

GOVERNMENT NOTIFICATION.—No. 458.

The following Bills, which were read a first time at a Meeting of the Legislative Council held yesterday, are published for general information.

Council Chamber, Hongkong, 4th December, 1886.

ARATHOON SETH,
Clerk of Councils.

A BILL

ENTITLED

An Ordinance to amend Ordinance No. 8 of 1879.

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. In addition to the fees specified in Table C of the Schedule annexed to Ordinance No. 8 of 1879, the following fees are hereby declared to be payable to the Collector appointed by the Government as the lawful fees for the discharge of the respective duties specified, and the same may be recovered as provided by Section 43 of the said Ordinance.

The said fees shall be paid into the Colonial Treasury for the use of Her Majesty.

For surveys of ships' bottom only,—half the fees for surveys of steam-ships for Passenger Certificates.

For inspections of vessels under 50 tons during construction,..... \$15.
and for each additional 50 tons, 15.

For inspections of engines and boilers under 50 H. P., during construction, 20.
and for each additional 50 H. P.,..... 20.

Surveys of unlicensed launches under 50 feet in length,..... 10.
50 feet and under 100 feet, 15.

A BILL

ENTITLED

The Post Office Ordinance, 1886.

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. In this Ordinance, and in any Order in Council or regulation made thereunder, unless the context indicates the contrary, the following expressions shall have the meanings set against them respectively, that is to say:—

Consignees' Letters shall mean any letters forwarded by any vessel and relating to goods or merchandise at that time on board of such vessel.

Contract Packet shall mean any vessel for the conveyance of letter bags and correspondence under contract.

Correspondence shall mean any letter, newspaper, book, pamphlet, document, parcel, or package, or other article whatsoever transmitted by post, whether in a closed mail or having been placed loose on board any Contract Packet or vessel for transmission; and a letter or other article shall be deemed to be correspondence from the time of its arrival within the limits of the Colony, if brought to the Colony by post, or from the time of its delivery to the Post Office if not so brought, and in either case shall continue to be deemed correspondence to the time of its delivery from the Post Office; and delivery to or by any person authorised to receive or deliver letter bags or correspondence on behalf of the Postmaster General shall be a delivery to or from the Post Office.

Letter Bag shall mean any bag, or box, or packet, or parcel, or other envelope or covering in which correspondence is conveyed, whether it does or does not contain correspondence.

Title.

Interpretation.

Master of a Vessel shall mean any person in charge of a vessel, whether commander, mate, or other person.

Officer of the Post Office shall mean the Postmaster General, and every Postmaster, Assistant Postmaster, Agent, Officer, Clerk, Letter Carrier, or any other person employed in any business of the Post Office, whether employed by the Postmaster General, or by any person under him, or on behalf of the Post Office.

Persons employed by or under the Post Office shall mean every person employed in any business of the Post Office according to the interpretation given to Officer of the Post Office.

Postage Stamp shall mean any label or stamp for denoting any rate of postage, or any envelope, wrapper, card, form, or paper, words, letters, or marks, purporting to authorise the transmission by post of any correspondence, whether such postage stamp shall be issued under this Ordinance or by the Postmaster General of the United Kingdom, or by the Government of any Colony or foreign country.

Postmaster General shall mean the Postmaster General of the Colony.

Post Office shall mean any house, building, room, or place where correspondence is received or delivered, or in which it is sorted, made up, or despatched.

Vessel shall mean any ship or other vessel not being a contract packet.

2. There shall be one General Post Office of the Colony where correspondence may be received from all places, and whence correspondence may be despatched to all places, and the Post Office at the time of the passing of this Ordinance shall be such General Post Office until the site thereof is changed by the Governor.

General Post Office.

The Governor may establish such District Post Offices in the Colony as he thinks fit.

Management.

3. The Postmaster General, and all other officers of the Post Office at the time of the passing of this Ordinance shall be continued in their offices, and shall have all the powers and privileges hereby conferred upon the holders of their respective offices.

Postmaster General and officers continued in their offices.

4. The Governor may from time to time appoint a Postmaster General of the Colony, and all necessary Assistant Postmasters General, Postmasters, agents, clerks, or servants for conducting the business of the Post Office, and may remove any officers so appointed.

Appointment of officers in future.

5. The Postmaster General shall, by himself or his deputies, have the entire charge of the General Post Office and of all postal matters within the Colony, with sole power, within the Colony, of receiving from all persons authorised to deliver the same all letter bags and correspondence arriving in the Colony; and with sole power, within the Colony, of collecting, receiving, and delivering to all persons authorised to receive the same all correspondence for transmission by or through the General Post Office to places out of the Colony.

Postmaster General solely authorised to receive and deliver all correspondence.

The said Postmaster General shall also have the exclusive privilege, within the Colony, of performing all the incidental services of receiving, collecting, despatching and delivering all correspondence arriving from, or transmitted to any place out of the Colony; and no letters, unless exempt by law, shall be delivered in, or transmitted from the Colony otherwise than by or through the General Post Office.

6. All correspondence which, by any Act of the Imperial Parliament, is excepted from the exclusive privilege of the Imperial Post Office, shall within this Colony be excepted from the exclusive privilege of the Postmaster General of the Colony. Consignees' Letters shall be excepted from the exclusive privilege of the Postmaster General, but, if taken to the Post Office, such Consignees' Letters shall be subject to the same Rates of Postage and general regulations as apply to other correspondence.

Letters excepted under Acts of Imperial Parliament.

Receipt of postage, and accounts.

7. The Postmaster General shall receive all postage payable in the Colony and shall keep accounts of all correspondence received and despatched by him, with the particulars of the Postage thereof, in such manner and form as the Governor may from time to time direct. The accounts of monies payable to the Imperial Postmaster General shall be kept distinct from the accounts of monies payable to the Colonial Treasury.

The Postmaster General shall keep the accounts of monies payable to the Imperial Postmaster General in such form and shall transmit such monies in such manner as the said Imperial Postmaster General may from time to time direct.

Governor in Council may fix rates of postage.

8. The Governor in Council may from time to time by order determine the rates of postage to be charged upon all correspondence sent by post from the General Post Office of the Colony, or received therein from places outside the Colony, and may revoke, alter, or add to any such order, provided that no such order be inconsistent with any instructions transmitted from the Secretary of State for the Colonies or from the Imperial Postmaster General.

Orders to be published by Proclamation.

9. The Governor shall publish every such order by Proclamation in the *Gazette*; and every order, when so published, shall have the same effect as if it had been inserted in this Ordinance. All such Orders in Council in force at the time of passing of this Ordinance are hereby continued in force until duly revoked or altered by the Governor in Council.

The Postmaster General may make regulations.

10. The Governor may, subject to such instructions as aforesaid, from time to time make, alter, and repeal, in relation to correspondence sent by post, such regulations as he thinks fit for regulating times and modes of posting and delivery, prepayment, late fees, fines on unpaid correspondence, the registry of correspondence, money orders, the sale and affixing of postage stamps, the dimensions, weights, and contents of packets, and other such similar regulations as the Governor from time to time thinks necessary for the better execution of this Ordinance.

All such regulations as affect the public shall be approved by the Governor in Council and published in the *Gazette*, or in the Postal Guide published by the Postmaster General, and shall have no effect until so published.

Decision as to newspapers, packets, &c.

11. Any question whether an article of correspondence is a letter, or whether any publication is a newspaper or a supplement, or whether any packet is a book packet or pattern or sample packet within the meaning of this Ordinance, or of any order in Council, or regulations made thereunder, shall be decided by the Postmaster General. The Governor may, if he thinks fit, on the application of any person interested, reverse or modify such decision, and order accordingly.

Paid correspondence to be delivered or transmitted without further charge.

12. All correspondence which arrives in this Colony fully paid according to the rates in force for the time being shall be delivered or transmitted from the Post Office without further charge.

Seamen's and Soldiers' letters.

13. All letters received or sent by sailors or soldiers of Her Majesty's sea or land forces shall be charged with such reduction in the rates of postage as is allowed to them by any Act of the Imperial Parliament.

Dies, &c. for postage stamps.

14. The Governor may from time to time provide proper postage stamps and proper dies and other implements for denoting, by adhesive stamps or otherwise, the rates of postage payable under this Ordinance, or any regulation thereunder.

Opening letters.

15. The Postmaster General may if necessary open, and if possible return to the sender:—

Unpaid letters.

(1) Any correspondence upon which the prepayment of postage is compulsory, and which cannot be sent unpaid by any other route, and upon which the proper postage has not been paid.

Dead letters.

(2) Any correspondence which is returned to the General Post Office for want of a proper address, or from inability to find the person to whom it is addressed, and which remains unclaimed for ten days after being advertised in the *Gazette*.

16. When any packet is delivered to the Post Office and has thereby become liable to postage, and evidence is adduced to the satisfaction of the Postmaster General that such packet has been delivered to the Post Office by mistake, the Postmaster General may cause such packet to be opened in the presence of an officer in the Post Office, and may return the same without charge to the person interested; unless such packet is found to contain any letter or manuscript liable to postage; in which case the Postmaster General shall retain the packet until he is paid the full rate of postage chargeable upon such letter or manuscript.

Postage may be remitted on packets not containing letters if sent in mistake.

17. After any correspondence has been delivered to the Post Office, no person employed by or under the Post Office shall, except in the cases above mentioned, open the same or delay its transmission, or return the same to any person, or procure or suffer the same to be opened, delayed, or returned, unless he is authorised by express warrant in writing under the hand of the Governor, or the British Consul at the port.

Warrants for opening or returning correspondence.

The Governor, or the British Consul at the port, may at his discretion grant such warrants for opening or returning any specified letter or other article of correspondence.

Despatch and Receipt of Mails.

18. Every master of a vessel shall, immediately on arrival, and before reporting at the Harbour Office, deliver to the Post Office all letter bags and correspondence on board, except such as are exempt by law. Should such vessel be put in quarantine the master shall deliver all such letter bags and correspondence to any person authorised by the Postmaster General to receive them, or may deliver them to the Health Officer.

Delivery of mails.

19. The Postmaster General shall pay to every master of a vessel, not being a contract packet, a gratuity of two cents for every letter, and one cent for every other article of correspondence delivered by him to the Post Office; No gratuity shall be payable

Gratuities to masters of vessels inwards.

- (1) For a second transmission of any correspondence;
- (2) On correspondence delivered to any Post Office to be thence transmitted by contract packet;
- (3) On correspondence the gratuity on which is certified by the despatching office to have been paid.
- (4) The gratuity payable on letters transmitted between Hongkong, Canton, and Macao, in either direction, shall be one cent only.

20. The Postmaster General may pay like gratuities to any master of a vessel leaving Hongkong on every article of correspondence delivered to such master from the Post Office, or certified by the Post Office of destination to have been duly received from him.

Gratuities to masters of vessels outwards.

21. The powers of the Governor in Council as defined and regulated by sections 8 and 9 of this Ordinance, shall equally apply to the rates of gratuity to be paid to ship masters for the delivery of mails, either generally or in particular cases. The gratuities fixed by any Order in Council under this section shall not be less on the average than the sums otherwise required by this Ordinance to be paid.

Rates of gratuity.

22. Every master of a vessel who receives such gratuities or to whom such gratuities have been credited in the accounts of the Postmaster General shall be held to have made a contract with the Postmaster General that, in consideration of the gratuities so paid, he will duly deliver all letter bags and correspondence received from the Post Office to the persons to whom the same are addressed immediately on his arrival in port, without wilful or avoidable delay and that if he fail in any respect to perform his said contract he will pay to the Postmaster General the sum of five hundred dollars as liquidated damages for the breach of his said contract.

Damages for non-delivery of mail.

23. Every person or firm proposing to despatch a vessel to any port or place out of this Colony, excepting vessels plying daily or on fixed days to Macao or to places on the Canton River, shall, so soon as he has arranged the time for the departure of such vessel, give the first intimation of such proposed departure to the Postmaster General, and

Persons proposing to despatch vessels to give notice to the Postmaster General.

shall, in like manner, intimate to the Postmaster General any alteration in the day or hour of departure of the said vessel, and the Postmaster General shall, on receiving such intimation, give notice to the public of the day and hour for closing the mails, if any are to be made up for transmission by such vessel.

Every alteration of the hour of departure of any vessel plying daily or on fixed days to Macao or to places on the Canton River, shall, in like manner, be intimated to the Postmaster General by the person despatching such vessel.

Making up
mails on
board.

24. The Postmaster General, or any officer of the Post Office authorised by him, may attend on board any vessel, and may receive all fully prepaid correspondence which is brought on board up to the time of departure to be transmitted by such vessel.

The master of every such vessel shall give all proper facilities to such officer of the Post Office to enable him to discharge his duties and to make up such mails, and to leave the vessel on her departure.

If there be no officer of the Post Office in attendance on board any vessel, the master of such vessel may receive all correspondence which is brought on board to him fully prepaid by the postage stamps of the Colony; and shall deliver the same at the Post Office on arrival at his destination.

25. The master of every vessel shall receive on board all mail bags and correspondence tendered to him by the Postmaster General for transmission and shall sign a receipt for the same. The owner or agent of any vessel who refuses to allow any mail to be put on board of or transmitted by such vessel shall be deemed guilty of an offence against this Ordinance.

Offences.

26. Offences against this Ordinance shall be considered to be.

- (1.) Any infringement of the exclusive privilege of the Postmaster General.
- (2.) Refusal, neglect, or omission to do any act commanded by this Ordinance.
- (3.) Refusal to permit, or obstruction of any such act.
- (4.) The doing of any act forbidden by this Ordinance.

For every offence against this Ordinance for which no specific penalty is provided the offender shall be liable, on summary conviction before a Magistrate to a penalty not exceeding five hundred dollars, or to imprisonment with or without hard labour for any period not exceeding six months.

Stealing letter
bags, forging
stamps, and
other felonies.

27. The following acts shall be deemed felonies :—

Stealing, embezzling, secreting, or destroying any correspondence by a person employed by or under the Post Office.

Stealing from or out of any correspondence any chattel, money, or valuable security.

Stealing or unlawfully taking away a letter bag, or stealing or unlawfully taking any correspondence from or out of a letter bag, or unlawfully opening a letter bag.

Stealing any correspondence from a letter bag, or from a Post Office, or from an officer of the Post Office.

Forging, altering, or imitating, or assisting in forging, altering, or imitating any postage stamp issued under this Ordinance.

Using, offering, uttering, disposing of, or putting off any forged, altered, or imitated postage stamp as aforesaid, knowing the same to be forged, altered, or imitated.

Every person who is convicted of any felony mentioned in this section shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years with or without hard labour.

28. The following acts shall be deemed misdemeanours :—

Opening correspondence and other misdemeanours.

Oponing or suffering or procuring to be opened, or detaining or delaying, or procuring or suffering to be detained or delayed any correspondence without lawful authority or excuse; or wilfully delivering any correspondence to any person other than the person to whom the same ought to be delivered.

Fraudulently obtaining from any person employed by or under the Post Office, or fraudulently detaining or wilfully secreting, keeping, or detaining any letter bag, or any correspondence which ought to have been delivered to any person.

Fraudulently removing any postage stamp from any correspondence, or wilfully removing from any postage stamp any mark that has been made thereon at any Post Office, or knowingly using or putting off any postage stamp from which any such mark has been removed, making, knowingly uttering, dealing in, selling, knowingly using for any postal purpose, or having in possession without lawful excuse any fictitious postage stamp, not being a postage stamp issued under this Ordinance, or making, or having in possession without lawful excuse any die, plate, instrument or materials for making any such fictitious postage stamp. Any such stamp, die, plate, instrument, or materials found in the possession of any person in contravention of this section may be seized and shall be forfeited.

Every person who is convicted of any misdemeanour mentioned in this section shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years with or without hard labour.

29. The sections of the Larceny Ordinance (No. 7 of 1865) relating to receiving stolen goods, that is to say, sections 75 to 82 both inclusive, shall apply to felonies and misdemeanours committed under this Ordinance; and for that purpose, the expression *this Ordinance*, when used in the said sections, shall be taken to include the present Ordinance.

Receiving stolen correspondence.

30. In any proceedings against any person for any offence committed against this Ordinance, in respect of any letter bag or correspondence, it shall be sufficient to allege such letter bag or correspondence to be the property of the Postmaster General without mentioning his name, and in any such proceedings against any person employed by or under the Post Office, it shall be sufficient to allege that such person was employed by or under the Post Office, without stating further the nature or particulars of his employment.

Allegations to be used in proceedings for offences.

31. All pecuniary penalties for offences against this Ordinance may be recovered in a summary way before a Magistrate, but proceedings for the recovery of such penalties shall be commenced within one year after the offence was committed.

Penalties may be recovered in a summary way within one year.

32. Ordinances No. 12 of 1884 and No. 11 of 1885 are hereby repealed, but such repeal shall not affect anything lawfully done or commenced to be done thereunder.

Repeal.

33. This Ordinance shall take effect on a day to be proclaimed by the Governor.

Suspending clause.