

HONGKONG.
ANNO TRICESIMO
VICTORIÆ REGINÆ.

SIR RICHARD GRAVES MACDONNELL, Knight, C.B.,
Governor and Commander-in-Chief.

No. 4 OF 1867.

An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to regulate the Importation and Storage of Gunpowder.

Title.

[22nd May, 1867.]

Whereas it is expedient to regulate the Importation and Storage of Gunpowder: Be it enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Preamble.

I. This Ordinance may be cited for all purposes as "The Gunpowder Storage Ordinance 1867."

Short Title.

II. This Ordinance shall commence and take effect on such Day as shall hereafter be fixed by Proclamation under the Hand of the Governor.

Commencement of Ordinance.

III. Section IV of Ordinance No. 1 of 1848 and Section XII of Ordinance No. 1 of 1862, shall be and the same hereby are repealed, and the provisions of the other Sections of Ordinance No. 1 of 1848 shall be held to extend to Gunpowder of every kind and description whatsoever anything in the said Ordinance to the contrary notwithstanding.

Repeal of Section XII of Ordinance No. 1 of 1862, and application of other Sections.

IV. The Governor is hereby empowered to provide at the expense of the Colony, one or more Vessel or Vessels for the Storage of Gunpowder, and no Gunpowder arriving in this Colony shall be Stored in any other Place than such Vessel or Vessels except as provided by Section XIII and subject to the observance of the Rules and Regulations to be made under Section XVI of this Ordinance.

Vessels to be provided for Storage of Gunpowder;

V. Such Vessel or Vessels shall for the purposes of this Ordinance be termed a Government Depôt or Government Depôts for the Storage of Gunpowder and shall be under the Control and Management of the Harbor Master, subject to such orders as may from time to time be received from the Governor; and such Vessel or Vessels shall be fitted and manned in such manner as the Harbor Master with the approval of the Governor shall deem expedient.

To be termed Government Depôt for the Storage of Gunpowder.

VI. The Master of every Vessel arriving in this Colony and having on board thereof any quantity of Gunpowder exceeding Two hundred lbs. shall immediately upon the arrival thereof, furnish the Harbor Master with a Copy of the Manifest of such Gunpowder, the Marks of all the Packages wherein such Gunpowder shall be contained, and the names of the Consignees of such Gunpowder if he shall know the same.

Master of Vessel having upwards of Two hundred lbs. of Powder on board to furnish Harbor Master with Particulars immediately.

VII. The Master of every such Vessel as in the last preceding Section mentioned shall as soon as possible take the same to the place which shall be pointed out to him by the Harbor Master and the said Vessel shall not be removed therefrom without the Permission in writing of the Harbor Master.

Master of such Vessel to take same to specified Place and there remain until he have permission to leave.

VIII. When any quantity of Gunpowder exceeding Two hundred lbs. is about to be conveyed out of the Colony the Master of the Vessel about to convey the same shall, on producing the written Authority of the Owners thereof, receive from the Harbor Master a permit to take on board the packages mentioned in such Authority and the Master of such Vessel shall thereupon move the same into such Anchorage as the Harbor Master may deem expedient and from such Anchorage the Master of such Vessel shall not remove the same except for the purpose of proceeding on his Voyage or for some other sufficient cause to be approved by the Harbor Master.

Mode of proceeding when Gunpowder is to be exported.

IX. The Master of every Vessel having on board more than Two hundred lbs. of Gunpowder or whilst engaged in the transhipment of any quantity shall exhibit at the highest Masthead, a Red Flag.

Masters having more than Two hundred lbs. of Gunpowder on board to exhibit a Flag, also when transhipping the same.

No Gunpowder to be transhipped at night. X. It shall not be lawful for the Master of any Vessel to tranship any Gunpowder between the Hours of 6 P.M. and 6 A.M. from October to March inclusive nor between the Hours of 7 P.M. and 5 A.M. from April to September inclusive, without the written permission of the Harbor Master.

No Vessel to anchor within Five hundred Yards of a Government Depôt for Storage of Gunpowder. XI. It shall not be lawful for the Master of any Vessel without the written permission of the Harbor Master to anchor such Vessel within Five hundred Yards of any Government Depôt for the Storage of Gunpowder.

No Master of a Vessel having more than Two hundred lbs. of Gunpowder on board to anchor within Five hundred Yards of any other Vessel. XII. It shall not be lawful for the Master of any Vessel having on board Gunpowder exceeding in quantity Two hundred lbs. to anchor nearer than Five hundred Yards of any other Vessel.

No Person to keep in any House, Store, &c. more than Fifteen lbs. of Gunpowder. XIII. It shall not be lawful for any Person without the permission in writing of the Governor to keep for any time however short within any House, Store, Godown, or other Place on Land a larger quantity of Gunpowder than Fifteen lbs.

Power to Justices to issue Warrants to search. XIV. It shall be lawful for any Justice of the Peace or Constable duly authorized by warrant of any Justice of the Peace to enter and if necessary to break into any House, Store, Godown, Vessel, or Place either on Land or Water within which such Justice of the Peace shall be credibly informed on Oath or shall have reasonable grounds of his own knowledge to suspect and believe that Gunpowder is kept or carried or is on board of any Vessel contrary to the Provisions of this Ordinance.

Copy of this Ordinance to be delivered to Master. XV. A copy of this Ordinance shall be delivered to the Master of each Vessel entering the Harbor and on neglect to return such Copy on obtaining Clearance a Fee of One Dollar shall be payable by the Master.

Governor in Council empowered to frame Rules for carrying out Provisions of Ordinance and to fix Charges. XVI. The Governor in Council is hereby empowered to make Rules and Regulations for the proper carrying out of the Provisions of this Ordinance including the Storage of Gunpowder on Land and to fix and vary from time to time the Sums chargeable for the Storage of Gunpowder as hereinbefore prescribed and every violation or neglect of any such Rules or Regulations shall render the party so offending liable to the penalties imposed by Section XVIII of this Ordinance for Offences against any Provisions thereof.

Sums how to be paid and if not paid how to be recovered. XVII. The Sums charged in respect of such Storage shall be paid Monthly by the party claiming to be entitled to such Gunpowder and in the event of the same not being paid within Twenty One Days after the same shall have become due and payable it shall be lawful for the Governor to direct the said Gunpowder to be sold in order to defray the expense of Storage, and the proceeds thereof after deducting all Government Charges and the expenses of Sale shall be paid to the party who shall prove himself entitled thereto to the satisfaction of the Governor.

Trial of Offences under this Ordinance. XVIII. Every Offence against the Provisions of this Ordinance shall be tried in a Summary way before a Magistrate or before the Marine Magistrate and every Person who shall violate or refuse or fail to comply with the Provisions of this Ordinance shall incur a Penalty or Fine not exceeding Three hundred Dollars and not less than Fifty Dollars or Imprisonment for any period not exceeding Six Months and not less than One Month.

Ships of War and Government Stores excepted. XIX. Nothing in this Ordinance contained shall apply to Her Majesty's Ships of War or to the Ships of War of any Foreign Nation, or to hired armed Vessels in Her Majesty's Service or in the Service of any Foreign Nation or to Government Naval or Military Stores.

Passed the Legislative Council of Hongkong, this 22nd Day of May, 1867.

L. D'ALMADA E CASTRO,
Clerk of Councils.