

ARTICLE XIII.

All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XIV.

The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance till placed on board ship, as well as for the reimbursement of the expenses incurred in taking the evidence of any witness in consequence of Article XII, and in giving up and returning seized articles. They reciprocally agree to bear such expenses themselves.

ARTICLE XV.

The present Treaty shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties, but shall remain in force for six months after notice has been given for its termination.

The Treaty shall be ratified, and the ratifications shall be exchanged at The Hague as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at the Hague, the nineteenth day of June, in the year of our Lord one thousand eight hundred and seventy-four.

(L.S.) E. A. J. HARRIS.

(L.S.) L. GERICKE.

(L.S.) DE VRIES.

ARTIKEL XIII.

Al de in beslag genomen goederen, die zich op het oogenblik zijner aanhouding in het bezit van den uitleverer persoon bevonden, zullen, indien de bevoegde overheid van den Staat aan welken de uitlevering wordt aangevraagd de overgave daarvan bevolen heeft, worden overgegeven op het oogenblik, waarop de uitlevering plaats heeft; en die overgave zal zich uitstrekken niet alleen tot de gestolen voorwerpen, maar ook tot alles wat tot bewijs van het misdrijf kan dienen.

ARTIKEL XIV.

De Hooge Contracterende Partijen doen afstand van alle terugvordering van de kosten, door haar gemaakt voor de aanhouding en gevangenhouding van den uitleverer persoon en voor zijn vervoer tot aan boord van een schip, gelijk mede van de terugvordering van de kosten veroorzaakt door het hooren van getuigen naar aanleiding van Artikel XII, en door het over en weder zenden van in beslag genomen voorwerpen. Zij stemmen er wederkeerig in toe die kosten zelve te dragen.

ARTIKEL XV.

De tegenwoordige overeenkomst zal in werking treden tien dagen na hare afkondiging, overeenkomstig de vormen bij de wetten der Hooge Contracterende Partijen voorgeschreven. Elke der Hooge Contracterende Partijen zal haar kunnen opzeggen, maar zij zal van kracht blijven gedurende zes maanden, nadat van die opzegging zal zijn kennis gegeven.

De overeenkomst zal zoo spoedig mogelijk bekrachtigd worden en de bekrachtigingen zullen uitgewisseld worden te 'sGravenhage.

Ten blijke waarvan de wederzijdsche Gevolmagtigden haar hebben ondertekend en van hun zegel voorzien.

Gedaan te 'sGravenhage, den negentienden dag van Junij, van het jaar onzes Heeren achttien honderd vier en zeventig.

(L.S.) E. A. J. HARRIS.

(L.S.) L. GERICKE.

(L.S.) DE VRIES.

And whereas the ratifications of the said Treaty were exchanged at The Hague on the twenty-first day of July last:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Act, doth order, and it is hereby ordered, that from and after the seventeenth day of August, one thousand eight hundred and seventy-four, the said Act shall apply in the case of the said Treaty with the King of the Netherlands.

(Signed,) ARTHUR HELPS.

No. 173.

GOVERNMENT NOTIFICATION.

The following Ordinance, relating to Passenger Ships, which has been passed in the Straits Settlements is published for general information.

By Command,

CECIL C. SMITH,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 28th October, 1874.

ORDINANCE No. VI. OF 1874.

An Ordinance for the Regulation of Passenger Ships.

[5th October, 1874.]

ANDREW CLARK.

Governor and Commander-in-Chief.

WHEREAS it is expedient to make better provision for the regulation of Passenger Ships; It is hereby enacted by the Governor of the Straits Settlements, with the advice and consent of the Legislative Council thereof, as follows:—

PART I.

GENERAL.

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| What ships to be Passenger Ships. | 1. Every ship arriving at, or departing from, any of the Ports of the Colony on a voyage from or to any Port or Place without the Colony, and carrying more than 30 passengers, except as provided by Part III. for Local Passenger Ships, shall be deemed to be a Passenger Ship within the meaning of this Ordinance. |
| Exemption. | 2. Nothing in this Ordinance contained shall be held to apply to any Vessel-of-War, Transport, or hired Ship in the service of Her Majesty or of any Foreign State, nor to any Ship under contract to Her Majesty or any such Foreign State for the conveyance of public Mails. |
| Native States. | 3. The Ships of Native Princes or States in the neighbourhood of the Straits Settlements shall not be entitled to such exemption, unless the Native Prince or State shall have been recognized for the purpose by an order of the Governor in Council. |
| Passengers to be landed at three Ports only. | 4. No passengers under this Ordinance shall be landed at, or shipped from, any place in the Colony other than the three Ports as defined in the Harbours Ordinance, 1872, or such other places as may be prescribed from time to time by the Governor in Council. |
| Boats in tow. | 5. No open boat in tow of any ship shall be allowed to carry passengers whilst so being towed, except in case of accidents. |
| Harbour-Master may board and examine ships. Penalty, &c. | 6. The Harbour-Master at any of the Ports may, personally or by an Officer of his department, duly authorized thereto by the Governor, enter on board any Passenger Ship and Local Passenger Ship under this Ordinance, and may examine the ship and the accommodation provided for passengers, and may inspect and count the passengers, and may order the detention of any ship in which any of the provisions of this Ordinance, or of any law in force in the Colony relating to Passenger Ships, are infringed, pending adjudication by law thereon; and any person hindering such Harbour-Master or Officer in the execution of the duties herein prescribed shall be liable to a penalty not exceeding <i>one hundred</i> dollars, and the Master or Owner, of any Ship, so ordered to be detained, leaving the Port without permission from the Harbour-Master, who is hereby authorized to refuse a Port Clearance for such ship, shall be liable to a penalty not exceeding <i>five hundred</i> dollars. |
| Passenger Ships between and at the Ports in the Colony. | 7. Passenger Ships arriving at a Port in the Colony and continuing the voyage to another Port or Ports in the Colony, and Passenger Ships departing from a Port in the Colony and touching at another Port or Ports of the Colony, shall be subject to the several provisions of this Ordinance, so far as the same may be applicable, during such continued voyage or during such voyage between, and when at, any of the Ports in the Colony. |
| Proviso. | Provided that no fresh Survey fee shall be payable in any case where a ship already surveyed at one Port in the Colony touches at another Port in the course of the same voyage. |
| Bonds under Ordinance 6 of 1870. | 8. The bonds required by the Ordinance No. 6 of 1870 to be countersigned by the British Consular authority at the Port of Discharge in the Red Sea or Persian Gulf, may be countersigned by the Consular authority of any civilized Government in amity with Her Majesty the Queen. |

PART II.

ACCOMMODATION OF PASSENGERS.

9. The following conditions as to the accommodation of passengers, whether departing from, or arriving at, the Colony in Passenger Ships, shall be observed:—

Space required.

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| Space between decks. | I. The space appropriated to the passengers between decks shall be properly ventilated, and shall contain at the least 9 superficial and 54 cubical feet of space for every adult on board; that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one and twelve years. |
| Female passengers. | II. The accommodation for female passengers between decks shall be separate from that provided for male passengers. |

III. A space of 4 superficial feet per adult shall be left Space on deck. clear on the upper deck for the use of the passengers.

IV. A reasonable space shall by set apart properly Sick bay and divided and fitted up as a sick bay; and sufficient latrines, latrines. both as to condition and number, shall be provided in suitable parts of the ship.

Deck Passengers.

10. Deck passengers may be carried under the following con- Deck conditions, within the limits of the Straits of Malacca, that is to say, passengers. from Junk Ceylon to Singapore on the one side and from Acheen to Anjer on the other side of the said Straits, and from or to any Port in the Colony to or from any Port or place on the North Coast of Java.

I. A suitable awning with screens shall be provided on Awnings. deck, sufficient for the protection of the passengers from the sun and from rain.

II. The space appropriated to such deck passengers Space. shall contain at the least 16 superficial feet for every adult, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one and twelve years.

III. In case deck passengers shall be carried in addi- How reckoned. tion to other passengers for whom accommodation between decks shall be provided, the space to be appropriated for deck passengers shall be reckoned exclusively of the space of 4 superficial feet per adult required to be left clear on the upper deck for the use of such other passengers.

No deck passengers shall be carried on any voyage beyond Beyond the the limits above set out, unless there be space reserved under above limits. deck of not less than 9 superficial and 54 cubical feet for each and every adult passenger, that is to say, every passenger above twelve years of age and for every two passengers between the age of one and twelve years, to the use of which space the passengers shall be entitled throughout the voyage. Provided Proviso. always that it shall be lawful for the Governor in Council, from time to time, to pass Orders in Council permitting passengers to be carried on deck to and from places without the above limits, and to regulate the times during which such passengers may be carried and the precautions to be taken for their convenience and safety.

PART III.

LOCAL PASSENGER SHIPS.

11. Ships plying between the Ports of the Colony, and to or Passengers between the Ports in the Coast of the Malayan Peninsula to the Southward of the 9th degree of North Latitude, and on the East Coast of the Island of Sumatra, carrying more than ten passengers or carrying passengers in a proportion greater than one passenger for every ten tons net register of the ship, are herein called Local Passenger Ships.

It shall be lawful for the Governor in Council, from time to time, to frame Rules and Orders to regulating the number of Council may passengers to be carried by such Local Passenger Ships, and make Rules and Orders. the accommodation to be provided for such passengers and the precautions to be taken for securing their convenience and safety with reference, in all the above cases, to the nature and probable duration of the contemplated voyage.

12. The Master of every such ship on arriving at any Port in List of pas- the Settlement shall forthwith deliver to, or cause to be deli- sengers to be vered to, the Harbour Master a correct statement of the number delivered on of the passengers brought in his ship, signed by himself or by arrival. some person authorized by the owners to sign such documents.

PART IV.

PENALTIES.

13. For offences under this Ordinance the following penalties Penalties. may be imposed on the Master or Owner or Agent of any Passenger Ship or Local Passenger Ship convicted, that is to say:—

I. For every offence under Section 4, a penalty not exceeding *one hundred* dollars and *ten* dollars for every passenger landed contrary to the provisions of the Section.

II. For every offence against Section 5, a penalty not exceeding *five* hundred dollars, and *ten* dollars for every passenger carried contrary to the provisions of the Section.

III. For every offence under Sections 9, and 10, a penalty not exceeding *one* hundred dollars, and a further penalty not exceeding ten dollars for every passenger beyond the number for whom accommodation existed in the ship as required by law.

IV. For every offence against the provisions of any Rule or Order under Section 11, a penalty not exceeding *one* hundred dollars.

V. For every offence under Section 12, a penalty not exceeding *one hundred* dollars.

PART V.

PROCEDURE.

- Offences where triable.** 14. All offences under the Imperial Act, the Chinese Passenger Ships Act, 1855, triable in this Colony, and all offences under this Ordinance may be tried before a Court of Quarter Sessions or two Magistrates.
- Jurisdiction.** 15. For the purpose of the adjudication of penalties under this Ordinance, any offence shall be deemed to have been committed within the jurisdiction of the Court at the place where the offender is found.
- Complaints to be by Harbour-Master.** 16. The penalties to which Masters, Owners, or Agents of ships are liable by this Ordinance, shall be enforced only by complaint made at the instance of the Harbour Master of the Port.
- Penalties recoverable from ship in certain cases.** 17. If the person directed to pay any penalty under this Ordinance is the Owner of a ship, or the Agent of such Owner, and the penalty is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by law for enforcing payment, direct, by Warrant, the amount, or the amount remaining unpaid, to be levied by distress and sale of the said ship, her tackle, furniture and apparel, or of so much thereof, as may be necessary. Provided always that if it shall be made to appear to the Court or Magistrates before whom a Master of a ship has been convicted under this Ordinance, that such Master has acted by the orders or with the knowledge or consent of the Owner of the Ship, or of the Agent of such Owner, and the penalty is not paid, the same may be recoverable in the manner pointed out in this Ordinance for the recovery of penalties against the Owner of a ship.
- Reports to be made by certain officers.** 18.—The Surveying Officer under the Indian Acts XXI. of 1858, and XXV. of 1839, and under the Ordinance No. XIV. of 1868, at any Port within the Colony at which any such Passenger Ship, or any Local Passenger Ship, shall touch or arrive, shall report to the Harbour-Master of the Port, any particulars which he may deem important, under the provisions of this Ordinance, respecting the ship and the passengers conveyed therein who shall forward the same to the Officer of the Port from which the ship commenced her voyage, and also to the Officer at any other Port of the Colony, where the passengers or any of them embarked or where the ship touched, or is intended to touch at or to go to.
- Copies of certain proceedings made evidence.** 19.—In any proceedings for the adjudication of penalties under this Ordinance, a copy of the proceedings of any Court of Justice or Naval Court, or Consular Court, duly authenticated by the seal of such Court of Justice or Naval Court, or Consular Court, and any document purporting to be a report of such particulars as are referred to in the last preceding section, and also any copy of any list delivered by the Master of any Passenger Ship under Section 12 of this Ordinance, shall be received in evidence, if the same appears to have been officially transmitted to any Officer of Government at any Settlement in the Colony.
- Rule for numbering passengers.** 20.—For the purpose of penalties under this Ordinance, every person ascertained to have been on board a ship as a passenger at any time since her departure from her last port or place on the voyage to a Settlement in the Colony, shall be counted as a passenger on the arrival of the ship at the Settlement, whether such person shall be on board or not when the ship is examined on such arrival.
- Penalties may be applied by way of compensation.** 21.—Magistrates imposing any penalties under this Ordinance may, if they think fit, direct the whole or any part thereof to be applied in compensation to any person for any wrong or damage which he may have sustained by, or from, the act or default in respect of which such penalty is imposed, or in, or towards, payment of the expenses of the proceedings.

Interpretation.

- Interpretation.** 22.—The following words and expressions as used in this Ordinance shall have the meanings herein assigned; that is to say:
- The word "Ship" shall include every description of vessel used in navigation not propelled by oars;
- "Master" shall include every person other than a Pilot having command of or charge of a ship.
- "Steam-vessel" shall mean a steam-vessel capable of being propelled by machinery alone at an average speed of at least 5 miles an hour.
- "Consul" shall include Consul-General, Consul, Vice-Consul and Consular Agent.
- "Harbour-Master" and "Harbour-Master of the Port" shall include the Master-Attendant, Harbour-Masters and Assistant Master-Attendant and Assistant Harbour-Masters at the several Settlements.

Repeal.

23.—So much of Sections 10 and 19 of the Indian Act XXI. of 1858, and so much of Section 2 of the Indian Act XXV. of 1859 as relates to the number of passengers which may be carried to and from the Ports of the Colony and the accommodation to be provided for such passengers, and Sections 9 and 10 of the Ordinance No. XIV. of 1868 are hereby repealed. Repeals.

24. This Ordinance may be cited as "The Passenger Ships Ordinance, 1874." Short Title.

Passed this 5th day of October, 1874.

A. M. SKINNER,
Acting Clerk of Councils.

No. 174.

GOVERNMENT NOTIFICATION.

The following Particulars and Conditions of Sale of Crown Land by Public Auction, to be held at British Kowloong on Monday, November 9th, 1874, at 10 o'clock A.M., are published for general information.

By Command,

CECIL C. SMITH,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 28th October, 1874.

Particulars and Conditions of the letting by Public Auction Sale, to be held on Monday, November 9th, 1874, by order of His Excellency the Administrator, of Three Lots of Crown Land in the Dependency of Kowloong for a Term of Fourteen Years.

PARTICULARS OF THE LOTS.

No. of Sale.	Registry No.	LOCALITY.	Boundary Measurements.				Contents in Square ft.	Annual Rent.	Upset Price.
			N.	s.	E.	W.			
			feet.	feet.	feet.	feet.		\$	\$
1	39	Tai Tso Pai,	280.0	302.0	154.0	150.0	44,540	20.45	15.00
2	40	Do.,	302.0	321.0	153.0	{ 63.0 88.0 }	47,435	21.77	15.00
3	42	Yau Ma Tee,	{ 43.0 226.0 142.0 }	378.0	420.0	{ 175.0 176.6 }	133,052	61.09	50.00

CONDITIONS OF SALE.

1. The highest bidder above the upset price shall be the Purchaser, and if any dispute arise, the Lot shall be put up again at a former bidding.
2. No person shall at any bidding advance less than \$5.
3. Immediately after the fall of the hammer, the Purchaser shall sign the Memorandum of Agreement hereinafter contained for completing the purchase according to these conditions, and shall within Three Days of the day of Sale pay into the Colonial Treasury the full amount of Premium at which the Lot shall have been knocked down.
4. The Purchaser of each Lot shall be entitled to and shall execute on demand a Lease from the Crown of the Piece or Parcel of Ground comprised in such Lot for 14 Years terminable at the expiration of 7 Years, to be computed from the 25th day of June, 1874, at such Annual Rental payable half-yearly on the 24th day of June, and the 25th day of December in every Year as is specified in the Particulars of such Lot hereinbefore contained; and such Crown Lease shall be subject to and contain all Exceptions, Reservations, Covenants, Clauses, and Conditions inserted in the Crown Lease of Garden Lots in the Colony of Hongkong.
5. The Purchaser of every Lot shall pay to the Surveyor General on behalf of Her Majesty The QUEEN, a Fee of \$5 upon the execution of the Crown Lease thereof.
6. Should the Purchaser neglect or fail to comply with these Conditions, his Premium or any portion thereof which may be paid shall be thereupon forfeited to Her Majesty, who shall be at full liberty either to enforce the Sale, or to re-sell the Property at such time and place, and in such manner as to Her Majesty shall seem fit, and in case of a re-sale the increase, if any, of the Premium or Purchase Money shall be retained by Her Majesty, and the deficiency, if any, and all Costs and Expenses shall be made good by the defaulter and be recoverable as liquidated damages.
7. Possession of the Lot sold shall be given to the Purchaser, and deemed to have been taken by him on the day of Sale.