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GOVERNMENT NOTIFICATION.

The following Draft Bill "*relating to Merchant Shipping, the Duties of the Harbour Master, the Control and Management of the Waters of the Colony, and the Regulation of Vessels navigating the same,*" is published for general information.

By Command,

J. GARDINER AUSTIN,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 13th. July, 1874.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to consolidate and amend the laws relating to merchant shipping, the duties of the Harbour Master, the control and management of the waters of the Colony, and the regulation of vessels navigating the same. Title.

[, 1874.]

WHEREAS it is expedient to consolidate and amend the laws relating to merchant shipping, the duties of the Harbour Master, the control and management of the waters of the Colony, and the regulation of all vessels navigating the same; and whereas doubts have arisen as to the applicability of certain sections of "The Merchant Shipping Act, 1854," and the Acts amending the same: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:— Preamble.

PRELIMINARY.

I. This Ordinance may be cited for all purposes as "The Merchant Shipping Consolidation Ordinance, 1874." Short Title.

II. In the construction and for the purposes of this Ordinance (if not inconsistent with the context or subject matter) the following terms shall have the respective meanings hereinafter assigned to them, that is to say:— Interpretation Clause.

"Master" shall include every person (except a pilot) having command or charge of any ship;

"Seaman" shall include any person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship;

"Ship" shall include any description of vessel used in navigation not propelled by oars, except Chinese junks or lorchas.

The term "waters of the Colony" shall (except as hereinafter provided) be, for the purposes of this Ordinance, deemed to comprise the waters situate within a radius of one marine league from the shores of the Colony: Provided always that this interpretation shall not be construed to affect waters within such radius in any case where such waters are situate within the territorial limits or jurisdiction of the empire of China.

PART I.

MERCHANT SHIPPING AND SEAMEN.

CHAPTER I.

REGULATION OF BRITISH AND COLONIAL SHIPS.

- No British vessel, without an Imperial register, to use the waters of the Colony. [See Ordinance No. 4 of 1855, sec. 1.]
- III. No ship owned by a British subject shall be at liberty to trade in or from the waters of this Colony, unless she is provided with a certificate of registry in conformity with the Imperial Acts of Parliament in that behalf.
- Chinese owned ships to obtain Colonial registers. [Ibid, sec. 1.]
2. No ship, owned by a Chinese resident of this Colony, shall be at liberty to trade in or from the waters of the Colony, unless she has obtained a Colonial register as hereinafter provided.
- Chinese Crown lessees entitled to hold Colonial register. [Ibid, sec. 6.]
3. The Governor may, at his discretion, grant a Colonial register to any Chinese person resident within the Colony applying for the same, provided such applicant be a registered lessee of Crown lands within this Colony, and that he tenders as securities for the due performance by him of all the requirements of this Chapter two other Crown lessees, and that he and such lessees be severally reported by the Registrar General to be each worth two thousand dollars in this Colony, and should such applicant be member of any shop or partnership, that the seal of such shop or partnership be also affixed to the security to be given by him.
- Declarations necessary for obtaining register. [Ibid, sec. 2.]
4. When any person shall be desirous of obtaining a Colonial register, such person shall forward to the Colonial Secretary a declaration in writing stating whether the ship for which such register is sought is intended to be employed solely in trade with China, or on more distant voyages: Provided always, that should such declaration be false, or the ship to which it relates not be employed in conformity with it, the register thereby obtained shall *ipso facto* become null and void.
- Documents necessary previous to grant of Colonial register. [Ibid, sec. 3.]
5. A Colonial register shall be given under the hand of the Governor, on production of the following documents:—
- The Surveyor's certificate as hereinafter provided by paragraph 6.
 - A declaration of ownership with proof thereof to the satisfaction of the Colonial Secretary.
 - A joint and several bond of the owner and two sureties binding each and every of the several obligees under a penal sum of five thousand dollars, to comply with all the provisions of this Ordinance and with all the laws binding on British subjects with regard to trade with China.
- Surveyor's certificate. [Ibid, sec. 7.]
6. The certificate to be granted by the Surveyor shall specify the proper measurement of the ship requiring a Colonial register, and that such ship has proper anchors and chains, canvas sails, if any, her bottom sheathed with metal, and that her master is a British subject, or a person conversant with the English language.
- Name of Colonial registered ship. [Ibid, sec. 4.]
7. It shall not be lawful for the owner of any Colonial registered ship to give her any name other than that of her registry, and such owner shall, after registry, be required to paint or cause to be painted in white or yellow letters not less than four inches long her name upon some conspicuous part of her stern and on each bow in a distinct and legible manner, both in Roman and Chinese characters, and shall so keep and preserve the same upon pain, on breach of the provisions of this paragraph, in addition to any other pains and penalties and forfeitures in Part I of this Ordinance contained, of paying a penalty not exceeding five hundred dollars.
- Production of Colonial register to Harbour Master every six months. [Ibid, sec. 5.]
8. The register of every Colonial registered ship shall be produced once at least every six months to the Harbour Master, who shall endorse the date of such production on such register, upon pain, on failure of such production, of the forfeiture of such register, unless satisfactory cause for such non-production be shown to the Colonial Secretary.
- Colonial registers, &c. may be proved by production of originals or copies. [Ordinance No. 9 of 1856, sec. 2.]
9. Every register, certificate, endorsement, declaration, or bond authorized or required by this section, may be proved in any court of justice, or before any person having by law or by consent of parties authority to receive evidence, either by the production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the Colonial Secretary, or other person who, for the time being, shall happen to have charge of the original, which certified copy he is hereby required to furnish to every person applying at a reasonable time for the same, and paying therefor the sum of one dollar; and every document, when so proved as aforesaid, shall be received as *prima facie* evidence of all the matters therein recited, stated, or appearing.

10. The British flag may be used on board of any ship lawfully possessing a Colonial register.

Chinese residents may use the British flag in colonial registered ships. [Ibid, sec. 1.]

11. Upon any change of ownership in any Colonial ship registered under this Ordinance, such change as aforesaid shall be endorsed upon her register under the hand of the Governor: Provided always, that any change of master be endorsed upon the register by the Harbour Master.

Change of owner or master. [Ibid, sec. 9.]

12. Every ship, (except Chinese junks or lorchas,) provided with a Colonial register under this section shall be, in every respect, subject to the provisions of Part I of this Ordinance and (except where the same are inconsistent with the terms of this section) to the provisions of "The Merchant Shipping Act, 1854," and to the Acts amending the same, in the same manner and to the same extent as British ships registered under the said Acts are subject thereto, in the waters of this Colony, or in trading therein or therefrom.

Colonial registered ships to be subject to Merchant Shipping Acts, &c.

13. Any Colonial register granted under this section shall be in force and effect for one year from the date of such register and no longer, and such register shall be renewable by endorsement on the same, under the hand of the Governor.

Duration of Colonial register. [Ibid, sec. 10.]

CHAPTER II.

REGULATIONS CONCERNING SAFETY.

Boats for Sea-going Ships.

IV. The following rules shall be observed with respect to boats, rafts and life buoys, that is to say:—

Rules as to boats and life buoys. [M. S. A., 1854, sec. 292.]

(a.) No decked British ship (except ships used solely as steam tugs) shall proceed to sea from this Colony unless she is provided, according to her tonnage, with boats duly supplied with all requisites for use, and not being fewer in number nor less in their cubic contents than the boats the number and cubic contents of which are specified in the table marked A in the schedule hereto for the class to which such ship belongs: Provided that the Governor may, at the request of the owner, or master, authorise the reduction of the number and the variation of the dimensions of such boats and also the substitution of rafts or other appliances for saving life for any such boats, so nevertheless that the boats so reduced or varied and the rafts or other appliances so substituted be sufficient for the persons carried on board the ship.

[M. S. A., 1873, sec. 15.]

(b.) No such ship carrying more than ten passengers shall proceed to sea from any place in the Colony, unless, in addition to the boats hereinbefore required, she is also provided with a life boat furnished with all requisites for use, or unless one of her boats hereinbefore required is rendered buoyant after the manner of a life boat.

(c.) No such ship as last aforesaid shall proceed to sea, unless she is also provided with two life buoys;—

And such boats and life buoys shall be kept so as to be at all times fit and ready for use: Provided, that the enactments with respect to boats and life buoys herein contained shall not apply in any case in which a certificate has been duly obtained under the twenty-seventh section of "The Chinese Passengers Act, 1855."

2. In any of the following cases, that is to say:—

Penalties on masters and owners, &c., neglecting to provide boats and life buoys. [M. S. A., 1854, sec. 293.]

(a.) If any ship hereinbefore required to be provided with boats, rafts or life buoys proceeds to sea without being so provided therewith, or if any such boats, rafts, life buoys, or other appliances for saving life are lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or master; or,

(b.) If in case of any of such boats, rafts, life buoys, or other appliances for saving life being accidentally lost or injured in the course of the voyage, the master wilfully neglects to replace or repair the same on the first opportunity; or,

(c.) If such boats, rafts, life buoys, and other appliances for saving life are not kept so as to be at all times fit and ready for use;—

Then if the owner appears to be in fault he shall incur a penalty not exceeding five hundred dollars, and if the master appears to be in fault he shall incur a penalty not exceeding two hundred and fifty dollars.

3. The Harbour Master shall not grant a clearance for any ship hereinbefore required to be provided with boats, rafts, life buoys, or other appliances for saving life unless the same is duly so provided; and if any such ship attempts to go to sea without such clearance, the Harbour Master may detain her until she is so provided.

ships not complying with the above provisions. [M. S. A. 1854, sec. 294.]

Build and Equipment of Steam Ships.

[M.S.A. 1854, V. The following rules shall be observed with respect to
sec. 300.] the build of all iron steam ships built in the Colony, that is to
say:—

- (a.) Every steam ship built of iron, of one hundred tons or upwards, the building of which commenced after the day of 187 , and every steam ship built of iron of less burden than one hundred tons the building of which commenced after the 187 (except steam launches and ships used solely as steam tugs), shall be divided by substantial transverse water-tight partitions, so that the fore part of the ship shall be separated from the engine room by one of such partitions, and so that the after part of such ship shall be separated from the engine room by another of such partitions.
- (b.) Every steam ship built of iron, the building of which commences after the passing and coming into operation of this Ordinance, shall be divided by such partitions as aforesaid into not less than three equal parts, or as nearly so as circumstances permit.
- (c.) In such last mentioned ships, each such partition as aforesaid shall be of equal strength with the side plates of the ship with which it is in contact.
- (d.) Every screw steam ship built of iron, the building of which commences after the passing of this Ordinance, shall, in addition to the above partitions, be fitted with a small water-tight compartment enclosing the after-extremity of the shaft:

Harbour
Master not
to grant cer-
tificates ex-
cept so divided.
[*Ibid.*]

And the Harbour Master shall not grant a clearance for any iron steam ship required to be divided or fitted as aforesaid, unless the same is so divided and fitted; and if any such ship attempts to ply or go to sea without such clearance or transire, any such officer may detain her until she is so divided and fitted; and if any steam ship hereinbefore required to be so divided or fitted plies or goes to sea without being so divided or fitted, the owner shall incur a penalty not exceeding five hundred dollars.

Survey of Steam Ships.

VI. This section shall apply:—

- (a.) To all British steam ships being within the waters of the Colony which have not been surveyed in the United Kingdom or in any British possession within the preceding twelve months under the provisions of "The Merchant Shipping Act, 1854" and the Acts amending the same, "The Passengers Acts of 1855 and 1863," or any legislative enactment for the time being in force in any British possession.
- (b.) To all vessels propelled by steam plying for hire within the waters of the Colony.
- (c.) To all steam ships registered in this Colony under section III of this Ordinance.

Equipment
of steam ships. say:—
[*Ib.*, sec. 301.]
Safety valve.

- (a.) Every steam ship or vessel propelled by steam of which a survey is required by this section shall be provided with a safety valve upon each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if such valve is in addition to the ordinary valve, it shall be so constructed as to have an area not less, and a pressure not greater than the area of and pressure on that valve.

Compasses to
be adjusted.

- (b.) Every sea-going steam ship shall have her compasses properly adjusted from time to time; such adjustment, in the case of ships surveyed as hereinafter mentioned, to be made to the satisfaction of the shipwright-surveyor, and according to such regulations as may be issued by the Governor.

Fire hose.

- (c.) Every sea-going steam ship (unless used solely as a steam tug) shall be provided with a hose adapted for the purpose of extinguishing fire in any part of the ship and capable of being connected with the engines of the ship.

Signals.

- (d.) Every sea-going steam ship employed to carry passengers shall be provided with the following means of making signals of distress, that is to say:—twelve blue lights or twelve port fires, and one cannon with ammunition for at least twelve charges, or, in the discretion of the master or owner of such ship, with such other means of making signals (if any) as may have previously been approved by the Governor.

(e.) Every steam ship employed to carry passengers by sea shall be provided with such shelter for the protection of deck passengers (if any) as the Governor, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case may require:

And if any such steam ship as aforesaid goes to sea from any port in the Colony without being so provided as hereinbefore required, then for each default in any of the above requisites, the owner shall (if he appears to be in fault) incur a penalty not exceeding five hundred dollars, and the master shall (if he appears to be in fault) incur a penalty not exceeding two hundred and fifty dollars.

3. If any person places an undue weight on the safety valve of any steam ship, or, in the case of steam ships surveyed as hereinafter mentioned, increases such weight beyond the limits fixed by such engineer-surveyor as hereinafter mentioned, he shall, in addition to any other liabilities he may incur by so doing, incur a penalty not exceeding five hundred dollars.

4. The Governor may, from time to time, appoint such number of fit and proper persons to be shipwright-surveyors and engineer-surveyors for the purposes of this Ordinance as he thinks proper, and may also appoint a Surveyor General for the Colony, and may, from time to time, remove such surveyors, or any of them, and may, from time to time, fix and alter the rates of remuneration to be received by such surveyors.

5. It shall be lawful for the said surveyors in the execution of their duties to go on board any steam ship or vessel propelled by steam to which this section applies, at all reasonable times, and to inspect the same, or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificates of the master, mate, or engineer, to which the provisions of "The Merchant Shipping Act, 1854" and of the Acts amending the same, or this Ordinance, or any of the regulations made, or to be made thereunder apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and, if in consequence of any accident to any such ship or for any other reason they consider it necessary so to do, to require the ship to be taken into dock for the purpose of surveying the hull thereof; and any person who hinders any such surveyor from going on board any such steam ship, or otherwise impedes him in the execution of his duty under this Ordinance, shall incur a penalty not exceeding twenty-five dollars.

6. The said surveyors shall execute their duties under the direction of the Governor, and the Governor shall make regulations as to the manner in which the surveys hereinafter mentioned shall be made, and as to the notice to be given to the surveyors when surveys are required, and as to the amount and payment of any other expenses incurred by such surveyors in the execution of their duties, and may thereby determine the person by whom and the conditions under which such payment shall be made.

7. Every surveyor who demands or receives directly or indirectly from the owner or master of any ship surveyed by him, under the provisions of this Ordinance, any fee or remuneration whatsoever for or in respect of such survey, otherwise than as the officer and by the direction of the Governor, shall incur a penalty not exceeding two hundred and fifty dollars.

8. The owner, agent, or master of every steam ship or vessel propelled by steam being within the waters of the Colony shall, where such ship or vessel comes within the meaning of this section, cause the same to be surveyed by one of the shipwright-surveyors and by one of the said engineer-surveyors so appointed as aforesaid; and such shipwright-surveyor being, in the case of iron steamers, a person who is, in the judgment of the Governor, properly qualified to survey such ship; and such surveyors shall thereupon, if satisfied that they can with propriety do so, give to such owner declarations as follows:—

- (a.) The declaration of the shipwright-surveyor shall contain statements of the following particulars with reference to sea-going ships, that is to say:—
- (1.) That the hull of the ship is sufficient for the service intended and in good condition;
 - (2.) That the partitions, boats, rafts, life buoys, or other appliances for saving life, lights, signals, compasses, and shelter for deck passengers, and the certificates of the master and mate or mates, are such, and in such condition as required by this Ordinance;
 - (3.) The time (if less than twelve months) for which the said hull and equipments will be sufficient;
 - (4.) The limits (if any) beyond which, as regards the hull and equipments, the ship is, in the surveyor's judgment, not fit to ply;

(5.) With reference to all ships or vessels, whether sea-going or not, if plying or intended to ply for hire, the number of passengers which such ship or vessel is, in the judgment of the surveyor, fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins, and in the different parts of the deck and cabins; such numbers to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances, as the case requires.

(b.) And the declaration of the engineer-surveyor shall contain statements of the following particulars, that is to say:—

- (1.) That the machinery of the ship or vessel is sufficient for the service intended, and in good condition;
- (2.) The time (if less than twelve months) for which such machinery will be sufficient;
- (3.) That the safety valves and fire hose, when requisite, are in such condition as are required by this Ordinance;
- (3.) The limit of the weight to be placed on the safety valves;
- (4.) The limit (if any) beyond which, as regards the machinery, the ship or vessel is, in the surveyor's judgment, not fit to ply;

And such declarations shall be in such form as the Governor directs.

Transmission of declarations to the Governor. Penalty for delay. [*Ibid.*, sec. 310.]

9. The said owner shall transmit such declarations to the Governor within fourteen days after the dates of the receipt thereof respectively; and in default, shall forfeit a sum not exceeding ten shillings for every day that the sending of such declarations is delayed; and such sum shall be paid upon the delivery of the certificate hereinbefore mentioned in addition to the fee payable for the same, and shall be applied in the same manner as such fees.

Governor to issue certificate. [*Ibid.*, sec. 312.]

10. Upon the receipt of such declarations, the Governor shall, if satisfied that the provisions of this section have been complied with, cause a certificate in duplicate to be prepared and issued to the effect that the provisions of the law with respect to the survey of the ship and the transmission of declarations in respect thereof have been complied with, and such certificate shall state the limits (if any) beyond which, according to the declarations of the surveyors, such ship is not fit to ply, and shall also contain a statement of the number of passengers which, according to the declaration of the shipwright-surveyor, such ship is fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins, such number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, and other circumstances, as the case requires.

Issue and transmission of certificates. [*Ibid.*, sec. 313.]

11. The Governor shall transmit such certificate in duplicate to the Harbour Master, who shall deliver the same to the owner, master, or agent on his applying and paying the fee and other sums (if any) herein mentioned as payable in that behalf.

Fees to be paid for certificate. [*Ibid.*, sec. 314.]

12. The owner of every steamer requiring a certificate under this section, shall pay for every certificate granted by the Governor the fees mentioned in the table marked C in the schedule hereto.

How long certificates to continue in force. [*Ibid.*, sec. 315.]

13. No certificate shall be held to be in force for the purposes of this section beyond a period of twelve months; and no certificate shall be in force after notice is given by the Governor to the owner, agent, or master of the ship to which the same relates, that he has cancelled or revoked the same.

Governor may cancel certificates, and require fresh declarations. [*Ibid.*, sec. 316.]

14. The Governor may revoke and cancel such certificates in any case in which he has reason to believe:—

- (a.) That the declarations of the sufficiency and good condition of the hull, equipments, and machinery of any steamer or vessel, or either of them, have been fraudulently or erroneously made, or;
- (b.) That such certificate has otherwise been issued upon false or erroneous information, or;
- (c.) That since the making of such declarations, the hull, equipments, or machinery of such ship or vessel have sustained any injury, or are otherwise insufficient:

And in every such case the Governor may, if he thinks fit, require the owner to have the hull, equipments, or machinery of such ship or vessel again surveyed, and to transmit a further declaration or declarations of the sufficiency and good condition thereof, before re-issuing any certificate, or granting a fresh one in lieu thereof.

Copy of certificate to be

15. The owner or master of every such steam ship, or vessel propelled by steam, shall forthwith, on the transmission of any such

certificate as aforesaid to him or his agent, cause one of the duplicates thereof so transmitted to be put up in some conspicuous part of the ship, so as to be visible to all persons on board the same, and shall cause it to be continued so put up so long as such certificate remains in force and such ship is in use; and in default, such owner or master shall, for every offence, incur a penalty not exceeding fifty dollars.

16. Every person who knowingly and wilfully makes, or assists in making, or procures to be made a false or fraudulent declaration or certificate with respect to any steamer requiring a certificate under this section, or who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any declaration or certificate required by this section, or any words or figures in any such declaration or certificate, or any signature thereto, shall be deemed guilty of a misdemeanour.

17. The said surveyors shall, from time to time, make such returns to the Governor as he requires with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of the ship surveyed by them; and every owner, master and engineer of any such ship shall, on demand, give to such surveyors all such information and assistance within his power as they require for the purpose of such returns; and every such owner, master, or engineer who, on being applied to for that purpose, wilfully refuses or neglects to give such information or assistance, shall be liable to a penalty not exceeding twenty-five dollars.

Penalties for carrying Passengers in excess of the Numbers allowed by Certificate.

VII. The master of any ship carrying more than ten passengers (except such ship come within the operation of "The Chinese Passenger's Act, 1855"), shall, upon application to the Harbour Master for a port clearance, state the number of passengers he purposes to carry in the then projected voyage; and if such number shall be in excess of the number such ship is allowed to carry by her passenger certificate whether granted in the United Kingdom, any British possession, or by the Government of any foreign power; or in the case of a foreign ship not having any such certificate, if such number shall exceed one passenger for every tons of her gross tonnage, the Harbour Master may refuse a port clearance to such ship. Any master wilfully misrepresenting the number of passengers so about to be carried shall be deemed guilty of a misdemeanour.

2. Any master of any such ship who shall, after having obtained such port clearance, wilfully take or receive on board such vessel any number of passengers greater than that allowed by the said port clearance, shall, on conviction, be subject to a penalty not exceeding two hundred dollars in addition to a penalty of five dollars for every such passenger in excess of the number permitted to be carried by the said port clearance.

3. It shall be lawful for the Governor in Council to prohibit the conveyance of deck passengers by any ship.

4. If any British or foreign ship enters the waters of the Colony having on board a greater number of passengers than is allowed by her certificate, or if she has no such certificate, having on board more than one passenger for every tons of her gross tonnage, the master thereof shall incur a penalty not exceeding two hundred dollars, and also an additional penalty not exceeding five dollars for every passenger over and above the number allowed by her certificate, or in the case of her having no such certificate, then such master shall incur the above penalty for every passenger carried in excess of the proportion of one passenger to every tons of her gross tonnage.

Survey of Unseaworthy Ships.

VIII. Where the Governor has received a complaint, or has reason to believe, that any British ship is, by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, he may, if he thinks fit, appoint some competent person or persons to survey such ship, and the equipments, machinery and cargo thereof, and to report thereon to the Governor.

Any person so appointed may, for the purposes of such survey, require the unloading or removal of any cargo, ballast, or tackle, and shall have all the powers of an inspector appointed under "The Merchant Shipping Act, 1854."

Any person who (having notice of the intention to hold such survey) wilfully does or causes to be done any act by which

the person appointed to make such survey is prevented from, or obstructed in, ascertaining the condition of the ship, her equipments, machinery and cargo, shall be liable to a penalty not exceeding two hundred and fifty dollars.

The Governor may, if he thinks fit, order that any ship be detained for the purpose of being surveyed under this section, and thereupon the Harbour Master may detain such ship until her release be ordered, either by the Governor, or by any Court to which an appeal is given under this section.

Upon the receipt of the report of the person making any such survey, the Governor may, if in his opinion the ship cannot proceed to sea without serious danger to human life, make such further order, as he may think requisite, as to the detention of the ship, or as to her release, either absolutely or upon the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Governor may impose. He may also, from time to time, vary or add to such order.

A copy of any such order, and of the report upon which it was founded, and also of any variation of, or addition to, such order, shall be delivered as soon as possible to the owner or master of the ship to which it relates.

When a ship has been detained under this section, she shall not be released by reason of her British register having been closed.

Costs of survey.
[M. S. A.
1873, sec. 13.]

2. If upon the survey of a ship under this section, she is reported to have been at the time of the survey, having regard to the nature of the service for which she was then intended, unfit to proceed to sea without serious danger to human life, the expenses incurred by the Governor in respect of the survey shall be paid by the owner of the ship to the Governor, and shall, without prejudice to any other remedy, be recoverable by him in the same manner as salvage is recoverable.

If upon such survey the ship is not reported to have been unfit to proceed to sea, having regard to the nature of the service for which she was intended, the Governor shall be liable to pay compensation to any person for any loss or damage which he may have sustained by reason of the detention of the ship for the purpose of survey, or otherwise in respect of such survey.

Where a complaint has been made to the Governor that a ship is not fit to proceed to sea, he may, if he thinks fit, before ordering a survey of the ship, require the complainant to give or provide such security as he may think sufficient for the payment of the costs and expenses which he may incur in respect of the survey of the ship and of the compensation which he may be rendered liable to pay for loss or damage caused by her detention for the purpose of such survey, or otherwise in respect of such survey.

Where a ship has been surveyed under this section in consequence of a complaint made to the Governor, if upon such survey being made, it appear that such complaint was made without reasonable cause, the expenses incurred by the Governor in respect of the survey of the ship, and the amount, if any, which the Governor may have been rendered liable to pay in respect of any loss or damage caused by her detention, shall be recoverable by the Governor from such complainant.

All moneys payable by the Governor in respect, or by reason of the survey or detention of a ship under this section, shall, subject to the right by this paragraph provided of recovering such moneys from the complainant, be paid out of the Colonial Revenue.

Appeal from
decision of
Governor.
[*Ibid*, sec.
14.]

3. If the owner of any ship surveyed under this section is dissatisfied with any order of the Governor made upon such survey, he may apply to the Vice-Admiralty Court of Hongkong. The Court may, upon such application, if it thinks fit, appoint one or more competent persons to survey the ship anew, and any surveyor so appointed shall have all the powers of the person by whom the original survey was made. Such survey anew shall, if so required by the Governor, or the shipowner, be made in the presence of any person or persons appointed by them respectively to attend at the survey.

The Court to which such application is made may make such order as to the detention or release of the ship, as to the payment of any costs and damages which may have been occasioned by her detention, as to the payment of the expenses of the original survey, and of the survey anew, and otherwise as to the payment of any costs of, and incident to, the application, as to the Court may seem just.

There shall be paid in respect of the several measurements, inspections, and surveys mentioned in Schedule C hereto, such fees, not exceeding those specified in that behalf in the said Schedule, as the Governor may, from time to time, determine.

Sending Unseaworthy Ships to Sea.

IX. Every person who, having authority as owner or other-wise to send a ship to sea, sends her to sea in an unseaworthy, dangerous, or unsafe state, so as to endanger the life of any person belonging to or on board the same, shall be guilty of a misdemeanour unless he proves that he used all reasonable means to make and keep the ship seaworthy and safe, and was ignorant of her being unseaworthy, dangerous, or unsafe, or that her going to sea in an unseaworthy, dangerous, or unsafe state was, under the circumstances, reasonable and unavoidable, and for this purpose he may give evidence in the same manner as any other witness. A misdemeanour under this section shall not be punishable on summary conviction.

Dangerous Goods.

X. If any person sends or attempts to send by, or not being master or owner of the vessel, carries or attempts to carry in any vessel, British or foreign, any dangerous goods, that is to say:—aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitro-glycerine, petroleum, or any other goods of a dangerous nature, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of such goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending the same to be shipped, or taking the same on board the vessel, he shall, for every such offence, incur a penalty not exceeding five hundred dollars: Provided that if such person show that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, the penalty which he incurs shall not exceed fifty dollars.

2. If any person knowingly sends, or attempts to send by, or carries, or attempts to carry in any vessel, British or foreign, any dangerous goods, or goods of a dangerous nature, under a false description, or falsely describes the sender or carrier thereof, he shall incur a penalty not exceeding two thousand and five hundred dollars.

3. The master or owner of any vessel, British or foreign, may refuse to take on board any package or parcel which he suspects to contain goods of a dangerous nature, and may require it to be opened to ascertain the fact.

4. Where any dangerous goods as defined in paragraph 1 of this section, or any goods which, in the judgment of the master or owner of the vessel, are of a dangerous nature, have been sent or brought aboard any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the vessel may cause such goods to be thrown overboard, together with any package or receptacle in which they are contained; and neither the master nor the owner of the vessel shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any Court.

5. Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, and where any such goods have been sent or carried, or attempted to be sent or carried, under a false description, or the sender or carrier thereof has been falsely described, it shall be lawful for the Vice-Admiralty Court to declare such goods, and any package or receptacle in which they are contained, to be, and they shall thereupon be, forfeited, and when forfeited shall be disposed of as the Court directs.

6. The Court shall have and may exercise the aforesaid powers of forfeiture and disposal, notwithstanding that the owner of the goods have not committed any offence under the provisions of this section relating to dangerous goods, and be not before the Court, and have not notice of the proceedings, and notwithstanding that there be no evidence to show to whom the goods belong; nevertheless the Court may, in its discretion, require such notice as it may direct to be given to the owner or shipper of the goods before the same are forfeited.

7. The provisions of this section relating to the carriage of dangerous goods shall be deemed to be in addition to, and not in substitution for, or in restraint of, any other enactment for the like object, so nevertheless that nothing in the said provisions shall be deemed to authorise that any person be sued or prosecuted twice in the same matter.

CHAPTER III.

MARINE COURTS.

- Constitution of Marine Court. [See Ordinance 11 of 1860, sec. 1.] XI. It shall be lawful for the Governor, from time to time and whensoever occasion shall arise or require, by Warrant under his hand and seal of the Colony, to form a Court, which shall be called "The Marine Court;" and such Court shall consist of a Stipendiary Magistrate, and two other persons, who shall be both or either of them Commissioned Officers in the Royal Navy, Government Marine Surveyors, or Masters in the mercantile marine.
- Unofficial members of Court to be remunerated. 2. Each of the unofficial members of such Court shall be paid, out of the Colonial Treasury, the sum of \$5 a day, during each day that the Court shall hold its sitting.
- Cases where inquiries are to be instituted. 3. In any of the following cases, that is to say:—
- (a.) Whensoever any charge of incompetency or misconduct shall be brought by any person against any master, mate, or engineer of a British ship;
 - (b.) Whenever any ship is lost, abandoned or materially damaged on or near the coasts of the Colony;
 - (c.) Whenever any ship causes loss or material damage to any other ship, on or near such coasts;
 - (d.) Whenever by reason of any casualty happening to, or on board of any ship, on or near such coasts, loss of life ensues;
 - (e.) Whenever any such loss, abandonment, damage, or casualty happens elsewhere, and any competent witness thereof, arrive at, or be found at, any place in the said Colony;
- Powers of Court. It shall be lawful for the Court to hear and inquire into any such charge of incompetency or misconduct, and to make inquiry respecting such loss, abandonment, damage, or casualty, and for such purposes, it shall have the powers given by the first part of "The Merchant Shipping Act, 1854," to Inspectors appointed by the Board of Trade, and the powers given by section XXIII of "The Merchant Shipping Act Amendment Act, 1862," and the Court shall, in all things, be governed by the rules provided by the said last mentioned section.
- Further powers of Court. [See M. S. A., 1854, sec. 263.] 4. The Court may also exercise the following further powers:—
- (a.) It may, if unanimous that the safety of the ship or crew, or the interest of the owner, absolutely requires it, supersede the master of any British ship then being within the waters of the Colony, and may appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship if within the Colony;
 - (b.) It may discharge any mate, engineer, or seaman from his ship;
 - (c.) It may order the wages of any mate or engineer so discharged, or any part of such wages to be forfeited, and may direct the same to be retained by way of compensation to the owner.
- Court may order payment of costs of any investigation. 5. The Court may make such order with respect to the costs of any such investigation as they think fit, and such costs shall be paid accordingly, and shall be recoverable in the same manner as costs in summary proceedings before any Police Magistrate.
- Jurisdiction of the Vice-Admiralty Court not to be affected. 6. Nothing in this section contained shall be deemed to affect in any way the jurisdiction of the Vice-Admiralty Court of Hongkong.

CHAPTER IV.

BOARD OF EXAMINERS.

- Applicant to give notice to Harbour Master. [See Ordinance 17 of 1860.] XII. Whenever any person shall be desirous to obtain a certificate of competency as master, mate, or engineer in the mercantile marine, he shall give notice in writing to that effect to the Harbour Master, who shall forward the same to the Governor.
- Board of Examiners to be appointed. 2. It shall thereupon be lawful for the Governor to constitute and appoint a board of examiners to inquire into the competency of such applicant, and such board shall consist of three members, one of whom shall be the Harbour Master, (who shall be the president of such board), and the remaining two shall be either or both Commissioned Officers in the Royal Navy, or Masters, or duly qualified Engineers in the mercantile marine.
- Constitution of board. 3. Upon such appointment being notified to the Harbour Master, he shall summon the other members of the said board to attend at the Harbour Master's office for the purpose of examining the said applicant, at a day and at an hour to be named in such summons, (such day not to be more than seven days after the date of such summons); and shall also notify the applicant to attend accordingly.
- Harbour Master to summon board and notify applicant.

4. Every applicant for a certificate of competency shall, upon lodging his application, pay to the Harbour Master a fee of ten dollars who shall pay the same into the Colonial Treasury.

5. Every member of the board, except the Harbour Master, shall be entitled to receive from the funds of the Colony a fee of five dollars for the examination of each applicant.

6. Any applicant who shall have passed a satisfactory examination, and shall have given satisfactory evidence of his sobriety, experience and general good conduct on board ship, shall be entitled to receive a certificate of competency signed by the members of the board to the effect that he is competent to act as master, as first, second or only mate, or as first or second engineer.

7. The result of every such examination shall be reported to the Board of Trade by the Harbour Master.

CHAPTER V.

SHIPPING AND DISCHARGE OF SEAMEN.

XIII. The name of a master, first, only or second mate, or first or second engineer shall not be attached to the register, or articles of agreement, of any British ship, or to any ship registered under section III of part I of this Ordinance, unless such master, mate, or engineer shall possess a certificate of service or competency issued by the Board of Trade or by the authority of the Governor of any British Possession.

2. No British or Colonial registered ship shall leave the waters of the Colony unless the master thereof, and the first and second or only mate have obtained and possess valid certificates of competency or service appropriate to their several stations in such ship or of a higher grade, and no such ship if of one hundred tons burden or upwards, shall leave the waters as aforesaid, unless at least one officer, besides the master, has obtained, and possesses a valid certificate appropriate to the grade of only mate therein, or to a higher grade.

3. Every British or Colonial registered steam-ship of one hundred nominal horse power or upwards, leaving the waters of the Colony shall have as its first and second engineers, two certificated engineers, the first possessing a "first class engineer's certificate," and the second possessing a "second class engineer's certificate," or a certificate of the higher grade.

4. No seaman shall, except with the Harbour Master's sanction, be shipped to do duty on board any merchant ship whatever elsewhere than at the office of the Harbour Master, who shall charge for every seaman shipped, a fee of one dollar, such fee to be paid, in the first instance, by the master of the ship shipping such seaman; and such master shall deduct the same from the wages of the seaman shipped; and the Harbour Master shall require such seaman to lodge with him his certificate of discharge from the last ship, and failing the production of such certificate, such seaman shall be bound to give satisfactory explanation to the Harbour Master of the cause of the non-production thereof.

5. Whenever any seaman shall be discharged from any ship within the Colony, the master of such ship shall give, at the time of such discharge, to such seaman a written certificate of discharge, specifying the time and nature of service, and the time of discharge of such seaman, signed by himself; and if such seaman require it, shall further give him, within twenty-four hours after demand, a true account in writing of the wages of such seaman, and of all deductions therefrom.

6. No seaman shall be discharged from an English ship, or any foreign ship whose flag is not represented by a Consular officer resident in the Colony, elsewhere than at the Harbour Master's office, and every seaman discharged from a foreign ship so represented, shall, within twenty-four hours of being discharged at the office of his Consul or Vice-Consul, produce to the Harbour Master, or some person deputed by him, a certificate of his discharge, signed by such Consul or Vice-Consul.

7. No master of any ship shall discharge or force therefrom, or wilfully or negligently leave behind him, in this Colony, any seaman shipped on board thereof, unless on a certificate from the Harbour Master, or other person appointed to grant the same, (and who shall have power to withhold, or grant the same, as he shall see fit), under a penalty not exceeding twenty-five dollars; and if any seaman shall wilfully or negligently remain in the Colony, after the departure of the vessel in which he shall have shipped, such seaman shall, on conviction before any Magistrate, be subject to a penalty not exceeding twenty-five dollars, or be imprisoned for a term not exceeding one month.

CHAPTER VI.

BOARDING-HOUSES FOR SEAMEN.

As to the establishment and regulation of boarding-houses. [Ordinance No. 6 of 1852, sec. 6.]

XIV. The Harbour Master shall, with the consent of any Police Magistrate, have power to license a sufficient number of fit and proper persons to keep boarding-houses for seamen, and every such licence shall be countersigned by the Colonial Secretary, and shall be granted for such period not exceeding one year, and upon such terms and security, and shall be renewable upon such conditions, as the Colonial Secretary may appoint; and it shall be lawful for the Colonial Secretary to demand for every such licence an annual fee of twenty-five dollars, or at the rate thereof according to the term of such licence; and every such house shall be for the reception of such number of seamen only as shall be expressed in the licence, and shall not be granted until there have been constructed in the house to be licensed suitable rooms to be approved by the Harbour Master; and no such boarding-house shall be a house licensed for the sale of spirituous or fermented liquors, nor shall any charge for spirituous or fermented liquor be allowed in any account for the amount of which any seaman may be indebted, or stated to be indebted, to any person, and such boarding-house shall not be a part of a house, and shall be separated by at least one intervening house on either side of it from any house licensed for such sale as aforesaid; and every such boarding-house shall be open at all times to the visit of any Magistrate, or of the Harbour Master, or of any Constable specially appointed for the general service of visiting such houses. And the Harbour Master may refuse to grant any such licence, and may limit the number and description of seamen to be boarded in each house, and may make rules for the government of such houses, and regulate the charge to be made for board and lodging; and a copy of such rules shall be hung up in each house for the inspection of the inmates; and the infraction of any one of such rules shall subject the offender in every instance to a penalty not exceeding twenty-five dollars, and for a second offence may deprive the offender, if the keeper of such house, of his licence as an additional punishment.

Penalty for keeping an unlicensed boarding-house. [Ibid, sec. 37.]

2. If any person not having obtained a licence for keeping a boarding-house for seamen shall keep one, he shall be liable to a penalty not exceeding the sum of one hundred dollars; and the fact of more than one seaman boarding or lodging in the house of any person, shall be *prima facie* proof of the keeping of a boarding-house for seamen by such person; but nothing in this Ordinance contained shall be construed to prevent any seaman from having the whole or any part of any unfurnished house for the residence of himself, or his family, and boarding himself therein.

Duties of boarding-house keepers with respect to lists, returns, &c., &c. of their inmates. [Ibid, sec. 8.]

3. Every keeper of a boarding-house for seamen shall cause daily to be entered in a book in English, the name and description of each additional seaman who has, on that day, come to board or lodge at his house, and the name of each seaman who has left his house on that day after being a lodger or boarder therein, and such other particulars as the Harbour Master may direct; and every keeper of a boarding-house shall, on the morning of Monday, in each week, send to the Harbour Master's office a list, copied from his book, of the seamen on that day boarding or lodging in his house, and of those seamen, boarders or lodgers, who left his house on any or either of the intermediate days, and shall also particularize in such list, those seamen who wish for immediate employment, and place opposite to the names of those last named, the names of the ships from which they were last discharged; and the Harbour Master shall keep the lists so furnished to him constantly in view, and in a conspicuous part of his office, for the convenience of masters of ships requiring men, and shall also post in a similar manner, if required so to do, such notices for the supply of men by masters of ships as the said masters shall furnish.

Masters and mates may board and lodge elsewhere, than in such houses. [Ibid, sec. 9.]

4. Nothing in this section contained shall prevent masters, mates, or engineers of ships from boarding or lodging elsewhere than at a licensed boarding-house.

No seaman shipped under this section shall, during the term for which he is shipped, be liable to arrest on civil process, in certain cases. [Ibid, sec. 10.]

5. No seaman who shall have been actually shipped by the Harbour Master, or his deputy, on board any vessel in compliance with this section, shall, during the time for which he is then shipped, be liable to be arrested on civil process, unless the debt or demand shall exceed the sum of five hundred dollars: Provided always, that by the term seaman in this paragraph shall be meant only a person who has within the space of one year previously served on board a ship for wages as a seaman, and that the protection from arrest hereby granted shall not be held to extend to any person not coming within such definition.

CHAPTER VII.

HEALTH OF SEAMEN.

XV. Every keeper of a licensed boarding-house for seamen, in the list of seamen resident in his house, which he is required to furnish to the Harbour Master, shall report as to the state of health of each seaman, so far as he may be able to ascertain the same; and every seaman who may be reported, or may be otherwise discovered, to be affected with a contagious disease, shall be removed by warrant under the hand of the Harbour Master to a hospital, where he shall be kept until he be, by the Visiting Surgeon thereof, discharged as cured, and shall have obtained from such Visiting Surgeon a certificate of his having been so discharged, which certificate he shall produce and show to the Harbour Master when required so to do; and the expenses which may be incurred in and about the maintenance and treatment of any such seaman in such hospital, shall be a debt due to the Crown, and shall be paid by such seaman; or, in case of the keeper of the boarding-house in which such seaman shall have resided before his removal to hospital not having reported, or having made a false report as to the state of health of such seaman, then such expenses shall be paid by such boarding-house keeper, in case it shall appear to, and be certified by, the Visiting Surgeon of the hospital to which such seaman may be removed, that the disease with which he may be affected is of such a nature as that the keeper of the boarding house could, with ordinary and reasonable observation, have ascertained its existence; and in all cases, such expenses shall, in case of non-payment, be sued for and recovered by the Harbour Master on behalf of the hospital.

Keepers of licensed boarding-houses for seamen to furnish Harbour Master with weekly lists of the seamen resident in their houses, and report their state of health. Diseased seamen to be removed to a Hospital. [Ordinance 10 of 1867, sec. 63.]

2. If any seaman affected with a contagious disease, and reported so to be by the keeper of the boarding-house in which such seaman may be residing, shall refuse or offer any hindrance or obstruction to his removal to a hospital; or having been removed to a hospital, shall attempt to leave the same before he shall be properly discharged cured; or having been discharged cured, shall refuse to produce his certificate of discharge when required by the Harbour Master authorized to demand the same; or being affected with a contagious disease, shall neglect or refuse to inform the keeper of the boarding-house in which he may be residing,—then, and in every such case, such seaman so offending shall be liable to be brought before the Harbour Master and subjected to a fine not exceeding twenty-five dollars, or to imprisonment with or without hard labour, for any term not exceeding one month.

Penalty for offering any obstruction to removal to Hospital. [Ibid, sec. 64.]

3. The master of any merchant ship, before shipping any seaman, may require that such seaman shall be inspected by the Colonial Surgeon, by notice in writing to that effect, addressed to the Harbour Master or a Visiting Surgeon appointed in pursuance of this section, and the Colonial Surgeon or such Visiting Surgeon upon such inspection is to give a certificate under his hand as to the state of health of such seaman, which certificate such seaman is to produce and show to the master of the ship in which he may be about to serve; and for every certificate, there shall be paid the fee of fifty cents, to be paid by the master or agent of the ship in case such seaman should prove to be in sound health, and by the seaman himself, or the boarding-house keeper with whom he shall be residing, in case he shall prove to be affected with any contagious disease; such fee to be received by the Harbour Master, and in case of non-payment to be sued for and recovered by him, and paid into the Colonial Treasury for the purposes of this section.

Masters of ships before shipping seamen may require them to undergo medical inspection. [Ibid, sec. 65.]

4. Every person violating the provisions of this section, or of any regulation or bye-law made in pursuance thereof, shall be guilty of a misdemeanor.

Every offence against this section a misdemeanor. [Ibid, sec. 71.]

CHAPTER VIII.

MEDICINES AND MEDICAL STORES.

XVI. This chapter applies to all British or Colonial registered ships being within the waters of the Colony, other than those already provided with medicines and medical stores under the provisions of "The Merchant Shipping Act, 1867," or of any legislative enactment or regulations in force in any British possession.

Application of section.

2. The owners, agents, or master of every such ship navigating between this Colony and any place out of the same, shall cause to be kept on board such ship a supply of medicines and medical stores in accordance with the scale appropriate to such ship as laid down in the published scales of medicines and medical stores issued by the Board of Trade, and also a copy of the book or books issued by the said Board containing instructions for dispensing the same pursuant to paragraph 1 of section 4 of "The Merchant Shipping Act, 1867."

Ships to carry medicines, medical stores, &c. in accordance with scale issued by Board of Trade. [See M. S. A., 1867, sec. 4.]

Colonial Surgeon to approve of lime or lemon juice.

3. No lime or lemon juice shall be deemed fit and proper to be taken on board any such ship for the use of the crew or passengers thereof, unless the Colonial Surgeon has approved of the same; nor unless the same contains fifteen per centum of proper and palatable proof spirits to be approved by the Colonial Surgeon, or by some person appointed by him for that purpose, and to be added immediately before or immediately after the inspection thereof; nor unless the same is packed in such bottles, at such time and in such manner as the Colonial Surgeon may direct.

Owners neglecting to provide medicines and medical stores to be guilty of misdemeanour.

4. The master, owner, or agent of any such ship who shall wilfully neglect or refuse to provide, pack, or keep on board such medicines, medical stores, books of instructions, lime or lemon juice, sugar or anti-scorbutics as are by this section required, shall be guilty of a misdemeanour, and shall, upon summary conviction before any Magistrate, be liable to a fine of _____ dollars.

This section to have the same force as rules made. [M. S. A. 1867, sec. 6.]

5. The provisions of this section, so far as the same refer to lime, lemon juice and anti-scorbutics, shall have the same force and effect as the regulations provided for by "The Merchant Shipping Act, 1867," section 6.

CHAPTER IX.

DESERTION AND OTHER OFFENCES OF SEAMEN.

Seamen deserting may be apprehended and put on board the vessels to which they belong; [Ordinance 4 of 1850, sec. 1.]

XVII. If any seaman belonging to the crew of any ship, British or foreign, shall desert therefrom, or otherwise abscond, or absent himself from his duty while such ship or vessel is within the waters of the Colony, it shall and may be lawful for any constable, or for the master or person in charge of the ship, or for any one specially deputed by such master or person in charge, to arrest such seaman without warrant and convey him before a Magistrate; and in case such seaman shall refuse to return to his duty on board the said ship, or shall not give a sufficient reason for such refusal, the Magistrate may order such seaman to be put forcibly on board the ship to which he may belong, or to be confined in any gaol or other place of security within the Colony, for any period until he can be put on board his ship at her departure from the port, or until he shall be demanded by the master of the ship, or by the Consul of the country to which such ship may belong: Provided always, that the said period of confinement shall not, in the absence of such departure or demand, exceed three months.

or may be confined in gaol.

Ships or houses may be searched for deserters from foreign vessels. [*Ibid*, sec. 2.]

2. It shall be lawful for any Magistrate, upon complaint of the master of such ship, to the effect that he has reasonable cause to believe that any runaway seaman belonging to the crew of any such ship is harboured, secreted, or concealed, or suspected to be harboured, secreted, or concealed on board any other ship, boat, or other vessel, or in any house or place whatsoever, to issue a warrant directing a constable to search such ship, boat, or other vessel, or such house or place, and such seaman to lodge in any or the nearest Police station and every such seaman shall, with all convenient speed, be brought before a Magistrate, to be dealt with as is hereinbefore directed with respect to seamen apprehended for desertion, absconding, or absence from duty.

Penalty on persons harbouring deserters from ship. [*Ibid*, sec. 3.]

3. If any person whatsoever shall harbour, conceal, employ, or retain, or assist in harbouring, concealing, employing, or retaining any seaman belonging to the crew of any ship, who shall have deserted therefrom, or otherwise absconded, or absented himself from duty, while such ship or vessel is within the waters of the Colony, knowing such seaman to have deserted, absconded, or absented himself from duty, or shall cause, induce, or persuade, or endeavour to cause, induce, or persuade any such seaman, in any manner whatsoever to violate, or to attempt or endeavour to violate, any agreement which he may have entered into to serve on board any such ship, or shall knowingly connive at the desertion, absconding, or absence from duty of any such seaman, such person so offending shall, for every such offence, upon conviction thereof, forfeit and pay a penalty or sum not exceeding one hundred dollars; or in case of nonpayment thereof, shall be liable to imprisonment for any period not exceeding one month.

Harbour Master or deputy may require, before granting a port clearance to a ship, the master thereof to search for suspected deserters, and to make declaration of such search. Penalty for not complying with such request. [Ordinance 6 of 1852, sec. 11.]

4. The Harbour Master, or person deputed by the Harbour Master for that purpose, before granting a port clearance to any ship, may, if he have reasonable grounds for belief that any deserter from a merchant vessel be concealed on board of such ship, proceed on board thereof and then and there require her master to institute due and diligent search for such deserter, and further, if he deem it necessary, require the master to make oath or solemn declaration that to the best of his knowledge and belief, after due and diligent search, no such deserter is concealed within or about his ship; and any master of a ship refusing or unnecessarily delaying to comply with such requisition, shall be liable, upon conviction before any Magistrate, to a fine not exceeding forty pounds sterling, and to imprisonment until such fine be paid.

5. Whenever any seaman who has been lawfully engaged in any foreign ship commits any of the following offences within the waters of the Colony, he shall be liable to be punished summarily by a Magistrate as follows, that is to say:—

- (a.) For wilful disobedience to any lawful command, he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit, out of his wages, a sum not exceeding two days' pay;
- (b.) For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit, for every twenty-four hours' continuance of such disobedience or neglect either a sum not exceeding six days' pay, or any expenses which have been incurred in hiring a substitute;
- (d.) For assaulting any master or mate, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour;
- (e.) For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship, or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour.

6. All expenses incidental to the apprehension, confinement, and removal of any seaman, under and by virtue of any of the powers and authorities conferred by this section, shall be paid by the master of the ship to which such seaman may belong, and be recoverable from him at the suit of the Captain Superintendent of Police, as a debt due to the Government of this Colony; and the subsistence money for every such seaman confined in gaol shall be paid in advance to the keeper of the gaol, and in default of such payment, the gaoler may release such seaman.

7. At the requisition of the Consul resident at Hongkong, of any foreign nation, it shall be lawful for the Governor to suspend the operation of this section in regard to the ships of that nation, for so long a period as such Consul may require, or the said Governor may think fit; and that on like requisition, it shall be lawful for the said Governor, if he deem it fit, to cause any pending proceedings or case under this section to be discontinued and abated.

Report of Death, Desertion, &c.

XVIII. In the event of the death of any of the crew, passengers, or other persons, occurring on board of any merchant vessel in the waters of the Colony, or in case of the desertion or removal of any of the crew, the master of such vessel shall forthwith report the same to the Harbour Master, under a penalty not exceeding twenty-five dollars for every death, desertion, or removal which he shall neglect to report.

Penalties for Forgery, &c.

XIX. Any person who shall forge or alter any ticket, certificate, document, or matter or thing named in sections, shall be liable to be imprisoned for a term not exceeding three months with hard labour; and any seaman, or other person, who shall give a false description of his services, or show, or make, or procure to be made, any false character, or shall make false statements as to the name of the last ship in which he served, or as to any other information which may be required of him by any person having lawful authority to demand such information, shall be liable to a penalty not exceeding fifty dollars.

CHAPTER X.

DISTRESSED SEAMEN.

XX. All expenses which shall be incurred under the provisions of "The Merchant Shipping Act, 1854," in the relief of distressed British seamen who at the time of such relief being granted shall have last served in a British ship registered in this Colony, shall be borne by the revenue of this Colony.

2. It shall be lawful for the Governor, from time to time, to order the payment, out of any monies forming part of, or arising from, the general revenue of the Colony, of all expenses which may be incurred in the Colony for the relief of such British seamen as aforesaid, under the provisions of the said Act or of any regulations in that behalf which may be made, from time to time, by the Governor in Council.

Offences of foreign seamen. [See M. S. A., 1854, sec. 243.]
Act of disobedience.
Continued disobedience.
Assault on officers.
Combining to disobey.
Expenses, by whom payable. [Ordinance 4 of 1850, sec. 5.]
At the requisition of foreign Consuls, operation of this section may be suspended. [Ibid, sec. 6.]
Deaths, desertions, or removals of seamen, &c. to be reported. [Ordinance 1 of 1862, sec. 7.]
Penalties for forging of documents, and for false descriptions and statements. [Ordinance No. 6 of 1852, sec. 12.]
Relief of seamen belonging to vessels registered in this Colony. [Ordinance 5 of 1869, sec. 1.]
Governor may order payment of expenses incurred in the Colony for relief of such seamen out of monies forming part of general revenue. [Ordinance 5 of 1869, sec. 2.]

Governor may order re-payment of expenses incurred elsewhere than in the Colony in respect of such relief, out of such monies as aforesaid. [Ordinance 5 of 1869, sec. 3.]

3. It shall be lawful for the Governor, from time to time, to order the re-payment out of any such monies as aforesaid, of all sums which shall have been expended under the provisions of the said Act by the Imperial Government, or by the Government of any adjacent British Colony, or by any British Consul, Vice-Consul, or Consular Agent in any neighbouring foreign country, in and about the relief of such British seamen as aforesaid, and such sums shall be refunded in such manner as the Governor shall think fit, or as Her Majesty's Principal Secretary of State for the Colonies for the time being may direct.

CHAPTER XI.

REGULATIONS.

Governor may make regulations.

XXI. It shall be lawful for the Governor in Council to make and publish regulations, and from time to time to vary the same, for the better and more effectual carrying into effect the provisions of part I of this Ordinance.

PART II.

REGULATION AND CONTROL OF THE WATERS OF THE COLONY AND OF VESSELS NAVIGATING THE SAME.

CHAPTER I.

REGULATIONS.

Duties of Master.

Ships to hoist their numbers. [Ordinance 1 of 1862, sec. 3.]

XXII. Every master of a merchant ship shall hoist her national colours and number on entering the waters of the Colony; and shall keep such number flying until the ship shall have been reported at the Harbour Master's office.

Ships to be reported within 24 hours. [*Ibid*, sec. 4.]

2. Every such master shall, within twenty-four hours after arrival within the waters of this Colony, report the arrival of his ship at the Harbour Master's office, and in the case of a British ship, or of a ship which shall not be represented by a Consul, shall deposit there the ship's articles, list of passengers, ship's register, and true copy of manifest if required. In the case of a foreign ship represented by a Consul, the said papers shall be lodged by the master at the proper consulate. Any master offending against the provisions of this paragraph, shall incur a penalty not exceeding two hundred dollars.

Ships to be moored where ordered by the Harbour Master, and not removed therefrom without permission. [*Ibid*, sec. 9.]

3. Every such master arriving in the waters of the Colony shall take up the berth pointed out by the Harbour Master, or by any person sent on board by him for that purpose, and shall moor his ship there properly, and shall not remove from it to take up any other berth, without his permission, except in case of necessity, to be decided by the Harbour Master, under a penalty not exceeding one hundred dollars; and he shall remove his vessel to any new berth when required so to do by the Harbour Master, under a fine not exceeding twenty dollars for every hour that the vessel shall remain in her old berth, after notice to remove, under the hand of the Harbour Master, or his deputy, shall have been given on board of her.

All orders by the Harbour Master to be obeyed. [*Ibid*, sec. 10.]

4. Every such master shall immediately strike spars, clear hawse, or shift berth, or obey any other order which the Harbour Master may think fit to give, and any master wilfully disobeying or neglecting this regulation, shall incur a penalty not exceeding two hundred dollars.

Blue peter to be hoisted and port clearance to be obtained before departure. [*Ibid*, sec. 11.]

5. Every such master about to proceed to sea shall hoist a blue peter twenty-four hours before time of intended departure, and shall give notice thereof to the Harbour Master, who, if there is no reasonable objection, will furnish a port clearance, and attest the manifest, if necessary; and any master having obtained such clearance and not sailing within thirty-six hours thereafter shall report to the Harbour Master his reason for not sailing, and shall re-deposit the ship's papers if required. Any master wilfully neglecting or disobeying this regulation, shall incur a penalty not exceeding fifty dollars.

Quarantine.

Ships arriving having contagious diseases on board to report the same. [*Ibid*, sec. 16.]

XXIII. Every commanding officer of any ship-of-war, or master of a merchant ship of whatsoever nation who may arrive in the waters of the Colony having smallpox or any other disease of a contagious or infectious nature on board, shall hoist the proper quarantine flag, and shall hold no communication with any other vessel or boat, or with the shore, until permission be given by the Harbour Master; and the boarding officer on nearing such ship shall be informed of the nature of such disease. Any person offending against any of the provisions of this paragraph shall incur a penalty not exceeding two hundred dollars for each offence.

2. Every such commanding officer of a ship-of-war, or master of a merchant ship, having any such disease on board, shall forthwith remove his ship to any berth which shall be pointed out by the Harbour Master, and there remain and keep the quarantine flag flying until a clean bill of health shall be granted by the Colonial Surgeon; and shall afford free access and render every assistance to the Colonial Surgeon or other officer of health who may be directed by the Governor to visit such ship. Any person offending against the provisions of this paragraph shall incur a penalty not exceeding two hundred dollars for each offence.

3. Every such commanding officer of a ship-of-war, or master of a merchant ship, in all cases where such ship has last touched or stayed at any port or place immediately preceding such ship's arrival in the waters of the Colony, and any contagious or infectious disease has, to such commanding officer's or master's knowledge, been prevalent at such port or place at the time of his so touching or staying there, shall report the prevalence of such disease to any health officer of the port, upon being boarded by such officer, and in default of so reporting, the same shall be liable to a penalty not exceeding two hundred dollars; and every such commanding officer, or master, shall upon being so ordered to do by the said health officer, forthwith remove his ship and fly a quarantine flag in the manner and subject to the conditions provided for by paragraph 1 of this section with respect to ships having diseases on board.

Steamers' Fairway.

XXIV. No vessel or boat of any description shall be allowed to anchor within any fairway, which shall be set apart by the Harbour Master for the passage of vessels, and the master of any vessel or boat dropping anchor in, or otherwise obstructing such fairway shall be liable, for each offence, to a fine not exceeding fifty dollars.

Regulations concerning the Safety of Ships and Prevention of Accidents.

XXV. Every master of a ship, hulk, or other vessel, not being a boat propelled by oars, in the waters of this Colony shall, from sunset to sunrise, cause to be exhibited a bright white light from the starboard foreyard arm, or at the place where it can be best seen, and in default, shall incur a penalty not exceeding one hundred dollars.

2. In case of fire occurring on board any ship or vessel in the waters of the Colony, if at night three lights shall be hoisted in a vertical position at the highest masthead, and a single light at the peak, and guns shall be fired in quick succession until sufficient assistance shall be rendered; if during the day the ensign Union down with the signal NM "I am on fire" shall be hoisted at the highest masthead and guns fired as above provided for night time.

3. If on board any ship or vessel in the waters of the Colony a disturbance or riot shall occur which the master or his officers are unable to quell by the usual process of bringing the offenders before a Magistrate, if by day the ensign Union down shall be hoisted at the peak and the signal PC "want assistance; mutiny" shall be hoisted at the highest masthead or wherever practicable under the circumstances; guns may also be fired as in paragraph 2; if by night three lights shall be hoisted at the peak and a single light at the masthead, and guns may also be fired as before stated.

4. It shall be lawful for the Governor in Council to make and publish rules, and from time to time to vary the same, concerning the lights or signals to be carried, and concerning the steps for avoiding collision to be taken by all ships, boats, or vessels, while navigating the waters of the Colony: Provided always that the same shall not be inconsistent with, or be deemed to affect the regulations for the time being in force issued by Her Majesty by Order in Council, under the provisions of section 25 of "The Merchant Shipping Act Amendment Act, 1862."

Offences in the Waters of the Colony.

XXVI. Every person who within the waters of the Colony shall commit any of the following offences, shall be liable to a fine of not more than fifty dollars, or in the discretion of the convicting Magistrate, to be imprisoned for any term not exceeding fourteen days:

(a.) Every person who shall knowingly take in exchange from any seaman or other person, not being the owner or master of any vessel, anything belonging to any vessel lying in the waters aforesaid, or any part of the cargo of such vessel, or any stores or articles in charge of the owner or master of any such vessel.

- Damaging furniture of ship. (b.) Every person who shall unlawfully cut, damage, or destroy any of the ropes, cables, cordage, tackle, head-fasts, or other furniture of or belonging to any ship, boat, or vessel lying in the harbour or waters aforesaid, with intent to steal or otherwise unlawfully obtain the same or any part thereof.
- Throwing into water goods unlawfully obtained. (c.) Every person who for the purpose of preventing the seizure or discovery of any materials, furniture, stores, or merchandise belonging to or having been part of the cargo of any ship, boat, or vessel lying in the waters aforesaid, or of any other articles unlawfully obtained from any such ship or vessel, shall wilfully let fall or throw into the waters aforesaid, or in any other manner convey away from any ship, boat, or vessel, wharf, quay, or landing place any such article, or who shall be accessory to any such offence; and it shall be lawful for any constable to take any such offender into custody and to seize and detain any boat in which such person shall be found, or out of which any article shall be so let fall, thrown, or conveyed away.
- Mooring of boats. [*Ibid*, sec. 3, paras. 8 & 9.] (d.) Every owner, or headman, or other person in charge of any boat which shall be found alongside of any public wharf or landing-place (unless while taking on board or landing passengers or cargo), or lying off the same so as to prevent the free access of other boats thereto, and the owner, headman, or other person in charge of any boat which shall be moored or at anchor at a distance of less than three hundred yards from low water mark, between the hours of nine o'clock at night and gunfire in the morning: Provided always, that nothing herein contained shall be construed to extend to any boat moored or at anchor alongside of any private wharf with the consent of the owner thereof.
- Obstruction of harbour by rubbish, &c. (e.) Every person who shall cast or throw any dead body, ballast, rubbish, or other substance, either from shore or from any vessel, into the waters of the Colony, so as to create a nuisance or obstruction therein, or shall neglect within a reasonable time to remove any sunken vessel or other obstruction in the said harbour belonging to him or in his charge or keeping.
- Fire-arms not to be used except in certain cases. [*Ibid*, sec. 14.] 2. Except as is hereinbefore directed by paragraphs 2 and 3 of section XXIV, or under the sanction of the Harbour Master, no cannon, gun, or fire-arm of any description shall be discharged within such portions of the waters of the Colony as the Governor may, from time to time, by regulations prescribe, from any merchant vessel or boat, under a penalty not exceeding two hundred dollars.

Removal of Obstructions.

Harbour Master may remove obstructions, &c. [*See Ordinance 14 of 1845, sec. 37.*] XXVII. It shall be lawful for the Harbour Master to require any person whose duty it shall be so to do, to remove any filth or obstruction from the waters of the Colony within a certain time to be fixed by the Harbour Master, and in default of such requisition being complied with, the Harbour Master shall cause such filth or obstruction to be removed; and it shall be lawful for the Magistrate, in addition to any other penalties, to order any person so neglecting or refusing to comply with such requisition to pay the costs and expenses of and incident to such removal, and such costs and expenses shall be recoverable in the same manner as all penalties imposed by this Ordinance.

Moorings.

Harbour Master may permit mooring to be laid down. XXVIII. No person shall place moorings in the waters of the Colony except with the sanction of the Harbour Master; and the Harbour Master may, upon giving such sanction, attach such conditions to the use and employment of such moorings as he shall think fit.

Powers of Police.

Superintendents and Inspectors may board vessels. [*Ordinance 14 of 1845, sec. 7.*] XXIX. The Captain or other Superintendent, or any Inspector of the Police force shall have power, by virtue of his office, to enter at all times, with such constables as he shall think necessary, as well by night as by day, into and upon every ship, boat, or other vessel (not being then actually employed in Her Majesty's service) lying in the waters of the Colony, and into every part of such vessel, for the purpose of inspection and upon occasion directing the conduct of any constable who may be stationed on board of any such vessel, and of inspecting and observing the conduct of all other persons who shall be employed on board of any such vessel in or about the lading or unlading thereof, as the case may be, and for the purpose of taking all such measures as may be necessary for providing against fire or other accidents, and preserving peace and good order on board of any such vessel, and for the effectual prevention or detection of any felonies or misdemeanors.

2. It shall be lawful for the Captain or other Superintendent, Superintendent, or any Inspector, or Sergeant belonging to the Police force, ent, &c. having just cause to suspect that any felony has been or is about to be committed in or on board of any ship, boat, or other vessel lying in the waters of the Colony, to enter at all times, as well by night as by day, into and upon every such ship, boat, or other vessel, and therein to take all necessary measures for the effectual prevention or detection of all felonies which he has just cause to suspect to have been, or about to be committed in or upon the harbour or waters of the Colony, and to take into custody all persons suspected of being concerned in such felonies, and also to take charge of all property so suspected to be stolen.

ing just cause to suspect felony, may enter on board vessels and take up suspected persons. [Ibid, sec. 8.]

Powers of Magistrates.

XXX. Where no penalty is specially attached by this chapter to the breach or infringement of any provision herein contained, the same shall be punishable by a penalty not exceeding twenty-five dollars.

Any breach of this chapter punishable by fine, &c. [Ordinance I of 1862, sec. 29.]

CHAPTER II.

LIGHTHOUSES, BUOYS, OR BEACONS.

XXXI. In the construction of this section, the term "lighthouses" shall, in addition to the ordinary meaning of the word, include floating and other lights exhibited for the guidance of ships; and the terms "buoys and beacons" shall include all other marks and signs of the sea.

Interpretation clause. [Ordinance 17 of 1873, sec. 2.]

2. It shall be lawful for the Governor to erect and maintain within the Colony such lighthouses, buoys, or beacons as the Governor in Council shall think necessary to be exhibited for the guidance of ships.

Power to erect lighthouses, &c. [Ibid, sec. 3.]

3. It shall be lawful for the Governor, from time to time, with the assent of the Legislative Council, to raise by way of public loan, upon the security of the general revenues of the Colony, such sums of money as may be necessary for the purposes aforesaid, and every loan so raised shall be a charge upon the said Colonial revenue.

Power to raise necessary funds by public loan. [Ibid, sec. 4.]

4. It shall be lawful for the Governor, in the meanwhile, with such assent as aforesaid, to order the payment, by way of temporary advance, out of any monies for the time being in the Colonial Treasury, of such sums of money arising from the general revenues of the Colony, as may be required for the purposes aforesaid: Provided always that all sums of money so advanced out of the general revenues of the Colony, shall be repaid into the Treasury out of the sums which may be raised by way of loan under the provisions in that behalf hereinbefore contained.

Power to advance funds out of the Colonial Treasury. [Ibid, sec. 5.]

Light Dues.

XXXII. The owner or master of every ship which enters the waters of the Colony, shall pay such dues in respect of the said lighthouses, buoys, or beacons as may, from time to time, be fixed by order of the Governor in Council, to such officers as the Governor shall, from time to time, appoint to collect the same, and the same shall be paid by such officers into the Colonial Treasury.

Light dues. [Ibid, sec. 6.]

2. All British and foreign ships of war shall be exempt from the payment of light dues.

Exemption of men of war. [Ibid, sec. 7.]

3. It shall be lawful for the Governor, by Order in Council:—
(a.) To exempt any ships, or classes of ships, from such payment, and to annex any terms or conditions to such exemptions;

Governor to allow certain exemptions. [Ibid, sec. 8.]

(b.) To substitute any other dues, or classes of dues, whether by way of annual payment or otherwise, in respect of any ships, or classes of ships.

4. Tables of all light dues, and a copy of regulations for the time being in force in respect thereof, shall be posted up at the office of the Harbour Master.

Tables of light dues to be exhibited at Harbour Master's office. [See M. S. A. 1854, sec. 399.]

5. A receipt for light dues shall be given by the person appointed to collect the same to every person paying in the same, and the Harbour Master shall not grant a clearance to any ship, unless the receipt for the same is produced to him.

Ship not to be cleared without production of receipt for light dues. [See M. S. A. 1854, sec. 400.]

6. If the owner or master fails on demand of the authorized collector to pay the light dues in respect thereof, it shall be lawful for such collector, in addition to any other remedy which he is entitled to use, to enter upon such ship, and distrain the goods, guns, tackle, or any other things of or belonging to, or on board such ship, and to detain such distress until the said light dues are paid; and if payment of the same is not made within the

Power of distress for light dues. [M. S. A. sec. 401.]

period of three days next ensuing such distress, he may, at any time during the continuance of such non-payment, cause the same to be appraised by two sufficient persons, and thereupon sell the same, and apply the proceeds in payment of the light dues due, together with reasonable expenses incurred by him under this section, paying the surplus (if any) on demand to the said owner or master.

Damage to Lights, Buoys and Beacons.

Penalty for
injuring
lights, &c.
[M. S. A.
1854, sec.
414.]

XXXIII. If any person wilfully or negligently commits any of the following offences, that is to say:—

- (a.) Injures any lighthouse, or the lights exhibited therein, or any buoy or beacon;
- (b.) Removes, alters, or destroys any lightship, buoy, or beacon;
- (c.) Rides by, makes fast to, runs foul of, any lightship, or buoy;

He shall, in addition to the expenses of making good any damage so occasioned, be liable to a fine not exceeding two hundred and fifty dollars.

Prevention of False Lights.

Harbour
Master may
prohibit false
lights.
[M. S. A.
1854, sec.
415.]

XXXIV. Whenever any fire or light is burnt or exhibited at such place, or in such manner, as to be liable to be mistaken for a light proceeding from a lighthouse, it shall be lawful for the Harbour Master to serve a notice upon the owner of the place where the fire or light is burnt or exhibited, or on the person having charge of such fire or light, either personally, or by delivery at the place of abode of such owner or person, or by affixing the same in some conspicuous spot near to such fire or light, and by such notice to direct such owner or person, within a reasonable time to be therein specified, to take effectual means for the extinguishing or effectually screening such existing light, and for the preventing for the future any similar fire or light; and any owner or person disobeying such notice, shall be deemed guilty of a common nuisance, and in addition to any other penalties or liabilities of any kind thereby incurred, shall be liable to a fine not exceeding five hundred dollars.

If not obeyed,
he may abate
such lights.
[M. S. A.
1854, sec.
416.]

2. If any owner or person served with such notice, as aforesaid, neglects for a period of twenty-four hours to extinguish or effectually screen, the light or fire therein mentioned, it shall be lawful for the Harbour Master, by his servants or workmen, to enter into the place wherein the same may be, and forthwith to extinguish such fire or light doing no unnecessary damage; and all expenses incurred be the Harbour Master in such extinction, may be recovered from such person or owner as aforesaid in the same way as penalties are hereby declared to be recoverable.

CHAPTER III.

IMPORTATION AND STORAGE OF GUNPOWDER.

Vessels to be
provided for
storage of
gunpowder.
[Ordinance
4 of 1867,
sec. 4.]

XXXV. 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 paragraph 10 and subject to the observance of the rules and regulations to be made under paragraph 12 of this section.

To be termed
Government
depôt for the
storage of
gunpowder.
[*Ibid*, sec. 5.]

2. Such vessel or vessels shall, for the purposes of this chapter, be termed a Government Depôt or Government Depôts for the storage of Gunpowder, and shall be under the control and management of the Harbour 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 Harbour Master, with the approval of the Governor, shall deem expedient.

Master of vessel
having up-
wards of two
hundred lbs.
of powder on
board to fur-
nish Harbour
Master with
particulars
immediately.
[*Ibid*, sec. 6.]

3. The master of every vessel arriving in this Colony having on board thereof any quantity of Gunpowder exceeding two hundred lbs. shall, immediately upon the arrival thereof, and before the discharge from the ship of any of such Gunpowder, furnish the Harbour 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 such
vessel to take
same to speci-
fied place and
there remain
until he have
permission to
leave.
[*Ibid*, sec. 7.]

4. 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 Harbour Master, or his deputy, and the said vessel shall not be removed therefrom without the permission in writing of the Harbour Master.

5. 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 Harbour 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 Harbour 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 Harbour Master.

Mode of proceeding when gunpowder is to be exported. [Ibid, sec. 8.]

6. The master of every vessel having on board more than two hundred lbs. of gunpowder, or whilst engaged in the transshipment of Gunpowder, shall exhibit a red flag at the highest masthead.

Masters having more than two hundred lbs. of gunpowder on board to exhibit a flag, also when transshipping the same. [Ibid, sec. 9.]

7. 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 Harbour Master.

No gunpowder to be transhipped at night. [Ibid, sec. 10.]

8. It shall not be lawful for the master of any vessel, without the written permission of the Harbour Master, to anchor such vessel within five hundred yards of any Government Depôt for the storage of gunpowder.

No vessel to anchor within five hundred yards of a Government Depôt for storage of gunpowder. [Ibid, sec. 11.]

9. 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 master of a vessel having more than two hundred lbs. of gunpowder on board to anchor within five hundred yards of any other vessel. [Ibid, sec. 12.]

10. 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.

No person to keep in any house, store, &c. more than fifteen lbs. of gunpowder. [Ibid, sec. 13.]

11. It shall be lawful for any Magistrate or Constable duly authorized by warrant to enter and if necessary to break into any house, store, godown, vessel, or place either on land or water within which such Magistrate 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 chapter.

Power to Justices to issue warrants to search. [Ibid, sec. 14.]

12. The Governor in Council is hereby empowered to make rules and regulations for the proper carrying out the provisions of this chapter, 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 paragraph 14 of this section for offences against any provisions thereof.

Governor in Council empowered to frame rules for carrying out provisions of chapter and to fix charges. [Ibid, sec. 16.]

13. 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.

Sums how to be paid and if not paid how to be recovered. [Ibid, sec. 17.]

14. Every offence against the provisions of this chapter shall be tried in a summary way before a Magistrate, and every person who shall violate or refuse, or fail to comply with the provisions of this chapter, shall incur a penalty or fine not exceeding three hundred dollars, or imprisonment for any period not exceeding six months.

Trial of offences under this chapter. [Ibid, sec. 18.]

15. Nothing in this chapter 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.

Ships of war and Government stores excepted. [Ibid, sec. 19.]

PART III.

REGULATION OF JUNKS AND SMALL BOATS.

CHAPTER I.

LICENSING OF JUNKS.-

- Interpretation of terms:—
 "Junk,"
 [Ordinance 6 of 1866, sec. 2.]
- XXXVI. In the construction of this chapter the term "junk" shall mean every sea going Chinese or other vessel not coming within the provisions of chapter IV of part II of this Ordinance and not being a fishing boat or vessel licensed under paragraph 24 of this chapter.
- "Licensed junk."
 "Master."
- The term "licensed junk" shall mean a junk, boat, or vessel, licensed under paragraph 21 of this section to ply between the Colony and other ports.
 The term "master" of a junk shall include any person for the time being in command or charge of the same.
- Branch stations of the Harbour Master's office.
 [Ibid, sec. 4.]
2. Branch stations of the Harbour Master's office shall be established at such places in the Colony as the Governor may, from time to time, determine, which shall be under the superintendence and control of the Harbour Master, and shall be called "Harbour Master's Stations."
- Anchorage for junks.
 [Ibid, sec. 5.]
3. The Harbour Master shall, with the approval of the Governor, appoint suitable anchorages for junks in the waters of the Colony to be called "anchorages for junks."
- No unlicensed junk to anchor within colonial waters except at one of the anchorages for junks.
 [Ibid, sec. 6.]
4. No junk other than a licensed junk shall (except from stress of weather) anchor at any place within the waters of the Colony other than at an "anchorage for junks."
- Unlicensed junks to anchor in specified place.
 [Ibid, sec. 7.]
5. Every junk other than a licensed junk entering the waters of the Colony shall immediately proceed to and take up its berth within the limits of one of the "anchorages for junks."
- Report of arrival and particulars to be furnished
 [Ibid, sec. 8.]
6. The master of every junk, whether licensed or not, shall, within eighteen hours after arrival within the waters of the Colony, report such arrival at the Harbour Master's office or at a "Harbour Master's station," and shall, if a licensed junk, deposit the licence thereof, and if not a licensed junk, furnish the particulars hereinafter mentioned, which shall be entered in a register kept for the purpose, that is to say:—
- (a.) Name and capacity of junk (in peculs.)
 - (b.) The name, address and description of the owner or owners of such junk and of the master.
 - (c.) The name, address and description of every consignee or agent, if any, of the junk and cargo in the colony.
 - (d.) The description of the cargo on board, and number of the crew.
 - (e.) The place from which the junk sailed on her voyage to the colony, and the date of her departure from such place, and of her arrival in the colony.
 - (f.) Whether carrying any and what guns and ammunition.
- Anchorage pass.
 [Ibid, sec. 9.]
7. Upon compliance with the provisions of the last paragraph, the master of every junk shall receive a permit to be called an "anchorage pass," and shall forthwith pay such fee for the same as is hereinafter mentioned, and in default thereof shall be liable to a fine not exceeding ten dollars.
- Junks not to remove from anchorage without clearance or special permit.
 [Ibid, sec. 10.]
8. No licensed junk shall leave the waters of the colony, and no other junk shall leave any anchorage for junks without a clearance or a special permit, unless the safety of the vessel (through stress of weather) shall render it necessary, and in such case, she shall return to her former anchorage when such necessity for leaving it shall have ceased.
- No junk to leave at night.
 [Ibid, sec. 11.]
9. No junk, whether licensed or not, shall leave her anchorage 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 a special permit or a special clearance to be called a "night clearance."
- Flag to be hoisted before departure.
 [Ibid, sec. 12.]
10. The master of every junk, whether licensed or not, about to leave her anchorage, shall, eighteen hours before the time of the intended departure of such junk, hoist at the highest mast-head such flag or signal as shall, from time to time, be specified by the Harbour Master, and also shall give notice of such intended departure and the nature of the proposed voyage at the Harbour Master's office or station, as the case may be, at which the anchorage pass of such junk shall have been granted, and he will thereupon be furnished with a clearance in exchange

for the anchorage pass of such junk, and if a licensed junk, the licence thereof will be returned to him: Provided always that in case such junk shall not leave her anchorage within twenty-four hours thereafter, the master shall report the same at the Harbour Master's office or station, as the case may be, and the reason thereof, and shall, if so required to-do, return the said clearance, and if a licensed junk, also redeposit the licence thereof.

11. The Harbour Master and the officer for the time being in charge of any Harbour Master's station may, from time to time, grant to any master of a junk a permit to be called a "special permit," which shall be a sufficient warrant or authority for the doing of any act mentioned in such permit. Penalty for "Special permit." [Ibid, sec. 13.]

12. Every master of a junk who shall violate or refuse or fail to comply with the provisions of paragraph , shall incur a penalty or fine not exceeding one hundred dollars, or imprisonment with or without hard labour for any period not exceeding six calendar months. Penalty for infraction of paragraph [Ibid, sec. 14.]

13. Every master of a junk who shall refuse or fail to comply with the provisions of paragraph , or shall knowingly give untrue particulars concerning the information which he is thereby required to furnish, shall incur a penalty or fine not exceeding two hundred dollars, or imprisonment with or without hard labour for any period not exceeding six months, and it shall be lawful for the Governor, if he shall think fit, by warrant under his hand to order that any junk whereof the master has refused or failed to comply with the provisions of the said paragraph, and whether such master shall have been brought to trial and punished or not, shall quit the waters of the Colony within twelve hours from the service of such order on board of such junk, under penalty of forfeiture of such junk to the Crown. Penalty for infraction of paragraph [Ibid, sec. 15.]

14. Every master of a junk violating the provisions of paragraphs 11 and 12 shall be imprisoned with hard labour for any period not exceeding twelve calendar months, and such junk and her cargo shall be forfeited to the Crown. Penalty for infraction of provisions of para. [Ibid, sec. 19.]

15. No licence, anchorage pass, clearance or special permit shall be used in respect of any junk other than the junk therein specified, or for any purpose other than the one therein mentioned, and every master of a junk who shall knowingly use or attempt to use any licence, anchorage pass, clearance or special permit which shall not have been lawfully obtained, shall be imprisoned with hard labour for any term not exceeding twelve calendar months, and every junk in respect of which a licence, anchorage pass, clearance, or special permit shall have been used or attempted to be used in violation of this paragraph may, together with the cargo thereof, and whether the master shall have been brought to trial or not, at the discretion of the Court, be forfeited to the Crown. Penalty for unlawfully using a licence, pass, clearance, or special permit. [Ibid, sec. 20.]

16. Every master of a junk bringing into the Colony any person who shall, in the opinion of the Court before which the offence shall be tried, have come to the Colony for the purpose of mendicancy, or any person suffering from leprosy or other contagious diseases, shall be liable to pay a fine not exceeding ten dollars for every such person so brought by him as aforesaid. Penalty for bringing mendicants into the Colony. [Ibid, sec. 21.]

17. It shall be lawful for any person deputed thereto by the Governor, or by the commander of any of Her Majesty's ships-of-war, or for any officer or constable of the Police force, at any time to board any junk within the waters of the Colony and demand the production of either an anchorage pass, a clearance, special permit, or licence, and in case by reason of the non-production of any one of such documents, or for any other reason, there shall be ground to believe or suspect that any provision of this chapter has been violated by the master of such junk, or in case the document produced shall appear from the date thereof, or from any other cause, to have been unlawfully obtained, or to be unlawfully used, to arrest such junk and her cargo and the master of such junk, and deliver them into the custody of the Superintendent of Police. Power to board any junk and demand inspection of documents. [Ibid, sec. 22.]

18. Every offence against the provisions of this chapter shall be a misdemeanor, and may be tried in a summary way, by a Magistrate: Provided always that the trial of every offence, the commission of which may render any junk or cargo liable to forfeiture, under the provisions of this chapter, shall be tried by two Magistrates sitting together, who shall have power, in their discretion, to extend the period limited for an appeal from their decision to the Supreme Court under Ordinance No. 4 of 1858, either before or after the expiration thereof. Trial of offence under this chapter. [Ibid, sec. 23.]

19. Every junk of which the master shall be charged with having violated the provisions of this chapter, shall be forthwith arrested and detained until the said master shall either have been acquitted of the offence charged, or if found guilty, shall have paid the fine inflicted upon him, and in case he shall fail to pay, within ten days, any fine which may be inflicted upon him, the same may be recovered by the sale of such junk and the balance, if any, of the net proceeds thereof, after deducting therefrom the expenses In case of non-payment of penalty by master, the same may be levied by sale of junk. [Ibid, sec. 24.]

of such sale and the amount of such fine as aforesaid, shall be paid to the owner or owners of the junk, if claimed within twelve calendar months from the date of sale, and if not claimed within that period, shall be forfeited to the Crown: Provided that in case there shall be in the Colony any consignee or agent of such junk registered under paragraph , no sale thereof shall be made in pursuance of this paragraph until three days' previous notice thereof shall have been given in writing to such consignee or agent.

Transfer to purchaser upon sale of junk.

[*Ibid*, sec. 25.]

20. Every junk forfeited or sold under the provisions of this chapter shall be transferred to the purchaser thereof, at his expense, by a bill of sale from the Harbour Master, and such bill of sale shall confer upon such purchaser, his executors, administrators and assigns, an indefeasible title to such junk.

Junk licences.

[*Ibid*, sec. 26.]

21. It shall be lawful for the Harbour Master, in such cases as he shall think fit, to grant to any owner of any junk or lorcha a licence authorizing such junk or lorcha to ply between this Colony and other ports, during such period and subject to such conditions as the Harbour Master, with the approval of the Governor, may determine, and which conditions shall be endorsed on or contained in such licence, and such junk or lorcha having obtained a licence, the master thereof shall cause the number of said licence to be painted in black figures twenty inches in length (to the satisfaction of the Harbour Master) on a white ground on each bow: Provided that no such licence shall be granted unless the intended licensee shall enter into a bond together with one or more sureties resident in the Colony, and to be approved of by the Harbour Master, conditioned in any sum not exceeding one thousand five hundred dollars for the observance of the conditions of such licence.

Penalty for disobeying

Harbour Master's orders.

[*Ibid*, sec. 27.]

22. Every master or other person in charge of any junk, vessel or boat, whether licensed or not, shall obey any lawful orders which the Harbour Master may see fit to give, under a penalty not exceeding one hundred dollars.

Governor in Council em-

powered to

frame rules

for carrying

out provisions

of this chapter.

[*Ibid*, sec. 28.]

23. The Governor in Council is hereby empowered to make such rules and regulations as to him shall seem fit for the proper carrying out the provisions of this chapter, and also to vary, from time to time, the fees chargeable to each junk under this chapter, and to prescribe, from time to time, the forms of all licences, passes, permits, and clearances under this chapter, and to provide adequate means for preventing by force when necessary any junk from leaving the waters of the Colony, or any anchorage for junks, in violation of any provision of this chapter.

Fishing boat

licences.

[*Ibid*, sec. 29.]

24. It shall be lawful for the Harbour Master, in such cases as he shall think fit, to grant to any person a licence for any boat or vessel to be used solely as a fishing boat or vessel for such period and subject to such conditions as the Harbour Master, with the approval of the Governor, may determine and which conditions shall be endorsed upon or contained in such licence. And such boat or vessel having obtained a licence, the master thereof shall cause the number of the said licence to be painted in white figures (to the satisfaction of the Harbour Master,) twenty inches in length on a black ground on each bow.

CHAPTER II.

LICENSING, &c., OF BOATS, CARGO BOATMEN, &c.

Governor in

Council to

make regula-

tions for

licensing, &c.,

boats, &c.

XXXVII. It shall be lawful for the Governor in Council to make and publish regulations and, from time to time, to vary the same:

- (a.) For the licensing, due management, control and regulation of all boats or vessels, including vessels propelled by steam, plying for hire within the waters of the Colony, other than boats or vessels having British, Colonial or foreign registers, not being Chinese registers; and also other than market boats or vessels or junks within the meaning of chapter I of part III of this Ordinance.
- (b.) For the licensing registration and regulation of cargo boatmen;
- (c.) For fixing the scale of fees payable for such licenses;
- (d.) For fixing the scale of fares to be charged by such boat or vessel;
- (e.) For the regulation and management of all boats, sampans, or other vessels, used as dwelling places within the waters of the Colony and not plying for hire;
- (f.) For the registration or licensing of such last mentioned vessels and of the people dwelling in the same.

Governor in

Council to

fix penalties,

&c.

2. It shall be lawful for the Governor in Council, by regulation, to fix the term of imprisonment or the amount of pecuniary forfeiture to which any person shall, upon conviction, be subject for the breach of any of the regulations made under the preceding paragraph: Provided always that no such term of imprisonment shall exceed a period of three months, and no such pecuniary forfeiture shall exceed the sum of \$ for any one offence: And provided also that any regulation imposing such punishment shall have the same force and effect as though it were contained in this Ordinance.

3. In case any greater number of persons or passengers shall be taken or carried in any such licensed boat or vessel, within the waters of the Colony than are respectively allowed to be carried therein by any regulations made by the Governor in Council, and any one or more of the passengers shall be drowned, every person or persons who shall be in charge of or navigating such boat, or vessel, shall be guilty of a misdemeanor and shall be liable to imprisonment, at the discretion of the Court, for any period not exceeding two years with hard labour, and shall not be allowed to work or navigate any such boat, or vessel, at any time after such conviction.

Punishment for drowning passengers in overcrowded boats. [7 & 8 Geo. 4., sec. 28.] [Local and personal.]

PART IV.
MISCELLANEOUS.

Penalties.

XXXVIII. All offences against the provisions of this Ordinance or any regulation made thereunder, except when otherwise provided, may be heard and tried by any stipendiary Magistrate, and all penalties imposed by this Ordinance, except when otherwise provided, may be recovered summarily under the provisions of Ordinance No. 10 of 1844.

Recovery of penalties.

Fees.

XXXIX. The fees specified in tables marked *B*, *C* and *D* of the Schedule hereto are hereby declared to be payable to the Harbour Master as the lawful fees for the discharge of the respective duties therein specified and may be recovered by him in a summary manner before any Magistrate.

Fees payable under this Ordinance and under M. S. A. 1854.

2. All such fees shall be paid by the Harbour Master into the Colonial Treasury to the use of Her Majesty.

Fees to be paid into the Colonial Treasury.

Abstract of Ordinance to be given to Masters.

XL. An abstract of such portions of this Ordinance as the Governor in Council may direct, shall be delivered to the master of every vessel upon her entering the waters of the Colony; and if before obtaining clearance, the master do not return such abstract to the Harbour Master, he shall pay a fee of two dollars for the same.

Abstract of Ordinance to be given to masters of every vessel.

Repealing Clause.

XLI. The following Ordinances and sections of Ordinances are hereby repealed:—

Repealing clause.

Ordinance 14 of 1845,.....	}	Sub-sections 8 and 9 of sec. iii, and secs. vii and viii.
		Sub-sections 1, 2, and 3 of sec. vi.
” 1 of 1848,.....		Sec. iv.
” 6 of 1852,.....		The whole.
” 8 of 1858,.....		Sec. xvi.
” 10 of 1860,.....	}	The whole.
” 11 of 1860,.....		
” 15 of 1860,.....		
” 17 of 1860,.....		
” 1 of 1862,.....		
” 6 of 1866,.....		} Secs. lxiii, lxiv, and lxv.
” 4 of 1867,.....		
” 10 of 1867,.....		} The whole.
” 5 of 1869,.....		
” 9 of 1872,.....		
” 9 of 1873,.....		
” 17 of 1873,.....		} The whole.
” 1 of 1874,.....		

But this repeal shall not affect:—

- (1.) Anything duly done before this Ordinance comes into operation;
- (2.) Any right acquired or liability accrued before this Ordinance comes into operation;
- (3.) Any penalty, forfeiture or other punishment incurred or to be incurred in respect of any offence committed before this Ordinance comes into operation;
- (4.) The institution of any legal proceeding, or any other remedy for ascertaining, enforcing or recovering any such liability, penalty, forfeiture or punishment as aforesaid;
- (5.) Any regulations made and published by the Governor in Council, under any of the Ordinances hereby repealed, and not expressly repealed by this Ordinance or by any regulations made or to be made thereunder.

Suspending Clause.

XLII. This Ordinance shall come into operation on a day to be hereafter proclaimed by the Governor.

Suspending clause.

SCHEDULE TO THIS ORDINANCE.

TABLE (A.) (See Section IV.)
Number and Dimensions of Boats with which Sea-going Ships are to be provided.

REGISTERED TONNAGE.	COLUMN 1. To be carried by Sailing ships and Steam ships.				COLUMN 2. To be carried by Sailing ships, and by Steam ships, when they do not carry the Boats in Column 3.				COLUMN 3. To be carried by Steam ships, which do not carry the Boats in Column 3.				TOTAL NUMBER OF BOATS.	
	Boats.		Boats.		Launches.		Boats.		Boats.		Life Boats.		Sailing ships.	Steam ships.
	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	As the case may be.
Sailing ships.														
Tons.	18	5.6	2.3	2.6	1	27	8.6	3.8	22	3.6	2.6	2	7	5
1,000 & upwards.	18	5.6	2.3	2.6	1	26	8.0	3.8	22	3.6	2.6	2	4	5
800 to 1,000	18	5.6	2.3	2.6	1	26	8.0	3.8	22	3.6	2.6	2	4	5
500 to 800	18	5.6	2.3	2.6	1	26	8.0	3.8	22	3.6	2.6	2	4	5
300 to 500	16	5.6	2.3	2.6	1	25	7.0	3.6	22	3.6	2.6	2	4	5
200 to 300	14	5.0	2.2	2.5	1	22	6.6	3.3	22	3.6	2.6	2	3	4
100 to 200	14	5.0	2.2	2.5	1	20	6.0	3.0	22	3.6	2.6	2	3	4
under 100	14	5.0	2.2	2.5	1	16	5.6	2.9	18	5.6	2.4	2	2	3
Steam ships.														
Tons.	18	5.6	2.3	2.6	1	27	8.6	3.8	22	3.6	2.6	2	7	5
1,000 & upwards.	18	5.6	2.3	2.6	1	26	8.0	3.8	22	3.6	2.6	2	4	5
800 to 1,000	18	5.6	2.3	2.6	1	26	8.0	3.8	22	3.6	2.6	2	4	5
500 to 800	16	5.6	2.3	2.6	1	25	7.0	3.6	22	3.6	2.6	2	4	5
300 to 500	14	5.0	2.2	2.5	1	22	6.6	3.3	22	3.6	2.6	2	3	4
200 to 300	14	5.0	2.2	2.5	1	20	6.0	3.0	22	3.6	2.6	2	3	4
100 to 200	14	5.0	2.2	2.5	1	16	5.6	2.9	18	5.6	2.4	2	2	3
under 100	14	5.0	2.2	2.5	1	14	5.0	2.2	18	5.6	2.4	2	2	3

NOTE.—In sailing ships carrying the number of boats above specified, and steam ships carrying the larger of the two numbers above specified, the boats are to be considered sufficient, if their aggregate cubic contents are equal to the aggregate cubic contents of the boats specified.

In steam ships carrying the smaller of the two numbers above specified, one of the boats must be a launch of the capacity specified in column 2.

In sailing ships of 200 tons burden and under, not carrying passengers, a dingy may be substituted for the boat in column 1.

In sailing ships of 150 tons burden and under, not carrying passengers, a substantial boat of capacity sufficient to carry the crew may be substituted for those above specified.

In all steam ships, two paddle box boats may be substituted for any two of the boats in column 3.

TABLE (B.)

Table of Fees payable to the Harbour Master under "The Merchant Shipping Act, 1854," and section IV of this Ordinance.

	Amount of Fee.
Effecting an Imperial or Colonial register and granting certificate thereof,	\$10
Copy from Registry Book,	5
For every declaration made in any of the forms B, C, F, G, H, or L, in the schedule to "The Merchant Shipping Act, 1854," or under section IV, para. 4 of this Ordinance,	1
Endorsing a memorandum of change of master upon certificate of registry,	1
Recording a mortgage of a ship, or shares in a ship, made under a certificate of mortgage,	5
Recording the transfer of a mortgage of a ship, or shares in a ship, made under a certificate of mortgage,	5
Recording the discharge of a mortgage of a ship, or shares in a ship, made under a certificate of mortgage,	5
For every sale of a ship, or shares in a ship, under a certificate of sale,	5
For every alteration in agreements with seamen,	1
For certifying a desertion,	1
For attesting a seaman's will,	1
For examining provisions or water (to be paid by the party falling to support his case),	5
For renewing Colonial register under section IV, para. 13,	10

TABLE (C.)

Table of Maximum Fees to be paid to Shipwright Surveyors and Engineer Surveyors for the measurement, survey, and inspection of Merchant Ships under Sections V, VI, and VIII of this Ordinance.

For a ship under 50 tons register tonnage,.....	\$ 5.00
„ from 50 to 100 tons register tonnage,.....	7.50
„ „ 100 to 200 „ „	10.00
„ „ 200 to 500 „ „	15.00
„ „ 500 to 800 „ „	20.00
„ „ 800 to 1,200 „ „	25.00
„ „ 1,200 to 2,000 „ „	30.00
„ „ 2,000 to 3,000 „ „	35.00
„ „ 3,000 to 4,000 „ „	40.00
„ „ 4,000 to 5,000 „ „	45.00
„ „ 5,000 and upwards „ „	50.00

TABLE (D.)

Table of Fees payable under Chapter I of Part III of this Ordinance.

Licence for 1st Class Junk,	\$20.00
„ „ 2nd „ „	15.00
„ „ 3rd „ „	10.00
„ „ 1st „ Fishing Junk,	5.00
„ „ 2nd „ „	3.00
„ „ 3rd „ „	1.00
Anchorage Pass,	0.25
Special Permit,	0.25
Day Clearance,	0.25
Night Clearance,	1.00

Statement of Objects and Reasons.

This Ordinance has been framed with the twofold object of bringing into operation within the Colony certain provisions of the Merchant Shipping Acts and Amendment Acts, (which do not of their own force apply here), and of consolidating and amending the local Ordinances which relate to merchant shipping, seamen, and the regulation of the Colonial waters.

With reference to the former object, the fact that the local carrying trade has now passed, in so great a measure, from sailing vessels to steam ships, has necessitated the introduction here of those clauses of the Imperial Acts which pertain specially to safety and the prevention of accidents in the employment of steamers. And as to the latter, the collection together and re-arrangement of the many and frequently intricate provisions with reference to shipping which from time to time have become law since 1845, have become advisable as a matter of convenience; the more especially as certain actual changes in the law are required, which a consolidating Ordinance affords a favourable opportunity of introducing.

Attention is now specially directed to all those alterations in the law which this Ordinance purposes to effect, but before they are enumerated, it should be mentioned, that a considerable amount of redrafting has been found necessary in making this compilation, which however is not of a nature to vary the meaning of the clauses as they originally stood. The marginal reference appended to every section affords a ready means of discovering where such verbal alterations have been made.

PART I.

Chapter I of the first part of the Ordinance contains very material and important modifications of Ordinance No. 4 of 1855, upon which it is founded. Some of the chief reasons for the introduction of that Ordinance do not exist at the present day. The class of vessels to which it mainly applied, viz., junks and lorchas trading between this Colony and the open ports on the Canton river, either no longer exists, or does not seek registration under the Ordinance; and its provisions are now only, or nearly only, taken advantage of by Chinese residents within the Colony, not being British subjects, who register steamers under it; a class of ship to which its provisions were obviously never intended originally to apply. As British subjects can, and all but invariably do, register their ships here under the Imperial Acts, there is no necessity for preserving the provisions of section I of Ordinance No. 4 of 1855, as they now stand; and indeed the only reason for not repealing the Ordinance altogether, is that so doing would deprive Chinese residents, not being British subjects, of the privilege of using the British flag, which they have hitherto enjoyed. For these reasons, paragraphs 1 and 2 of chapter I, propose to restrict the operation of the chapter to Chinese residents, not being British subjects, only. Hitherto, all ships colonially registered have

been considered not to be subject to the provisions of the Merchant Shipping Acts, and have consequently been permitted to go to sea without certificated masters, mate, or engineers. Such a state of law is obviously unsatisfactory, and it is, therefore, proposed by paragraph 11 to place all such ships (junks of course excepted) upon the same footing as vessels holding Imperial registers within the Colony. This step is demanded as a measure of safety.

The contents of chapter II are mainly founded upon part IV of the Merchant Shipping Act, 1854. The fact that many steamers run upon the China Coast which at present do not come, (or if at all, only at very distant periods) within the operation of that part of the statute, affords sufficient reason for its enactment here.

Section VII goes somewhat beyond the provisions of the Merchant Shipping Act on the same subject. The very large and important business which has now grown up connected with the conveyance of Chinese passengers by steamers and from this Colony to ports not within the purview of the Chinese Passengers Act, 1855, seems to call for some special legislation. At present this business is altogether unregulated in the points to which section VII refers, a state of things which seem undesirable for all parties concerned, whether ship-owners or passengers.

Paragraph 3 of this section will, if passed, place in the hands of the Governor in Council, for the first time, the power of prohibiting the conveyance of deck passengers by any ship sailing from the Colony. During the more inclement season of the year, such a power may, no doubt, be usefully exercised.

The provisions of paragraph 4 of section VII are new. Their object seems sufficiently expressed not to call for any detailed explanation.

Section VIII has been already enacted in the Colony as Ordinance No. 1 of 1874. In paragraph 2, the words "out of the Colonial revenue," have been substituted by direction of the Secretary of State, for the words "out of moneys to be provided by the Imperial Parliament." Section IX has not hitherto been brought into force here. Section X is intended to be in substitution of Ordinance No. 9 of 1872, which applies to foreign ships paragraph 329 of the Merchant Shipping Act, 1854. The last mentioned section has now been repealed by the Merchant Shipping Act of 1873, and the clauses now introduced have been substituted for it in the United Kingdom.

Chapter III purposes to effect certain changes in the constitution and powers of Marine Courts. As provided by Ordinance No. 11 of 1860, such Court must at present consist of no less than five persons, one of whom must be a Police Magistrate, one the Harbour Master, one an un-official Justice of the Peace, and the remaining two of whom shall be other persons who shall be both or either of them Government Marine Surveyors or Master Mariners. The utility of this constitution may well be doubted, and for the purposes of the enquiries for which Marine Courts are constituted, the three persons mentioned in paragraph 1, would seem to be sufficient. It should also be mentioned, that under instructions from the Secretary of State, one Commissioned Officer in the Royal Navy at least is required to sit on Marine Courts. The powers proposed to be conferred on the Court by paragraph 4, are such as it has not hitherto exercised. They are the same as are now possessed by Naval Courts sitting in distant parts of the world by the Act of 1854, paragraph 263. The want of such powers here has, on more than one occasion, caused practical inconvenience. Chapter IV extends the powers conferred upon the Board of Examiners by Ordinance No. 17 of 1860, to the examination and certifying of engineers. At the time this Ordinance came into operation, ships were not required, as now, to carry certificated engineers. Chapters V, VI, and VII demand no comment or explanation. Chapter VIII is not at present in operation within the Colony, although its provisions, which are founded on certain sections in the Merchant Shipping Act of 1867, are such as ought no doubt to be extended here.

Paragraph 5 of chapter IX purposes to extend certain provisions of the Merchant Shipping Act, 1854, relating to the offences of British seamen, to seamen employed on board of foreign ships while in these waters. Under the law as it at present stands, the Government has been unable to assist Masters of foreign ships who have had trouble with their seamen, except in cases where actual mutiny has broken out. This state of things has not infrequently given rise to complaints on the part of foreign Consuls and others who have been placed in great difficulties from their inability to deal with insubordinate crews who have stopped short of actual mutiny. It will be seen, however, that by paragraph 7, the operation of the whole section may be suspended in regard to the ships of any foreign nation at the request of its Consul.

PART II.

By chapter I of this part, the regulations which by Ordinance No. 1 of 1862, were confined to a certain portion of the Colonial waters there defined as the "harbour," are now extended to the whole of those waters. Much inconvenience has been felt on more than one occasion from vessels anchoring in Colonial waters outside the prescribed limits, and thus while taking advantage of the port, keeping free of its necessary regulations. On the other hand, no advantage has arisen from confining the operation of regulations to a portion of the Colonial waters, which, beyond doubt, under the circumstances of this Colony, are equally applicable to the whole. Section XXIII of that Ordinance has, therefore, been omitted, and the words "waters of the Colony" substituted for the word "harbour" throughout the chapter. An interpretation of the term "waters of the Colony" has, to prevent doubts arising on the point, been inserted in the preliminary portion of the Ordinance.

Sections XXIV and XXVI of the same Ordinance (No. 1 of 1862) are also omitted as the powers therein specially conferred, are to all intents and purposes contained in paragraphs 3 and 4 of section XXII of the proposed enactment. The Governor possesses the authority purporting to be conferred by section XXV of No. 1 of 1862, independent of the legislature, and that is, therefore, likewise repealed.

Paragraph 3 of section XXIII is new. Situated as this Colony is, the prevalence of small-pox, or other virulent contagious, or infectious disorder at a neighbouring port, is a matter very material to be known, and it is felt to be one of too much importance to be left to the discretion of ship masters to report or not.

Paragraph 4 of section XXV is also new. Its necessity arises from the great increase in the use of steam-launches in these waters, a class of vessels which at present is subject to no kind of regulation.

Section XXVII confers powers on the Harbour Master which he does not now possess. Their utility is obvious. The same observations apply to section XXVIII.

PART III.

Chapter II of this part purposes to place in the hands of the Governor in Council the licensing and management of all the small craft plying in the Colonial waters for hire and of all that numerous class of boats used by the Chinese as residences, by means of regulations. At present, the licensing of sampans and of cargo boats is regulated by section XVI of Ordinance No. 8 of 1858, and of cargo boatmen by Ordinance No. 15 of 1860. Vessels used as residences are not under regulation at all. The convenience of the public will, it is thought, be better met by entrusting the making of rules for the control of all craft of this class to the Executive than by embodying the rules for their government in an Ordinance. As such regulations must of necessity mainly consist of mere matters of detail, it is of importance that they should more readily admit of alteration or amendment than is possible when they form the subject of legislative enactment.

PART IV.

By section XXXVIII all offences against the provisions of the Ordinance are made triable by any stipendiary Magistrate. As a matter of practice, no doubt such offences will be generally tried before the Harbour Master, who is the Marine Magistrate, but inconvenience has arisen from the terms of sections XXIX and XXX of Ordinance No. 1 of 1862, which makes offences against its provisions cognizable only by any stipendiary Magistrate in the event of the Marine Magistrate being incapacitated from hearing them.

THOMAS C. HAYLLAR,
Acting Attorney General.

No. 111.

GOVERNMENT NOTIFICATION.

His Excellency The Governor has been pleased to recognize provisionally, and until Her Majesty's pleasure may be known, TARO ANDO as Vice-Consul for Japan.

By Command,

J. GARDINER AUSTIN,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 4th July, 1874.