! He humbly remembers that in his own person he has received the imperial bounty. Nor is his conscience hardened. How then should he, while engaged in the important work of curbing these unruly foreigners, presume to shrink from danger or to court unlawful repose! So far from thus acting, he has, from the moment he arrived in Canton until now, been harassed by the perverse craftiness of these presuming foreigners, who have shown themselves every way obstinate and impracticable,—yea, till head has ached, and heart has rent, with pain, and with the anxiety, ere even a morning meal, quickly to exterminate these rebels. Had he but the smallest point whereon to maintain his ground in contest with them, he would immediately report it, and under the imperial auspices make known to them the vengeance of heaven. But circumstances are, alas! opposed to the wishes of his heart. This condition of circumstances, he has repeatedly brought before the imperial eye, in a series of successive memorials.

Now, after that these said foreigners had dispatched a person to Chekeang to restore Tinghae,—and had delivered up all that had been captured by them in the province of Kwangtung,—after, too, their ships of war had all retired to the outer waters,—it so happened that Elliot solicited an interview: and as your slave had not yet inspected the entrances of the port, and the fortifications of the Bocca Tigris,—as also the troops ordered from the several provinces had not yet arrived,—it did not seem prudent to show anything that might cause suspicion on the part of the foreigners, and so to bring on at once a commencement of troubles and collision from their side. Therefore, the occasion of visiting, for inspection, the Bocca Tigris, was taken advantage of to grant an interview.

Having left Canton for this purpose, on the 25th of January, your slave had to pass by the Szetsze waters (the Reach from First to Second Bar): and here he was met by Elliot, who came in a steam-vessel, desiring that he might see him. His retinue did not exceed a few tens of persons,—he brought with him no ships of war,—and his language and demeanor upon that occasion were most respectful. He presented a rough draft of several articles on which he desired to deliberate,—the major part having regard to the troublesome minutiae of commerce; and he agreed, that, for the future, in any cases of the smuggling of opium, or of other contraband traffic or evasion of duties, both ship and cargo should be confiscated. Among the number of his proposals, were some highly objectionable, which were at the moment pointed out and refused,—upon which the said foreigner begged that emendations should be offered and considered of. It has now accordingly been granted him, that alterations and emendations be made, and when these shall be determined on and agreed to, the whole shall be presented for your majesty's inspection.—Your slave then parted with Elliot.

He now found that the Szetsze waters were yet distant from the Bocca Tigris about 60 *le* (or nearly 20 miles). Even there, the sea is vast and wide, with boisterous waves and foaming billows, lashed up into fury by fierce winds. Majestically grand! How widely different the outer seas are from our inland river-waters!—Having changed his boat for a sea-going vessel, your slave stood out for the Bocca Tigris: and, there arrived, he made a most careful inspection of every fort and battery in the place.

Such forts as did not stand completely isolated in the midst of the sea, he yet found to have channels, affording ready water

communication, behind the hills on which they were situated. So that it were easy to go round and strictly blockade them; nor would it in that case be even possible to introduce provisions for the garrison. After this careful inspection of the place,—the depth of water in the river, beginning here and proceeding all the way to the very city, was next ascertained; and the soundings, taken at high water, were found to be irregular, from one *chang* (or two fathoms) and upwards, to three and even four *chang*. Hence, then, it has become known to all, that the reputation of the fortifications of the Bocca Tigris as a defense, has been acquired,—first, by the circumstance, that merchant-vessels require a somewhat greater depth of water; and secondly, because that in ordinary times, when the foreigners observe our laws and restraints, they naturally do not venture to avoid the forts by passing through circuitous courses. But when they bring troops, to resist and oppose rather than to obey, they may sneak in at every hole and corner, and are under no necessity of passing by the forts, to enter the river, and so can easily proceed straight up to the provincial metropolis. For as soon as they may have in any way got beyond the Bocca Tigris, there are communications open to them in every direction. It is then clear, that we have no defenses worthy to be called such. This is in truth the local character of the country,—that there is no important point of defense by which the whole may be maintained.

In reference to the guns mounted in the forts, their whole number does not exceed some two hundred and odd, hardly enough to fortify the fronts alone, while the sides are altogether unfurnished. Moreover, those guns that are in good order, ready for use, are not many. The original model has been bad, and they have been made without any due regard to principles of construction:—thus the body of the gun is very large, while the bore is very small; and the sea being at that place extremely wide, the shot will not carry above half way. As regards, then, their number, they are not so many as are those which the foreign ships carry, and in point of quality they are no less inferior to those on board the foreign vessels. Again, the embrasures in which they are placed are as large as doors, wide enough almost to allow people to pass in and out: from a sustained fire from the enemy, they would afford no shelter at all to our people; and they may, then, at once be said, to be utterly ineffective. A founder of cannon has recently presented himself, who has already given in a model, and is about to make some experimental pieces of artillery. But, should he really succeed in casting good cannon, yet can he only do so as a preparation for the future, and in no way can he be in time for the business we have now in hand. These are the proofs of the inefficiency of our military armament, which is such that no reliance can be placed upon it.

Further, with reference to the quality of our troops: we find that the only way to repel the foreigners is by fighting them at sea, but to fight at sea it is necessary to have a good marine force. Now, we have at present to acknowledge the forethought and care of your majesty, in dispatching land forces from the several provinces to Canton: but these troops, before they can meet the foreigners in battle, will require to embark in ships of war and proceed to the outer waters. Though the objection be not maintained, that, being unaccustomed to the seas and waves, they needs must meet with disaster and overthrow; yet, seeing that the conduct and management of the vessels is a thing with which they are quite unacquainted, the services of the naval force still cannot at all be dispensed with. The recruits to the naval force of this province are, however, all supplied by its own sea-coast, by encouraged enlistment; and their quality is very irregular. Your slave had heard a report that, after the battle upon the 7th of January, all these men went to their *teih* (or commander-in-chief), demanding of him money, under threats that they would otherwise immediately disband. The other day, therefore, when on the spot, your slave made inquiries of the *teih* on this matter,—when he answered, that the report was perfectly true, and that he, having no other remedy at hand, was obliged to pawn his clothes and other things, by which means he was enabled to give each of them a bonus of two dollars, and thus only could get them to remain until now at their posts. Hereby may be seen, in a great measure, the character of the Canton soldiery. And, supposing when we had joined battle, just at the most critical moment, these marine forces were not to stand firm, the consequences would be most disastrous. For although we should have our veteran troops serving with them, yet these would have no opportunity of bringing their skill into play. Still further, our ships of war are not large and strong, and it is difficult to mount heavy guns on board them. By these observations, it is evident, that our force here as a guard and defense against the foreigners is utterly insufficient.

Your slave has also made personal observation of the character and disposition of the people of this province. He has found them ungrateful and avaricious. Putting out of view those who are actual traitors, and of whom, therefore, it is unnecessary to say anything, the rest dwell indiscriminately with foreigners, they are accustomed to see them day by day, and after living many years together, the utmost intimacy has grown up between them. They are widely different from the people of Tinghae, who, having had no previous intercourse with foreigners, felt at once that they were of another race. Let us reverse the circumstances, and suppose that the English had craftily distributed their gifts and favors, and set at work the whole machinery of their tricks, here as at Chusan: and it might verily be feared, that the people whole would have been seduced from their allegiance; they would certainly not have shown the same unbending obstinacy that the people of Tinghae did. These plain evidences of the want of firmness on the part of the people here, give us still more cause for anxiety.

We find, on turning over the records of the past, that, when operations were being carried on against the pirates of this province, although these were only so many thieves and robbers, with native vessels and guns of native casting, yet the affair was lengthened out for several years; and was only put an end to by invitations to lay down their arms under promise of security. And it is much to be feared, that the 'wasp's sting is far more poisonous' now than then.

Your slave has again and again revolved the matter in his anxious mind. The consequences, in so far as they relate to his own person, are trifling: but as they regard the stability of the government, and the lives of the people, they are vast and extend to distant posterity. Should he incur guilt in giving battle when unable to command a victory, or should he be criminal in making such arrangements as do not meet the gracious approbation of his sovereign,—he must equally bear his offense; and, for his life, what is it, that he should be cared for or pitied!

But if it be in not acting so as to meet the gracious approbation of his sovereign that he becomes guilty,—the province and the people have yet their sacred sovereign to look to and rely upon for happiness, protection, justice, and peace. Whereas, if his guilt should lie in giving battle when unable to command a victory, then will the celestial dignity of the throne be sullied, the lives of the people sacrificed, and for further proceedings and arrangements it will be, in an increased degree, impossible to find resource.

Entertaining these views, a council has been held of all the officers in the city; namely, the general and lieutenant-generals of the garrison, the lieutenant-governor, the literary chancellor, and the commissioners, intendants, prefects, and magistrates, as also the late governors, Lin Tsihsou and Tang Tingching; all of whom agree, that our defenses are such as it is impossible to trust to, and that our troops would not hold their ground on the field of battle. Moreover, the troops ordered from the different provinces by your majesty having yet a long journey to come, time is still necessary for their arrival; nor can they all arrive together. The assemblage of a large body of troops, too, is a thing not to be effected without sundry rumors flying about,—our native traitors are sure to give information; and the said foreigners will previously let loose their contumacious and violent dispositions. Your slave is so worried by grief and vexation, that he loathes his food, and sleep has forsaken his eyelids. But, for the above-cited reasons, he does not shrink from the heavy responsibility he is incurring, in submitting all these facts, the results of personal investigation, to your celestial majesty. And, at the same time he presents for perusal the letter of the said foreigners, wherein they make the various restorations before enumerated. He humbly hopes his sacred sovereign will with pity look down upon the black-haired flock—his people,—and will be graciously pleased to grant favors beyond measure, by acceding to the requests now made. Thus shall we be spared the calamity of having our people and land burned to ashes, and thus shall we lay the foundation of victory, by binding and curbing the foreigners now, while preparing to have the power of cutting them off at some future period.

It is humbly hoped that your sacred majesty will condescend to inquire regarding the meeting in council, and state of circumstances, here reported. And your slave begs, that a minister of eminence may be specially dispatched hither, to re-investigate matters. Your slave has been actuated entirely by a regard to the safety of the land, and the people. He is not swayed by the smallest particle of fear. And still less dare he use false pretexts, or glozing statements. For the real purposes herein declared, he humbly makes this report (which he forwards by express at the rate of 600 *le* a day),—in the hope that it may be honored with a sacred glance.—A most respectful memorial.

