

BILL ENTITLED THE CHINESE FUGITIVE CRIMINALS EXTRADITION ORDINANCE, 1888.—The Attorney General moved the first reading of this Bill.

The Colonial Secretary seconded.

Question—put and passed.

Bill read a first time.

ADJOURNMENT.—The Council then adjourned to Thursday, the 17th instant, at 4 P.M.

G. WILLIAM DES VŒUX,  
Governor.

Read and confirmed, this 4th day of June, 1888.

ARATHOON SETH,  
Clerk of Councils.

GOVERNMENT NOTIFICATION.—No. 245.

The following Bill, which was read a first time at a Meeting of the Legislative Council held yesterday, is published for general information.

ARATHOON SETH,  
Clerk of Councils.

Council Chamber, Hongkong, 5th June, 1888.

A BILL

ENTITLED

*An Ordinance to authorize in certain cases judicial investigations into the causes of fire.*

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

1. This Ordinance may be cited as *The Fire Enquiry Ordinance 188*.

Short title.

2. Whenever a fire shall have taken place or shall have been attempted the Captain Superintendent of Police shall as soon as possible take possession of the premises where the fire has taken place or has been attempted, to the exclusion of the owners and all others, he shall make or cause to be made an inspection of the said premises and shall forthwith report to the Magistrate the state of the said premises and of the contents, if any, thereof.

In cases of Fire Captain Superintendent of Police to report to the Magistrate.

3. In any case of fire by which any house or building shall have been burnt down or damaged and for which no prosecution shall have been entered against any person, it shall be lawful for any Company of Insurance, underwriters or persons suffering any prejudice from such fire, to apply to the Magistrate for a judicial investigation into the cause of such fire, without charging any person with any offence against the law in connection with such fire.

Application for judicial investigation into cases of fire by request of Insurance Companies.

4. Such application shall be made in the form of the information in Schedule A, and the said information shall be sworn to by the person laying it.

Information.

5. On the exhibition of such information the Magistrate shall require the deposit of a sufficient sum to cover all the costs mentioned in Section 12, and upon deposit made shall issue an order in the form of Schedule B to the Captain Superintendent of Police to cause an enquiry into the causes of the fire to be made as early as possible. The order shall be complied with and report thereon made to the Magistrate.

Order of Enquiry.

6. The Magistrate shall then proceed to make an investigation into the said case of fire, and shall, within the shortest possible delay, take the depositions upon oath of all persons likely to know the facts and circumstances of such case, and of all other persons who in his opinion may furnish information in respect thereof.

Investigation to be made by the Magistrate.

7. It shall be lawful for any Inspector of Police, or for any interested person present at such investigation, with the leave of the Magistrate, to examine the witnesses, and to cause such persons to be examined as may give due and proper information touching such case of fire.

Examination of witnesses by interested parties.

8. In every case of fire it shall be lawful for the Magistrate, at the request of any duly interested person as aforesaid to appoint a person duly sworn before him to take provisional charge of the premises where the fire has taken place or has been attempted, and of the property upon the said premises, during the time that the said Magistrate

Appointment of Guardian.

carries on his investigation ; the fees of such person shall be paid by the said interested party, and shall not exceed per diem.

Dismissal of the information.

9. If in the judgment of the Magistrate the investigation does not disclose any offence or although it disclose an offence does not show any reasonable cause for giving the order in the next section mentioned, the Magistrate shall dismiss the information.

Provided that such dismissal shall be no bar to a subsequent information of a like nature, or to an information against any person or persons for an offence against the law.

Order of prosecution.

10. If in the judgment of the Magistrate the fire shall have been the result of a crime, and there is reasonable cause to suspect, and he shall suspect any person or persons of such crime, he shall order a prosecution to be entered against such person or persons for such crime.

Previous enquiry not to be evidence.

11. No previous enquiry taken by the Magistrate under the provisions of Sections 5, 6 and 7 of this Ordinance shall, in any way, be evidence against the person or persons against whom any criminal prosecution shall be commenced, but the said Magistrate shall investigate the charge and carry on a new enquiry according to law.

Costs to be borne by applicants in case of dismissal.

12. The costs of the information and order provided by Sections 3 and 4 of this Ordinance, and of the judicial investigation provided by Sections 5, 6, 7, 9 and 10 of this Ordinance, and compensation to the witnesses, shall be borne by the private applicant out of the sums deposited by him, or if they be insufficient, in addition thereto.

Such costs shall be taxed according to the tariff of fees in force in the Police Court, or according to any tariff which hereafter may be established by the Governor in Council.

Costs in certain cases to be borne by the Crown.

Provided nevertheless that if an order be pronounced as in Section 10 of this Ordinance enacted, and it be approved by the Attorney General, all such costs shall be borne by the Crown, and the deposit of the applicant shall be refunded to him upon the order of the Magistrate.

Judicial investigation and order of prosecution shall not be causes of challenge.

13. No Magistrate shall be prohibited from trying a case within his jurisdiction by the fact that he shall have made a judicial investigation and given an order in the matter under Sections 4, 5 and following of this Ordinance.

SCHEDULE OF FORMS.

(A.)

HONGKONG  
TO WIT.

Be it remembered that of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ a maketh oath and saith, as follows :—  
That on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ the locality of \_\_\_\_\_ house (or as the case may be) situated in \_\_\_\_\_ was \_\_\_\_\_ by fire and that he represents have thereby suffered prejudice ; and that he hath reasonable cause to suspect and doth suspect that the said fire is the result of a crime ; wherefore he prays that a judicial investigation be made into the cause of such fire, and is willing and ready to deposit the sum of \_\_\_\_\_ to cover the expense of such investigation according to law.

Exhibited and sworn (on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ at \_\_\_\_\_ Before me

\_\_\_\_\_  
Magistrate in and for the Colony of Hongkong.

(B.)

HONGKONG  
TO WIT.

To \_\_\_\_\_  
Whereas information upon oath has this day been made before me \_\_\_\_\_ Magistrate in and for the \_\_\_\_\_ of \_\_\_\_\_ by \_\_\_\_\_ that a \_\_\_\_\_ situated in the locality of \_\_\_\_\_ in the \_\_\_\_\_ has been \_\_\_\_\_ by fire to the prejudice of \_\_\_\_\_ whom he represents, and that there is reasonable cause to suspect that such fire is the result of a crime.

These are therefore in Her Majesty's name to require you to make or cause to be made an inspection of the premises where the fire has taken place, or has been attempted, and also an enquiry into the causes of such fire, and a search for the perpetrators, if any, of any crime which may have been the cause of such fire, and further to report to me on the matters aforesaid with as due diligence as possible.

Given under my hand at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Magistrate in and for the Colony of Hongkong.