

GOVERNMENT NOTIFICATION.—No. 512.

His Excellency the Governor has been pleased to appoint, provisionally, Mr. CH'AN PUI to be Clerk to the Assessor.

The following Table of Marks shows the result of the Competitive Examination for this appointment.

By Command,

FREDERICK STEWART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 22nd November, 1888.

TABLE of MARKS of CANDIDATES for the post of Clerk to the Assessor.

Order of Merit.	NAME.	Reading. 200	Writing. 200	Dictation. 250	Copying. 150	Composition. 300	Arithmetic. 400	Translation from English. 100	Translation from Chinese. 100	Interpretation. 200	TOTAL. 1,900
1*	170	120	240	135	140	270	10	...	170	1,255
2	Ch'an Pui,.....	100	170	125	105	180	300	50	50	150	1,230
3	170	140	200	130	135	260	10	...	100	1,145
4	130	140	215	115	200	240	...	...	100	1,140
5	100	100	90	120	110	300	75	70	160	1,125
6	160	140	190	20	140	270	...	...	150	1,070
7	170	100	190	90	140	250	...	...	100	1,040
8	150	110	145	115	140	270	...	...	50	980
9	170	120	145	110	110	145	...	...	150	950
10	150	120	200	50	135	250	...	...	30	935
11	120	120	140	100	100	140	...	...	30	750
12	100	150	...	60	20	105	...	...	100	535

* Not eligible, being under age.

T. SERCOMBE-SMITH,
Hon. Secretary,
Board of Examiners.

Hongkong, 20th November, 1888.

GOVERNMENT NOTIFICATION.—No. 513.

The following Notice is published for general information.

By Command,

FREDERICK STEWART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 24th November, 1888.

NOTICE.

A special Sessions of Her Majesty's Justices of the Peace will be held at the Justices' Room at the Magistracy, at 11 o'clock in the forenoon of Tuesday, the 4th day of December, 1888, for the purpose of considering an application from one JOHN OLSON to sell and retail intoxicating liquors in houses Nos. 148 and 150, Queen's Road Central, under the sign of the *Stag Hotel*.

H. E. WODEHOUSE,
Police Magistrate.

Magistracy, Hongkong, 23rd November, 1888.

GOVERNMENT NOTIFICATION.—No. 514.

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

ARATHOON SETH,
Clerk of Councils.

Council Chamber, Hongkong, 19th November, 1888.

A BILL

ENTITLED

An Ordinance to consolidate and amend the Law relating to Chinese Passenger Ships, and the Conveyance of Chinese Emigrants.

WHEREAS it is expedient to consolidate and amend the law relating to Chinese passenger ships, and the conveyance of Chinese emigrants: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Preamble.

PRELIMINARY.

1. This Ordinance may be cited for all purposes as *The Chinese Emigration Consolidation Ordinance, 1888*.

Short title.

2. In the interpretation of this Ordinance:—

Interpretation clause. [18 & 19 Vic. c. 104. No. 5 of 1874 s. 2.]

The term *Chinese Passenger Ship*, shall include every ship carrying from any port in Hongkong, and every British ship carrying from any port in China, or within one hundred miles of the coast thereof, more than twenty passengers being natives of Asia;

The term *Fittings* shall include any article capable of being used as part of the tackle, apparel, furniture, or equipment of a ship;

[Ibid. sec. 2.]

The expression *Prohibited Fittings* shall mean any fittings prohibited by this Ordinance, or by a Proclamation of the Governor;

[Ibid. sec. 2.]

The expression *Emigration Officer* shall include any person deputed or authorized by the Emigration Officer to execute any power or perform any duty vested in or imposed upon him by this Ordinance;

[Ibid. sec. 2.]

The word *Colony* shall include all Her Majesty's Possessions abroad not being under the Government of the Viceroy of India;

[18 & 19 Vic. c. 104. No. 5 of 1874 sec. 1.]

The word *Governor* shall signify the person for the time being lawfully administering the Government of such Colony;

[Ibid. sec. 1.]

The term *British Consul* shall include any person lawfully exercising Consular authority on behalf of Her Majesty in any foreign port;

[Ibid. sec. 1.]

The word *Ship* shall include all sea-going vessels;

[Ibid. sec. 1.]

The word *Building*, in relation to a ship, shall include the doing any act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly;

[No. 5 of 1874 s. 15.]

The word *Equipping*, in relation to a ship, shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea, and all words relating to equipping shall be construed accordingly;

[Ibid. s. 15.]

The words *Ship and Equipment*, shall include a ship and everything in or belonging to a ship.

[Ibid. s. 15.]

The term *Commander or Master of any Ship* shall include any person for the time being in command or charge of the same.

The words "Upper passenger between deck" means the deck beneath the weather deck.

The words "Lower passenger between deck" means the deck next beneath the "Upper passenger between deck."

Definition of a voyage within "The Chinese Passengers Act."

3. Any Chinese passenger ship clearing out or proceeding to sea from any port in this Colony, or in China, or within a hundred miles of the coast thereof, on any voyage or voyages to any other port or ports for the purpose of commencing at or from any such port or ports as last aforesaid a voyage of more than seven days' duration shall be deemed to have cleared out or proceeded to sea upon the said last mentioned voyage from the said first mentioned port within the meaning of "The Chinese Passengers Act, 1855."

Definition of voyage. [No. 5 of 1874 s. 3.]

4. Voyage of not more than 30 days' duration shall mean and include any voyage which in pursuance of the 3rd section of "The Chinese Passengers Act, 1855," is for the time being declared to be a voyage of not more than thirty days' duration.

Definition of voyage of 30 days. [No. 1 of 1878 s. 2.]

PART I.

REGULATIONS UNDER "THE CHINESE PASSENGERS ACT."

5. The owners or charterers of every Chinese passenger ship, or if absent from the Colony their respective agents, shall as soon as such ship is laid on for the conveyance of Chinese emigrants give notice in writing of the fact to the Emigration Officer specifying in such notice the name, destination and probable time of departure of such ship, and in all cases where such intending emigrants are under

Notice of ship being laid out as a Chinese passenger ship to be given to Emigration Officer. [No. 5 of 1874 s. 4.]

contracts of service, of the depôt or depôts in which such intending emigrants are lodging or intended to be lodged before embarkation.

6. No Chinese passenger ship shall clear out or proceed to sea, and the Emigration Officer shall not grant the certificate prescribed by section IV of "The Chinese Passengers Act 1855," unless the master of such ship shall be provided with a licence under the hand of the Governor and the public seal of the Colony, or under the hand and seal of an Emigration Officer, to be obtained in manner hereinafter mentioned.

7. Whenever any Chinese passenger ship is about to proceed to sea upon any voyage of more than seven days' duration, the owners or charterers of such ship, or, if absent from the Colony, their respective agents, shall, before such ship is laid on for the conveyance of Chinese emigrants, and before any depôt is opened for their reception, apply in writing to the Colonial Secretary for a licence under the hand of the Governor and the public seal of the Colony for the conveyance of such emigrants and shall furnish all particulars Λ as to the destination of the said ship and as to all other matters relating to the intended voyage and emigration which may be required of them.

Λ according to the Form in Schedule A.

8. Whenever any Chinese passenger ship, which is not provided with a licence covering her intended voyage, is about to proceed with free Chinese emigrants under no contract of service whatever from any port in China, or within one hundred miles of the Coast thereof, upon a voyage of not more than thirty days' duration, the owners or charterers of such ship, or, if absent, their respective agents, shall, before such ship is laid on for the conveyance of Chinese emigrants, and before any depôt is opened for their reception, apply in writing to the Emigration Officer at such port for a licence under his hand and seal for the conveyance of such emigrants upon the intended voyage only, and shall furnish all particulars as to the destination of the said ship, and as to all other matters relating to the intended voyage and emigration which may be required of them according to the form in Schedule A hereto.

9. All such particulars shall, if so ordered, be verified upon oath or declaration before the Emigration Officer or any Justice of the Peace who are hereby authorised to administer such oath or declaration, and every person who shall knowingly furnish untrue particulars, shall be liable to imprisonment, with or without hard labour, for any period not exceeding six calendar months, and to a fine not exceeding one hundred dollars, either in addition to or in substitution of such imprisonment.

10. The Governor in Council may, in his discretion, grant to any vessel a general licence for any period, or for any number of voyages, or for voyages to and from any specified port or ports, upon the condition that the vessel provided with such licence shall carry only free passengers under no contract of service whatever, except as hereinafter mentioned.

11. The granting of any licence shall be in the discretion of the Governor in Council, and shall be subject to the payment of a fee of five dollars, and to such conditions as may, from time to time, be prescribed under instructions from Her Majesty's Principal Secretary of State for the Colonies, and the Governor in Council may impose such conditions on the granting of any licence as he shall think expedient in each particular case, provided the same shall not be contrary to or inconsistent with such instructions.

12. The granting of any licence under section 8 shall be in the discretion of the Emigration Officer and shall be subject to a payment of a fee of five dollars and to such conditions as may from time to time be prescribed, and the Emigration Officer may impose such conditions on the granting of the application as he shall think expedient in each particular case, provided the same shall not be contrary to or inconsistent with such instructions.

13. Every licence, other than a general licence, granted under this Ordinance in respect of any Chinese passenger ship shall specify the period within which such ship shall clear out and proceed to sea: Provided always that it shall be lawful for the Governor in Council, or Emigration Officer who granted the licence, from time to time, to extend such period.

14. The Governor in Council may, in his discretion authorize any person to engage any specified number of Chinese artisans, mechanics, labourers, or servants for any person resident in any British possession, and to make contracts in writing on behalf of such resident with the persons so engaged. Every such contract shall be made in triplicate,

No Chinese passenger ship to proceed to sea without a licence from the Governor. [Ord. 5 of 1876 s. 2.]

Time and mode of application for licence in the Colony. [Ibid. sec. 2 subs. 2.]

Time and mode of application for licence at ports out of the Colony. [Ibid. sec. 2 subs. 3.]

Punishment for furnishing untrue particulars. [Ibid. sec. 2 subs. 4.]

General licences. [Ibid. sec. 2 subs. 5.]

Governor's licence condition and fees. [Ibid. sec. 2 subs. 6.]

Emigration officer's licence conditions and fees.

Licence to specify time of departure; proviso for extension thereof. [Ibid. sec. 2 subs. 7.]

The Governor may authorize labourers and servants to be engaged for persons in British possessions. [Ibid. sec. 2 subs. 8.]

and one part shall be lodged in the office of the Emigration Officer; and such part shall be admissible in evidence without a stamp.

Any vessel provided with a general licence may carry any persons so engaged without thereby affecting her licence.

15. Nothing in this Ordinance, shall prevent passengers, natives of Asia, from travelling in the first class cabin of any vessel which is provided with a general licence, on the same terms as passengers of other nationalities; or in the first or second class cabin, if the vessel carries more than two classes of passengers.

Such passengers are hereby exempted from the necessity of obtaining contract passage tickets, or of submitting themselves to be mustered or inspected by any Emigration Officer, or medical officer, or other person.

Such passengers shall, however, be reckoned in calculating the number of passengers, natives of Asia, who are carried by the said vessel.

This Ordinance not to prevent Chinese passengers from travelling in first or second class cabins as other nationalities. [Ibid. sec. 2 subs. 9.]

Power to remove master or other officer. [Ibid. sec. 2 subs. 10.]

16. No ship shall, 17. without the sanction of the Emigration Officer, carry passengers on more than two decks; and, if passengers are permitted to be conveyed on a "Lower passenger between deck" such deck shall contain not less than 18 superficial feet, and 126 cubical feet of space for each adult passenger on such deck.

[16.] In case it shall be shown to the satisfaction of the Governor in Council, at any time before the departure of a Chinese passenger ship, that the master, mate, or any other officer of such ship is unfit for the proper discharge of his duties by reason of incompetency or misconduct, or for any other sufficient cause, it shall be lawful for the Governor, by order under his hand, to direct the dismissal and removal of such master, mate, or other officer from the said ship, and thereupon the owners or charterers thereof, or their agents, shall forthwith dismiss or remove such master, or mate, or other officer, as the case may be, and appoint another in his place to be approved by the Emigration Officer, in the place of the one so discharged and removed as aforesaid.

Power to revoke and cancel licence. [Ibid. sec. 2 subs. 11.]

18. [17.] In any of the following cases, namely:—

(a.) If it shall appear to the satisfaction of the Governor in Council, or of the Emigration Officer granting the licence at any time before the departure of a Chinese passenger ship, that the particulars furnished to him in relation thereto under the 7th section are untrue, or that any condition of the said licence has been violated;

(b.) If any Chinese passenger ship shall fail to clear out and proceed to sea, within the period specified in the licence, or within such extended period as aforesaid;

(c.) If the owners or charterers of a Chinese passenger ship shall fail forthwith to dismiss or remove any master, mate, or other officer ordered to be dismissed or removed and to appoint a master, mate or other officer to be approved as aforesaid.

It shall be lawful for the Governor in Council or the Emigration Officer to revoke the licence granted by him in respect of such Chinese passenger ship, and to order that the said ship be seized and detained until her emigration papers (if already granted) be delivered up to be cancelled.

19. [18.] The breach of any condition of a licence granted under any preceding section shall be deemed a breach of a regulation respecting Chinese passenger ships within the meaning of section II of "The Chinese Passengers Act, 1855."

Breach of condition of licence. [Ibid. sec. 2 subs. 12.]

20. [19.] It shall be lawful for the Governor in Council to apply the whole or any part of the penalties recoverable under section V of "The Chinese Passengers Act 1855," for the non-observance or non-performance of the regulations made under this Ordinance or the said Act towards the expenses of reconveying to their homes emigrants, who had intended or were intending to proceed in any vessel whose licence shall have been revoked in manner hereinbefore provided.

Application of penalty for breach of this Ordinance recoverable under "The Chinese Passengers Act, 1855." [Ibid. sec. 2 subs. 13.]

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52. [20.] For the purposes of [this Ordinance], the forms of Emigration Officer's certificate and of the master's bond contained in the schedules [B and C] hereto shall be substituted for the forms respectively contained in schedules [B and C.] to "The Chinese Passengers Act 1855," annexed.

Form of Emigration Officer's certificate, and of the master's bond. [Ibid. sec. 8.]

51. [21.] The Governor in Council may, in his discretion, and on payment of a fee of five dollars, grant a special licence for any period not exceeding twelve months, or for any number of voyages to be performed within twelve months, to any steamer which is regularly employed in the conveyance of public mails under an existing contract with the Government of the State or Colony for which such mails are carried, or to any other steamer which is approved by the Governor as a first class steamer. Such special licence

Grant of special licence to first class steamers, &c., subject to regulation in schedule. [No. 1 of 1878 s. 3.]

Before section 51 insert the words "Special licences."

shall authorize the steamer named therein to carry a limited number of free Chinese passengers upon voyages of not more than thirty days' duration between ports to be specified in the licence under and subject to the regulations contained in the schedule [D] hereto.

L The number of passengers to be carried shall be inserted in the licence, and shall in no case exceed one passenger for every ten tons of the registered tonnage of such steamer.

53. [22.] The Governor in Council may, if he think fit, annex any special conditions to the granting of any special licence applied for under this Ordinance, and may cause such special conditions to be specified in the licence: Provided the same shall not be contrary to or inconsistent with "The Chinese Passengers Act 1855," or this Ordinance.

Power to annex special conditions to grant of licence. [*Ibid.* sec. 4.]

54. [23.] A special licence granted under this Ordinance may, at any time, be cancelled by the Governor in Council in his discretion.

Cancellation of licence. [*Ibid.* sec. 5.]

55. [24.] Every steamer to which a special licence is granted under this Ordinance shall, during the continuance of such licence, be relieved from the regulations contained in schedule [I] hereto, but nothing herein contained shall be deemed to relieve such steamer from the operation of any part of "The Chinese Passengers Act 1855," except the regulations in the said schedule A thereto.

Licensed steamers relieved from other regulations. [*Ibid.* sec. 6.]

56. [25.] The breach of any regulation contained in the schedule [D] hereto, or of any condition of a special licence, shall be deemed to be a breach of a regulation respecting Chinese passenger ships within the meaning of "The Chinese Passengers Act 1855."

Breach of regulations or conditions. [*Ibid.* sec. 7.]

57. [26.] Whosoever impedes the Emigration Officer in the execution or performance of any of the powers or duties vested in or imposed upon him by this Ordinance, or any regulation thereunder, shall be liable on conviction in a summary way to a penalty not exceeding five hundred dollars for each offence, for which no other punishment is provided.

Inspecting Emigration Officer. [*Ibid.*]

Emigration Passage Brokers.

21. [27.] No person shall act as a passenger broker, or in procuring passengers for, or in the sale or letting of passages in any Chinese passenger ship, unless he shall, with two sufficient sureties, to be approved by the Emigration Officer, have entered into a joint and several bond in the sum of five thousand current dollars, to Her Majesty, Her Heirs and Successors, according to the form contained in schedule [E] hereto, which bond shall be renewed on each occasion of obtaining such licence as hereinafter mentioned, and shall be deposited with the Emigration Officer; nor unless such person shall have obtained a licence to let or sell passages, nor unless such licence shall be then in force; and where different members of the same firm act as passage brokers, each person so acting shall comply with the terms of this section.

No person to act as a passage broker without having entered into a bond and obtained a licence. [Ord. 5 of 1874 s. 6.]

22. [28.] Any person wishing to obtain a licence to act as a passage broker shall make application for the same to the Emigration Officer, and the Emigration Officer is hereby authorized (if he shall think fit) to grant such licence according to the form in schedule [F] hereto; Provided always, that no such licence shall be granted unless such bond as in the last preceding section mentioned shall have been first entered into: Provided also, that any Magistrate who shall adjudicate on any offence committed by such broker against this Ordinance, is hereby authorized to order the offender's licence to be forfeited, and the same shall thereupon be forfeited accordingly; and the said Magistrate making such order shall forthwith cause notice of such forfeiture, in the form in the schedule [G] hereto, to be transmitted to the Emigration Officer, and such forfeiture shall be exclusive and independent of any other punishment which may be inflicted upon such offender under the provisions of this Ordinance.

How passage broker's licence may be obtained. [*Ibid.* subs. 2.]

23. [29.] Every person obtaining such licence as aforesaid, shall pay to the Emigration Officer a fee of two hundred current dollars, which fee the Emigration Officer is hereby empowered and required to demand and receive upon the issuing of any such licence; and the Emigration Officer shall pay all such fees into the Colonial Treasury, to the use of the Crown.

Power to Magistrate to order licences to be forfeited.

24. [30.] Such licence shall continue in force until the 31st day of December in the year in which such licence shall be granted, and for fourteen days afterwards, unless sooner forfeited as hereinbefore mentioned.

How long licence is to continue in force. [*Ibid.* subs. 4.]

25. [31.] Every passage broker who shall or may receive money from any person, for or in respect of a passage in any Chinese passenger ship, shall give to every such person a contract

Contract tickets for passages. [*Ibid.* subs. 5.]

- ticket, under the hand of such passage broker, and stamped with his seal or trade mark,—each ticket to be printed in a plain and legible type, according to the form in the schedule [H] hereto, and to be accompanied with a translation thereof in the Chinese language, in plain and legible characters.
- E**
- 26.** [32.] Every such passage broker before he shall receive or take any money on account of any such passage, or for the sale or letting of the whole or any part of the accommodation of or in any Chinese passenger ship proceeding from Hong-kong, shall produce to the Emigration Officer the certificate of the master or owner of the ship, in respect of which such passage shall or may have been taken, or the accommodation in which shall have been so sold or let, to the effect that such ship has been chartered for the purpose of carrying emigrants, and that he, such passage broker, is authorized to receive payment for such passage, or for the sale or letting of the accommodation in such ship; and such certificate shall be filed in the office of the Emigration Officer.
- 27.** [33.] On every occasion of the delivery to any passenger of such contract ticket as aforesaid, the passage broker who shall have engaged to provide such passenger with a passage shall attend with him at the office of the Emigration Officer, in whose presence the contract ticket shall be delivered to such passenger, and who shall explain to him the true intent and meaning of such contract.
- 28.** [34.] No person shall fraudulently alter or cause to be altered, after it is once issued, or shall induce any person to part with or render useless or destroy any such contract ticket, during the continuance of the contract which it is intended to evidence.
- 29.** [35.] No licensed passage broker shall, as agent for any person, whether a licensed broker or not, receive money for or on account of the passage of any passenger on board a Chinese passenger ship, without having a written authority to act as such agent, or on the demand of the Emigration Officer, refuse or fail to exhibit his licence and such written authority.
- 30.** [36.] No person shall, by any fraud, or by false representation as to the size of the ship or otherwise, or by any false pretence whatsoever, induce any person to engage any passage as aforesaid.
- 31.** [37.] Every emigration passage broker who shall contract with any intending emigrant for a passage in any ship shall forthwith give notice in writing to the Emigration Officer of every such contract, specifying the name, age and sex of such emigrant and the name of such ship.
- 32.** [38.] All violations or disobediences of, or defaults in compliance with, the provisions of sections [27, 31, 32, 33 and 21, 25, 26, 27 and 28, 34] shall be heard and determined in a summary way: and on conviction of such offences, the respective offenders shall be sentenced to pay the several penalties, or in default of the payment thereof, to suffer the several terms of imprisonment respectively hereinafter specified:—
- 21** (a.) For every offence against section [27], a fine not exceeding four hundred dollars, or imprisonment for a term not exceeding six months.
- 25** (b.) For every offence against section [31], a fine not exceeding fifty dollars, or imprisonment for a term not exceeding six weeks.
- 26** (c.) For every offence against section [32], a fine not exceeding one hundred dollars, or imprisonment for a term not exceeding three months.
- 27** (d.) For every offence committed by a passage broker against sec. [33], a fine not exceeding one hundred dollars, or imprisonment for a term not exceeding three months.
- 28** (e.) For every offence against section [34], a fine not exceeding fifty dollars, or imprisonment for a term not exceeding two months.
- Hospital and Medical Inspection.*
- 33.** [39.] The Governor is hereby authorized to appoint, at a salary not exceeding two thousand dollars per annum, a medical officer whose duty it shall be to inspect intending emigrants and to supervise all matters and things in any way relating to the comfort and well-being of such emigrants before their departure and on their voyage, and such salary shall be in lieu of all fees.
- 34.** [40.] (1.) In every Chinese passenger ship, except ships about to proceed on a voyage of not more than thirty days' duration within the meaning of section [46] of this Ordinance, there shall be a sufficient space properly divided off to the satisfaction of the Emigration Officer at the port of clearance, to be used exclusively as a hospital or sick bay for the

Passage broker to produce to Emigration Officer certificate that he has chartered the ship for carrying emigrants. [Ibid. subs. 6.]

Passage broker to attend before Emigration Officer for the purpose of delivering the contract tickets to passengers. [Ibid. subs. 7.]

Contract ticket not to be altered. [Ibid. subs. 8.]

Agent not to act without written authority, and to produce his authority on demand. [Ibid. subs. 9.]

Misrepresentation as to size of ship. [Ibid.]

Notice of every contract with emigrants to be given to Emigration Officer. [Ibid. subs. 10.]

Penalties for offences. [Ibid. subs. 11.]

Governor authorized to appoint a medical officer. [Ord. 5 of 1874 s. 7 subs. 3.]

Hospital accommodation to be provided. [Ibid. subs. 1.]

passengers; this space shall be either under the poop, or in the round-house, or in any deck-house which shall be properly built and secured to the satisfaction of such Emigration Officer, or on the upper passenger deck, and not elsewhere, and shall in no case be of less dimensions than eighteen clear superficial feet for every fifty passengers which the ship shall carry. Every such hospital shall be fitted with bed places, and supplied with proper beds, bedding, and utensils, to the satisfaction of the Emigration Officer at the port of clearance, and shall throughout the voyage be kept so fitted and supplied.

and properly fitted up.

Space for hospital to be included in measurement of capacity for passengers. [Ibid. subs. 2.]

Medical examination before sailing. [Ibid. subs. 4.]

(2.) In the measurement of the passenger decks, for the purpose of determining the number of passengers to be carried in any such Chinese passenger ship, the space for the hospital shall be included.

35. [41.] No Chinese passenger ship shall clear out or proceed to sea on any voyage of more than seven days' duration, until the proper medical officer as provided shall have certified to the Emigration Officer, and the said Emigration Officer shall not grant his certificate unless he is satisfied, that none of the passengers or crew appear by reason of any bodily or mental disease, unfit to proceed or likely to endanger the health or safety of other persons about to proceed in such vessel; and a medical inspection of the passengers for the purposes of giving such certificate shall take place either on board the vessel, or, at the discretion of the said Emigration Officer, at such time and on shore, before embarkation, as he may appoint; and the master, owner, or charterer of the ship, shall pay to the Emigration Officer a sum at the rate of twenty-five current dollars, for every hundred persons so examined, and such Emigration Officer shall pay the same into the treasury to the use of the Crown.

Medical inspection of emigrants under contract of service. [Ibid. subs. 5.]

36. [42.] The medical inspection of emigrants under contracts of service shall take place on shore before embarkation as well as on board the said ship after embarkation and the Emigration Officer shall not grant the certificate required by "The Chinese Passengers Act 1855," unless he shall be satisfied that such double inspection has been duly made, or has been dispensed with by the sanction of the Governor.

No emigrant to embark or be received on board without a permit. [Ibid. subs. 6.]

37. [43.] It shall not be lawful for any emigrant under contract of service to embark in any Chinese passenger ship, or for the master or other person on board of a Chinese passenger ship to permit any such emigrant to embark therein, unless such emigrant shall produce an embarkation permit from the Emigration Officer, who shall not grant the same unless he shall be satisfied that such emigrant has undergone on shore the medical inspection required by law to be made before embarkation.

Emigration Officer to appoint time for medical inspection after embarkation. [Ibid. subs. 7.]

38. [44.] The medical inspection of emigrants required to be made after their embarkation in any Chinese passenger ship shall take place at such time as the Emigration Officer shall appoint.

Chinese medical practitioner may be surgeon of Chinese passenger ship. [Ibid. subs. 8.]

39. [45.] Any Chinese medical practitioner properly qualified to the satisfaction of the Colonial Surgeon shall be eligible, with approval of the Governor, for the office of surgeon of a Chinese passenger ship for the purposes of "The Chinese Passengers Act 1855" or of this Ordinance.

Regulations for voyages of not more than thirty days' duration.

48. [46.] All ships clearing out or proceeding to sea upon voyages of not more than thirty days' duration, shall be subject to the modified regulations contained in schedule [I] of this Ordinance which as regards such ships shall be substituted for those contained in schedule A of "The Chinese Passengers Act 1855," but nothing in this section contained shall be deemed to relieve Chinese passenger ships from the operation of the said Act, except so far as the same is by the said schedule expressly modified.

Modified regulations for voyages of not more than thirty days' duration. [See Ord. 5 of 1874 s. 8.]

H 49. [47.] The voyages specified in schedule [L] to this Ordinance are hereby declared to be voyages of not more than thirty days' duration, subject as regards steamers to the conditions as to their rate of speed and as regards sailing vessels to the conditions as to the periods of the year during which the voyage shall be performed, in the said schedule respectively expressed and contained.

Voyages declared to be of not more than thirty days' duration. [Ibid. subs. 2.]

48 and 49 50. [48.] Sections [46 and 47] shall not be construed as affecting any Chinese passenger ship which is about to proceed to sea on a voyage of not more than seven days' duration.

Not to affect ships not within "The Chinese Passengers Act." [Ibid. subs. 3.]

words "Special licences" and Sec. 51 to 57 entered here.

Depôts for emigrants under contract of service.

40. [49.] The owners or charterers of every Chinese passenger ship which is about to convey emigrants under contracts of service shall, as soon as such ship is laid on for the conveyance of such emigrants, provide depôts, to be approved

Depôts to be provided for the lodging of emigrants. [Ibid. sec. 9.]

of by the Emigration Officer, wherein every intending emigrant by such ship may lodge as hereinafter provided, and every such depôt shall be maintained and every emigrant lodging therein shall be supported at the expense of such owners or charterers.

41. [50.] In the discretion of the Governor every intending emigrant by such Chinese passenger ship shall reside, three clear days at least previously to his embarkation, in a depôt provided by the owners or charterers of such ship.
42. [51.] Every such depôt as aforesaid shall be under the supervision of the Emigration Officer who may inspect the same at such times as he shall think fit, and there shall be at all times free ingress and egress allowed to all persons to and from such depôt, from 6 A.M. to 6 P.M.
43. [52.] All Orders of Her Majesty in Council relating to the quantity of water to be carried by passenger ships having a certain description of condensing apparatus shall apply to Chinese passenger ships.
44. [53.] No Chinese passenger ship, unless a vessel propelled by steam, bound to any port westward of the Cape of Good Hope or to any port in Australia, New Zealand, Oceania, or Tasmania shall clear from any port in the Colony between the months of April and September inclusive.
45. [54.] It shall be lawful for the Emigration Officer at any time when he is satisfied that any emigrant who is unwilling to leave the port has been obtained by any fraud, violence, or other improper means, to land such emigrant and procure him a passage back to his native place or that from which he was taken, and also to defray the cost of his maintenance whilst awaiting a return passage, and all such expenses with all legal costs incurred shall be recoverable by the Emigration Officer before any Magistrate (*in the Supreme Court*) from the Emigration passage broker of the vessel in which such emigrant was shipped or intended to be shipped.
46. [55.] Whosoever shall unlawfully either by force or fraud take away or detain against his will any man or boy with intent to put him on board a Chinese passenger ship and whosoever shall with any such intent receive, harbour, or enter into any contract for foreign service with any such man or boy knowing the same to have been by force or fraud taken and obtained as hereinbefore mentioned, shall be guilty of felony and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding seven years with or without hard labour.
47. [56.] The owners or charterers of any Chinese passenger ship and any emigration passage broker and any intending emigrant by a Chinese passenger ship and any master or other person in charge of a Chinese passenger ship who shall fail to comply with or commit any breach of the provisions of part I of this Ordinance so far as they may respectively be bound thereby, and any person granting or knowingly uttering any forged certificate, permit, notice, or other document under this Ordinance shall, without prejudice to any other proceeding, civil or criminal, be liable upon summary conviction before a Magistrate to a fine not exceeding five hundred dollars, or to imprisonment with or without hard labour for any term not exceeding six months.

PART II.

EMIGRATION FROM PORTS OUT OF THE COLONY.

Emigrant ship fittings.

58. [57.] Before beginning to fit out any ship intended to be used for the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony, a notice to that effect shall be given in writing to the Emigration Officer, and such notice shall be signed by the owner and master of such ship, or in the event of the owner not being resident within the Colony, by the agent and master thereof, and in case such notice shall not have been given, the owner and master, or the agent and master of such ship, as the case may be, shall be guilty of an offence against this Ordinance: Provided always that where there shall be no agent of an absent owner in the Colony, the notice may be signed by the master alone.
59. [58.] The master of every ship arriving within the waters of the Colony and which shall be fitted out for the conveyance of Chinese emigrants shall, within twenty-four hours, report the same to the Emigration Officer, and in case he shall neglect so to do, he shall be deemed guilty of an offence against this Ordinance.
60. [59.] The fittings of every ship mentioned in sections 57 and 58 shall be subject to the approval of the Emigration Officer, who is hereby empowered, at all reasonable times, to go on board and search and inspect such ship

Emigrants to reside in depôt three clear days before embarkation. [*Ibid.* subs. 2.]

Supervision of depôts. [*Ibid.* subs. 3.]

Orders in Council to apply to Chinese passenger ships. [*Ibid.* sec. 10.]

No Chinese passenger sailing ship to clear between April and September. [*Ibid.* sec. 11.]

Emigration Officer may land any emigrant who is unwilling to leave the port and who has been procured by any fraud, &c. [*Ibid.* sec. 12.]

Punishment for improperly obtaining emigrants. [*Ibid.* sec. 12 subs. 2.]

Punishment of persons committing any breach of this Ordinance. [*Ibid.* sec. 13.]

Notice to Emigration Officer. [Ord. 5 of 1874 s. 14.]

Report to Emigration Officer. [*Ibid.* subs. 2.]

Powers and duties of Emigration Officer. [*Ibid.* subs. 3.]

- and her fittings and to order any fittings which shall in his opinion be objectionable, to be forthwith removed; and any person who shall in any way impede or attempt to impede the Emigration Officer in the execution of this duty, shall be guilty of an offence against this Ordinance.
- 61. [60.] No such ship shall clear out or proceed to sea until the master thereof shall have received from the Emigration Officer a certificate in the form contained in schedule *M* hereto, and every such certificate shall be liable to a stamp duty of twenty-five dollars. Certificate of Emigration Officer. [*Ibid.* subs. 4.]
 - 62. [61.] All barricades and gratings apparently intended to be used, or which are capable of being used for the purpose of confining Chinese emigrants below decks, or within any particular part of a ship shall be deemed to be prohibited fittings. barricades and gratings prohibited. [*Ibid.* subs. 5.]
 - 63. [62.] It shall be lawful for the Governor, from time to time, by Proclamation to be inserted in the *Gazette* to prohibit the use or carriage in any ship of any other fittings therein specified, and every such prohibition shall have the same force and effect as if it were expressly enacted in this Ordinance. Other prohibited fittings. [*Ibid.* subs. 6.]
 - 64. [63.] All prohibited fittings wherever found within the Colony shall be seized and shall be forfeited to the Crown in manner hereinafter mentioned. Seizure and forfeiture thereof. [*Ibid.* subs. 7.]
 - 65. [64.] Whoever shall, without lawful excuse (the proof of which shall lie on the accused), manufacture, purchase, sell, or have in his possession any prohibited fittings, shall be guilty of an offence against this Ordinance. Unlawful possession, &c. of prohibited fittings. [*Ibid.* subs. 8.]
 - 66. [65.] The owner, agent, or master of any ship intended for the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony who shall knowingly permit any prohibited fittings to be taken on board such ship, or to remain therein after the same have been taken on board, or who shall refuse to remove forthwith any fittings which the Emigration Officer shall have ordered to be removed, shall be guilty of an offence against this Ordinance, and in addition to the punishment hereinafter prescribed, all such last mentioned fittings shall, in case of such refusal as aforesaid, be seized and forfeited to the Crown as in the case of prohibited fittings. Taking prohibited fittings on board, or refusal to remove the same. [*Ibid.* subs. 9.]
 - 61 67. [66.] If any such ship shall leave or attempt to leave the waters of the Colony without the certificate required by Section [60.] or shall leave or attempt to leave the waters of the Colony, having on board any prohibited fittings, or any fittings which the Emigration Officer shall have ordered to be removed, or any other fittings of a similar kind and description, in every such case the master of such ship, and the owner or agent if proved to have sanctioned such leaving or attempting to leave as aforesaid, shall be deemed guilty of an offence against this Ordinance, and in addition to the punishment hereinafter prescribed, all such fittings shall be seized and forfeited to the Crown, whether the same be prohibited fittings or not. Ship leaving without certificate or with prohibited fittings. [*Ibid.* subs. 10.]
 - 68. [67.] If any person shall make or attempt to make any fraudulent use of a certificate granted under this section, or shall forge, counterfeit, alter, or erase the whole or any part thereof, or shall use or attempt to use any spurious or fraudulent certificate, the person so offending, and every person aiding and abetting in such offence, shall be liable to the punishment hereinafter prescribed. Fraudulent use of a certificate. [*Ibid.* subs. 11.]
 - 69. [68.] All cases of violation or disobedience of, or default in compliance with the provisions of sections [57 to 67] inclusive may be heard and determined summarily by two Magistrates sitting together, who shall constitute a Court for this purpose: Provided that if at the close of the investigation, the accused shall apply for a trial by jury, or the Magistrates shall be of opinion that the case ought to be so tried, they may commit the accused for trial at the Supreme Court. Trial of offences. [*Ibid.* subs. 12.]
 - 58 to 68 70. [69.] The following punishments shall be awarded on conviction for any offence,— Punishments of offences. [*Ibid.* subs. 13.]
 - (a.) Against sections [57, 58, 59, 64 or 65] a fine not exceeding five hundred dollars, and imprisonment with or without hard labour for any term not exceeding six months, or either of such punishments, in the discretion of the Court.
 - 67 or 68 (b.) Against sections [66 or 67] a fine not exceeding one thousand dollars, and imprisonment with or without hard labour for any term not exceeding one year, or either of such punishments, in the discretion of the Court.
 - 67 or 68 Provided always that where a fine shall be imposed for any offence against sections [66 or 67], the Court may sentence the offender, in default of payment of such fine,

to imprisonment with or without hard labour for any term not exceeding one year in lieu of such fine, and such imprisonment shall commence from the expiration of any term of imprisonment to which the offender may have been sentenced in addition to the fine.

71. [70.] The Supreme Court and the said Court of Magistrates shall have full power and authority to hear and determine all cases of seizure of fittings, and upon proof of the legality of the seizure, to declare the said fittings to be forfeited to the Crown, and no fittings seized under this Ordinance, shall be deemed to be forfeited to the Crown, except under the sentence of one or the other of the said Courts.

Proceedings for forfeiture of fittings. [Ibid. subs. 14.]

72. [71.] Nothing in this Ordinance contained shall be deemed to affect any powers lawfully vested in a Superintendent or Inspector of Police.

Powers of Police. [Ibid. subs. 15.]

73. [72.] Any suit or prosecution against any person for anything done in pursuance or execution or intended execution of this part of the Ordinance shall be commenced within three months after the thing done and not otherwise.

Limitation of actions, &c. [Ibid. subs. 16.]

Notice in writing of every such suit and of the cause thereof shall be given to the intended defendant one month at least before the commencement thereof.

In any such suit the defendant may answer that the act complained of was done in pursuance, or execution, or intended execution of this part of the Ordinance, and give this section and the special matter in evidence at any trial to be had thereupon.

The plaintiff shall not recover if tender of sufficient amends is made before suit brought, or if after suit brought a sufficient sum of money is paid into Court by or on behalf of the defendant.

If judgment is given for the defendant, or the plaintiff becomes nonsuit, or discontinues the suit after an answer has been put in, the defendant shall recover his costs and shall have the like remedy for the same as any defendant has by law for costs in other cases.

If judgment is given for the plaintiff, he shall not have costs against the defendant unless the Judge before whom the trial is had, certifies his approbation of the suit.

74. [73.] No proceeding shall be instituted for any offence against the provisions of this part of the Ordinance, or for any forfeiture thereunder, except at the suit or prosecution of, or with the consent of the Attorney General.

Prosecution to be by Attorney General. [Ibid. subs. 17.]

75. [74.] It shall be lawful for the Governor in his discretion to grant licences in manner hereinafter provided and to such persons as he thinks fit, to do any of the acts following, that is to say:—

Building, repairing, equipping, dismasting, selling, hiring, &c., &c., without licence. [Ibid. subs. 8.]

(a.) To build, alter or repair, or agree to build, alter or repair, or cause to be built, altered or repaired, any ship, with intent or knowledge, or having reasonable cause to believe that the same will be employed in the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony; or

(b.) To fit out, man, equip, let or take on freight or hire any ship, with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid; or

(c.) To despatch or cause to be despatched any ship, with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid; or

(d.) To make any advances of money to any ship, or to become security for such advances, with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid; or

(e.) To despatch or cause or allow to be despatched, or command any ship carrying Chinese passengers, with the intent or knowledge, or having reasonable cause to believe that such passengers are being carried or intended to be carried to any port or place out of the Colony for the purpose of being conveyed therefrom as emigrants in the same or any other ship; or

(f.) Being the master of a ship in respect of which a licence ought to have been obtained under any of the provisions of sub-sections (a) and (b) of this section to clear out and proceed to sea in such ship,—

Provided always that if any person does any of the above mentioned acts within the Colony without having obtained such licence or without such licence having been granted to the owner, agent, or master of the ship in respect of which such act shall be done, or in contravention of the

Penalty.

- terms or conditions of such licence if granted, he shall be deemed to have committed an offence against this section, and shall be liable to imprisonment with or without hard labour for any term not exceeding two years, and to a fine not exceeding two thousand dollars, or to either of such punishments, in the discretion of the Court, and the ship in respect of which any such offence is committed and her equipment shall, if within the waters of this Colony, be forfeited to the Crown.
- 75 76. [75.] Any person who aids, abets, counsels, or procures the commission of any offence against section [74], shall be liable to be tried and punished as a principal offender. Punishment of accessories. [*Ibid.* subs. 9.]
- 75 77. [76.] Every licence required by section [74] shall be under the hand of the Governor and the public seal of the Colony and shall be subject to the payment of such fee to the Crown, and to such conditions as may, in each particular case, be prescribed by the Governor (in Council). Form and conditions of licence. [*Ibid.* subs. 4.]
78. [77.] Application for such licence shall be made in writing to the Colonial Secretary, and shall be transmitted through the Emigration Officer, and the owner, agent, or master of the ship in respect of which such licence is applied for, shall furnish all particulars as to the destination of the ship, and as to all matters relating to the intended voyage and emigration which may be required of him. Mode of application for licence. [*Ibid.* subs. 5.]
79. [78.] All such particulars shall, if so ordered, be certified upon oath before any justice of the peace, and every person who shall knowingly furnish untrue particulars shall be liable to imprisonment with or without hard labour, for any period not exceeding six calendar months, and to a fine not exceeding one hundred dollars, either in addition to or in substitution of such imprisonment. Punishment for furnishing untrue particulars. [*Ibid.* subs. 6.]
- 75 80. [79.] If it shall appear to the satisfaction of the Governor at any time before the departure of a ship in respect of which a licence is required under section [74]. Power to revoke and cancel licence. [*Ibid.* subs. 7.]
- (a.) That the particulars furnished in relation thereto are untrue; or
- (b.) That further particulars have been discovered since the granting of the licence; or
- (c.) That any condition of the licence has been violated,—
- it shall be lawful for the Governor in Council to revoke or vary such licence and to order that the ship be seized and detained until the licence be delivered up to be cancelled, or varied.
- 75 81. [80.] The Governor upon being satisfied that there are reasonable grounds for suspecting that a ship within the waters of the Colony has been, or is being built, altered, repaired, or equipped, or is about to be despatched and taken out to sea contrary to the provisions of section [74], or that any other offence against the said provisions has been committed, rendering the said ship liable to forfeiture, may issue a warrant in the form contained in schedule *N* hereto; and upon such warrant, the said ship may be seized and searched and detained until it has been either condemned or released by process of law, or in the manner hereinafter mentioned. Seizure, search and detention of suspected ships. [*Ibid.* subs. 10.]
- 81 82. [81.] Any officer so authorized to seize, search and detain any ship under section [80] may, for the purpose of enforcing such seizure, search and detention, call to his aid any constable or officers of Police, and may apply for assistance to any officer of Her Majesty's Army or Navy, or Marines, or to the Harbour Master, or any officer having authority by law to make seizures of ships, and may put any persons on board such ship to take charge of the same, and to enforce the provisions of section [80], and any such officer so authorized as aforesaid, may use force, if necessary, for the purpose of enforcing such seizure, search and detention, and if any person is killed, maimed, or hurt by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, or at his request, such officer so seizing, searching and detaining the ship, or other person, shall be freely and fully indemnified as well against the Queen's Majesty, Her Heirs and Successors, as against all persons so killed, maimed, or hurt. Powers of officers authorized to seize ships. [*Ibid.* subs. 11.]
- 81 83. [82.] The owner of the ship so seized and detained or his agent, may apply by petition to the Supreme Court for its release. Petition to Court. [*Ibid.* subs. 12.]
84. [83.] The Crown Solicitor shall, upon the seizure of any ship as aforesaid, cite the owners or their agents in the Colony by a notice which may be in the form contained in schedule *O* hereto, to appear before the Supreme Court to show cause why the said ship should not be condemned and forfeited to the crown for breach of the provisions of
- Citation of owners. [*Ibid.* subs. 13.]

- 75 and 76 sections [74 and 75], and in case there shall be no owner of the said ship in the Colony, nor any agent of such owner, the said notice shall be published twice in the *Gazette*, and such publication shall be equivalent to personal service of the citation.
85. [84.] On the day appointed for the hearing of any petition for the release of the ship, or for the appearance of the owners or their agents in the Colony in obedience to a citation to show cause why the same should not be forfeited, the Court shall proceed to enquire into the matter and to make such orders as may be necessary to put the matter of the seizure and detention of the ship in course of trial between the owner and the Crown.
86. [85.] The Court may, if it shall think fit, direct a written statement or answer or any additional pleading to be filed, and may, in its discretion, receive evidence orally or by affidavit, or partly orally and partly by affidavit, and may determine all questions of fact as well as of law, or may, of its own motion, or on the application of either party, direct a jury to be empanelled for the determination of any question of fact, may frame issues of law and of fact, and generally may exercise the same powers and authorities as on the trial of any suit, cause, or matter within its ordinary jurisdiction.
87. [86.] The Court may also, during or before the said proceedings, grant warrants for the entering and searching of any ship or tenement within the jurisdiction, and the seizure of any papers or documents which may be found therein respectively, or may summon any person to appear before the Court, and to produce any papers and documents and may examine such persons on oath touching the subject matter of the inquiry.
- 75 88. [87.] Whenever any person shall have been convicted before the Supreme Court of an offence against sections [74] and [75], the evidence taken upon the trial of such offender shall be received in evidence in any proceedings instituted for the forfeiture or release of the ship in respect of which such offence shall have been committed; but it shall not be necessary to take proceedings against an offender because proceedings are instituted for the forfeiture; or to take proceedings for the forfeiture because proceedings are taken against the offender.
- 76
89. [88.] The fact of a ship being apparently fitted and equipped, or in course of being fitted and equipped within the waters of the Colony for the conveyance of Chinese emigrants shall, if the owner, agent or master shall not have obtained a licence from the Governor as required by section [74], or under section 6 of this Ordinance, be *prima facie* evidence that such ship is intended for the conveyance of Chinese emigrants to be embarked at some port or place out of the Colony.
- 75
90. [89.] If on the hearing of the said proceedings for the forfeiture or release of a ship seized under section [80], it shall be established to the satisfaction of the Court that the offence charged has not been committed in respect of such ship against the provisions of section [74] rendering such ship liable to forfeiture, the ship shall be released and restored to the owners thereof or their agents.
- 81
91. [90.] If on the hearing of the proceedings, it shall be established to the satisfaction of the Court that the offence charged has been committed in respect of such ship rendering the same liable to forfeiture under section [80], the Court shall declare such ship to be forfeited to the Crown.
- 75
92. [91.] It shall be lawful for the Court to impose such a pecuniary penalty as to the Court shall seem fit, in lieu of condemning the ship, and in such case to cause the ship to be detained until the penalty is paid, and to cause any penalty so imposed to be applied in the same manner in which the proceeds of the said ship, if condemned by order of the Court and sold, would have been applicable.
- 81
93. [92.] The costs of all proceedings for the forfeiture or release of a ship, shall be in the discretion of the Court.
94. [93.] If the Court be of opinion that there was not reasonable and probable cause for the seizure or detention, and if no such cause appear in the course of the proceedings, the Court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect of the seizure or detention, the amount thereof to be assessed by the Court, and any amount so assessed shall be payable out of the general revenues of the Colony.

Proceedings thereon. [Ibid. subs. 14.]

Pleading. [Ibid.]

Issues.

Warrant to search. [Ibid.]

Evidence of convictions. [Ibid. subs. 15.]

Regulations as to proceedings against the offender and against the ship.

Burden of proof. [Ibid. subs. 16.]

Release of ship by the Court. [Ibid. subs. 17.]

Condemnation of ship. [Ibid. subs. 18.]

Penalty in lieu of forfeiture. [Ibid. subs. 19.]

Costs. [Ibid. subs. 20.]

Indemnity. [Ibid. subs. 21.]

- 75

95.

[94.] Every ship forfeited to the Crown for breach of the provisions of section [74] may be sold by public auction or private contract, and may be transferred to the purchaser by bill of sale under the hand of the Governor, and the seal of the Colony, and the net proceeds of such sale shall be paid into the Colonial Treasury for the use of the Crown.

Sale of forfeited ship. [Ibid. subs. 22.]
- 81

96.

[95.] The Governor may, at any time, release any ship seized and detained under section [80], notwithstanding her forfeiture by the sentence of the Supreme Court, on the owner or agent giving security to the satisfaction of the Governor that the ship shall not be employed contrary to section [74], or may release the ship without such security if the Governor think fit so to release the same.

Release of ship by Governor. [Ibid. subs. 23.]
- 75

97.

[96.] Subject to the provisions of section [93] providing for the award of damages in certain cases in respect of the seizure or detention of a ship by the Court, no damages shall be payable, and no public officer, or other person acting under his order or at his request, shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ships in pursuance of section [80].

Indemnity to officers. [Ibid. subs. 24.]
- 81

98.

[97.] No proceedings, other than the issue of a warrant for the seizure of a ship, or for the apprehension of an offender, shall be instituted for any offence against the provisions of sections [74 and 75], except at the suit or prosecution of, or with the consent of the Attorney General.

Prosecution to be by Attorney General. [Ibid. subs. 25.]
- 75 and 76

PART III.

MISCELLANEOUS.

99. [98.] The forms given in the schedules hereto, or forms to the like effect with such variations and additions as circumstances require, may be used for the purposes therein indicated and according to the directions therein contained, and instruments in those forms, shall (as regards the form thereof) be valid and sufficient.

100. [99.] The following Ordinances are hereby repealed:—
 Ordinance No. 5 of 1874,.....
 „ No. 5 of 1876,.....
 „ No. 1 of 1878,.....
 „ No. 2 of 1879,.....
 „ No. 6 of 1879,.....

But this repeal shall not revive any enactment repealed by any of the said Ordinances or sections, and shall not affect:—

- (a.) Anything duly done before this Ordinance comes into operation;
- (b.) Any right acquired or liability accrued before this Ordinance comes into operation;
- (c.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Ordinance comes into operation;
- (d.) The institution of any legal proceeding, or any other remedy for ascertaining, enforcing or recovering any such liability, penalty, forfeiture or punishment as aforesaid.

Repeals.

Forms. [No. 5 of 1874 s. 17.]

SCHEDULES.

(A.)

Particulars required, upon Application for a License for the Conveyance of Chinese Emigrants under the

“CHINESE EMIGRATION CONSOLIDATION ORDINANCE, 188 ”

- Name of Ship, Tonnage, How propelled
- Nationality of Ship
- Destination of Ship
- Whether it is intended that the Ship should call or station at or near any Port or Place between Hongkong and “
 If so, at what Ports or Places
- Whether it is intended that the Ship should call or station at or near such Port or Place with the object of taking on Board any Cargo and/or Passengers
- If not, then with what object.
- Proposed Date of Departure from Hongkong
- Name of Master
- Names and Address of the Ship-owners
- Names of Charterers
- Names of Agents
- Number of Chinese Passengers to be conveyed... { Free.....
 { Under Contract of Service*

* (If any. Copy of each Contract is to be attached.)

I the undersigned hereby apply for a Licence under Section 8 of *The Chinese Emigration Consolidation Ordinance, 188* for and I do solemnly swear [or Declare] that the above particulars are true.

The Surveyor's Certificate is herewith attached.

Sworn [or declared] by the above named Ship.....
this.....day of.....188

Before me
Justice of the Peace.

† Insert here the words ".....months" or "the above mentioned voyage" (as the case may be.)

I.
A to Ships holding
Special licences.

[(B.)]

Form of Emigration Officer's Certificate. A

I, A.B., Emigration Officer for the Colony of Hongkong, do hereby certify as follows:—

1. That the Chinese passenger ship A.B., master, is specially licensed under the provisions of *The Chinese Emigration Consolidation Ordinance, 188*
2. That the said ship is licensed to carry adults, of whom none are to be under any contract of service whatever.

K.

[(C.)]

Form of Bond to be given by the Master of Chinese Passenger Ships holding Special Licences.

Know all men by these presents that we, A.B., of and C.D., of are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid unto our said Sovereign Lady the Queen, Her Heirs and Successors; to which payment well and truly to be made, we bind ourselves and every of us jointly and severally for and in the whole, our heirs and executors administrators, and every of them, firmly by these presents.

Sealed with our seal.

Dated this day of 18

Whereas by "The Chinese Passengers Act 1855," it is enacted that before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall, with two sufficient sureties to be approved by an Emigration Officer, enter into a bond to Her Majesty, Her Heirs and Successors in the sum of £1,000.

Now the condition of this obligation is this, that if (in respect of the steamship whereof is master) all and every the requirements of the said Chinese Passengers Act, and of *The Chinese Emigration Consolidation Ordinance, 188*, and of the regulations contained in the schedule to the said Ordinance annexed shall be well and truly performed [in like manner as the same ought to be observed and performed in case the said steamship were a British ship, and the said a British subject]* then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed and delivered by the above bounden and in the presence of

* The words within brackets to be inserted only in the case of a foreign Chinese passenger ship.

L.

[(D.)]

Regulations for Passenger Steamers licensed under Section [21].

1. No steamer licensed under this Ordinance shall clear out or proceed to sea until the master thereof shall have received from the Emigration Officer a copy of these regulations, and a certificate in the form annexed hereto, which copy and certificate, with any documents to be attached thereto, shall be signed by the Emigration Officer, nor until the master shall, with two sufficient sureties to be approved by the Emigration Officer, have entered into a joint and several bond in the sum of £1,000 to Her Majesty, Her Heirs and Successors, in the form hereinafter contained.

2. The following conditions as to the accommodation of passengers shall be observed:—

A on the upper

- (1.) The space appropriated to the passengers A between decks shall be properly ventilated and shall contain at the least nine superficial and fifty-four 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; the height between decks shall be at least six feet.
- (2.) The accommodation for female passengers between decks shall be separate from that provided for male passengers.
- (3.) A space of four superficial feet per adult shall be left clear on the upper deck for the use of the passengers.
- (4.) A reasonable space shall be set apart as a sick bay, and sufficient latrines, both as to condition and number, shall be provided in suitable parts of the ship.

3. Deck passengers may be carried at seasons allowed by law, upon such conditions as may, from time to time, be prescribed under instructions from one of Her Majesty's Principal Secretaries of State and until and subject to such instructions upon the conditions following:—

- (1.) A suitable awning with screens shall be provided on deck, sufficient for the protection of the passengers from the sun and from rain.
- (2.) The space appropriated to such deck passengers shall contain at the least sixteen 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.

[See Imperial Act, par. 4.]

Accommodation of passengers. Ventilation space and height between decks.

Male and female passengers. Space on upper deck. Sick bay, &c.

Deck passengers.

Awning.

Space.

(3.) In case deck passengers shall be carried in addition 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 four superficial feet per adult required to be left clear on the upper deck for the use of such other passengers.

Reserved space.

4. The following conditions as to provisions shall be observed:—

Provisions. Scale.

(1.) Provisions, fuel and water shall be placed on board of good quality, properly packed and sufficient for the use and consumption of the passengers, over and above the victualling of the crew during the intended voyage according to the following scale:—

For every passenger per diem not less than,—

Rice or bread stuffs,	1½ lbs.
Dried and/or salt fish,	0½ „
Chinese condiments and curry stuff,	1 oz.
Fresh vegetables, which will keep for short voyages such as, sweet potatoes, turnips, carrots, and pumpkins,	1½ lbs.
Firewood,	2 „
Water, (to be carried in tanks or sweet casks),	1 gallon.

or according to a scale at least equivalent to the foregoing.

5. The Emigration Officer may, at any time, enter and inspect the ship and the accommodation, provisions, and stores provided for the Chinese passengers, and may require the master or any other person to produce the licence, and the ship's papers for his inspection, and, if he thinks necessary after inspecting the ship's papers, he may muster and inspect the Chinese passengers.

Powers of Emigration Officer.

If in any such case the Emigration Officer discovers that the number of passengers on board or intended to be carried upon that voyage exceeds the number authorized by the licence, or that any condition of the licence, or any regulation contained in this schedule has been broken, he may detain the ship until the passengers in excess of the legal number are landed, or until the condition of the licence or the regulation in question be fully complied with, and he shall forthwith report the circumstances to the Governor.

6. The master of every British ship shall, on demand, produce his emigration papers to the British Consul at any port to which the licence extends, or in case such port shall be in Her Majesty's dominions to any officer appointed or authorized by the local Government in that behalf.

Production of emigration papers at port of destination.

B.

[(E.)]

Form of Emigration Passage Broker's Annual Bond, with two Sureties to be approved by the Emigration Officer, under section [27.]

21

KNOW ALL MEN by these presents, that we *A** *B* of, &c., *C* *D* of, &c., and *E* *F* of, &c., are held and firmly bound unto Her Most Gracious Majesty Queen Victoria, in the sum of five thousand current dollars, to be paid to her said Majesty, her heirs and successors; to which payment well and truly to be made we bind ourselves, and every of us jointly and severally, our heirs, executors, and administrators, and the heirs, executors, and administrators of each of us, and each and every of them, firmly by these presents, sealed with our seals.

Dated this _____ day of _____ in the year one thousand eight hundred and _____

WHEREAS by the *Chinese Emigration Consolidation Ordinance 188*, it is amongst other things enacted; that no person whatever shall carry on the business of a passage broker in Hongkong, in respect of any emigrant ship, or shall be in anywise concerned in the sale or letting of passages in any such ship, unless such person, with two good and sufficient sureties to be approved of by the Emigration Officer, shall have previously entered into a joint and several bond to Her Majesty, Her Heirs and Successors, in the sum of five thousand current dollars: *And whereas* the said *C.D.* and *E.F.* have been approved of by the Emigration Officer as sureties for the said *A.B.*

Now the condition of this obligation is, that if the above bounden *A.B.* shall well and truly observe and comply with all the requirements of the said recited Ordinance, so far as the same relate to passage brokers; and further, shall well and truly pay all fines, forfeitures, and penalties,—and also all sums of money, by way of subsistence money, or of return passage money, and compensation to any passenger, or on his account,—and also all costs which the above-bounden *A.B.* may at any time be adjudged to pay, under or by virtue of any of the provisions of the above recited Ordinance, or of the Act of the Imperial Parliament 18th and 19th Victoria, cap. 104, intituled "*An Act for the Regulation of Chinese Passenger Ships*," then, and in such case, this obligation to be void,—otherwise to remain in full force.

Signed, sealed, and delivered, by the above-bounden *A.B.*, *C.D.*, and *E.F.*, in the presence of. †

* Insert personal and family names in full, with the occupation and address of each of the parties.

† Insert the names and addresses in full of the witnesses.

C.

[(F.)]

Form of Emigration Passage Broker's Licence, under section [28.]
A.B. of * _____ having shown to the satisfaction of me, the undersigned, that he hath given bond to Her Majesty, as by the "*Chinese Emigration Consolidation Ordinance, 188*," required: I, the undersigned, do hereby license and authorize the said *A.B.* to carry on the business of a Passage Broker in Hongkong, in respect of passengers on board emigrant ships proceeding from Hongkong, until the end of the present year, and fourteen days afterwards, unless this licence shall be sooner determined by forfeiture for misconduct on the part of the said *A.B.* as in the aforesaid Ordinance is provided.

Given under my hand and seal this _____ day of _____ one thousand eight hundred and _____

Signature, _____ (L.S.)
Emigration Officer.

* The personal and family names in full of the person applying for the licence, with his address and trade or occupation, must be correctly inserted.

D.

[(G.)]

Form of Notice to be given to the Emigration Officer of Forfeiture of a Licence, under section [28].

22

SIR,—This is to give you notice, that the licence granted on the day of 188 , to A.B. of * to act as an Emigration Passage Broker, was on the day of now last past duly declared by me (or us), the undersigned Justice (or Justices) of the Peace to be forfeited. †

Place and date
188
To the EMIGRATION OFFICER,
Victoria, Hongkong.

* The personal and family names in full, with the address and trade or occupation of the party, to be here inserted.
† Here state severally the reasons of forfeiture.

E.

[(H.)]

Form of Contract Passage Ticket, under section [31].

25

I hereby engage that the Chinese named at foot hereof shall be provided with a passage to, and shall be landed at, the port of in , in the ship or vessel called the " , " with not less than 72 cubic feet and 12 superficial feet for berth accommodation (or in case of ships under section 46, 54 cubic feet and 9 superficial feet), and shall be victualled according to schedule A to "The Chinese Passengers Act 1855," annexed, during the voyage, and the term of detention at any place before its determination, for the sum of dollars, and I hereby acknowledge to have received the sum of dollars in full payment.

Name and Surname of Passenger.	Male.	Female.	Occupation.	Native Place, Village & District.
	Age.	Age.		

Signature,
Victoria, Hongkong, the day of 188 .
Passage Broker.

I hereby certify, that I have explained and registered the above contract passage ticket.

Λ or Official Stamp of

Signature, Λ
Victoria, Hongkong, the day of 188 .
Emigration Officer.

NOTE.—Should the before-named ship not be able to proceed on the proposed voyage, a passage is to be provided in some other vessel licensed for the conveyance of Chinese passengers.

F.

[(I.)]

Regulations referred to in section [46] respecting Chinese Passenger Ships.

48

- No ship shall clear out or proceed to sea unless the master thereof shall have received from an Emigration Officer a copy of these regulations and a certificate in the form contained in schedule K, nor until the master shall have entered into the bond prescribed by section IV of "The Chinese Passengers Act 1855."
- No Emigration Officer shall be bound to give such certificate, till seven days after receiving an application in writing for the same from the owners or charterers of the ship, or if absent, from their respective agents, specifying the name of the ship, her tonnage, the port of destination, the proposed day of departure, the number of passengers intended to be carried, and whether such passengers or any of them are under contracts of service.
- After receiving such application, the Emigration Officer and any person authorized by him in that behalf shall be at liberty at all times to enter and inspect the ship, and the fittings, provisions and stores therein, and any person impeding such entry or inspection, or refusing to allow of the same, shall be liable to a fine not exceeding one hundred dollars for each offence.
- The following conditions as to the accommodation of passengers shall be observed to the satisfaction of the Emigration Officer:—
 - The space appropriated to the passengers Λ 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. The height between decks shall be at least six feet.
 - The accommodation for female passengers between decks shall be separate from that provided for male passengers.
 - A space of four superficial feet per adult shall be left clear on the upper deck for the use of the passengers.
 - A reasonable space shall be set apart properly divided and fitted up as a sick bay, and sufficient latrines, both as to condition and number, shall be provided in suitable parts of the ship.
- The Emigration Officer may, in his discretion, permit deck passengers to be carried, upon such conditions, as may, from time to time, be prescribed under instructions from one of Her Majesty's Principal Secretaries of State, and until and subject to such instructions, upon the conditions following:—
 - A suitable awning with screen shall be provided on deck, sufficient for the protection of the passengers from the sun and from rain.

No ship to depart without certificate.

Application for same.

Inspection of ship.

Accommodation of passengers. Ventilation, space, and height between decks.

Male and female passengers. Space on upper deck. Sick bay, &c.

Deck passengers.

Awning.

Λ on the upper

- (2.) The space appropriated to such deck passengers shall contain at the least sixteen 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.
- (3.) In case deck passengers shall be carried in addition 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 four superficial feet per adult required to be left clear on the upper deck for the use of such other passengers.

Space.

Reserved space.

6. The following conditions as to provisions shall be observed to the satisfaction of the Emigration Officer:—

Provisions.

- (1.) Provisions, fuel and water shall be placed on board of good quality, properly packed and sufficient for the use and consumption of the passengers, over and above the victualing of crew during the intended voyage, according to the following scale:

Scale.

For every passenger per diem:—

	not less than
Rice or bread stuffs;	lbs. 1½
Dried ^{and} salt fish,	" 0½
Chinese condiments and curry stuffs,	oz. 1
Fresh vegetables, which will keep for short voyages, such as sweet potatoes, turnips, carrots, and pumpkins,	lbs. 1½
Firewood,	" 2
Water (to be carried in tanks or sweet casks),	gallon 1

- (2.) The last preceding condition as to provisions shall be deemed to have been complied with, in any case where by the special authority of the Emigration Officer, any other articles of food shall have been substituted for the articles enumerated in the foregoing scale, as being equivalent thereto.

Articles of food mentioned in scale may be varied.

- (3.) The passengers may supply their own provisions for the voyage and proper accommodation for the stowage, and sufficient cabooses for the cooking of such provisions must be allowed.

Passengers' own supplies.

7. The Emigration Officer shall not give his certificate unless he shall be satisfied:—

Contents of certificate.

- (1.) That the ship is sea-worthy, and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.
- (2.) That suitable medicines and medical stores, provisions, fuel and water have been placed on board, of good quality, properly packed and sufficient in quantity to supply the passengers on board during the intended voyage.
- (3.) That all the requirements of section [46] of this Ordinance have been complied with.

8. The Emigration Officer may, in his discretion, (subject in Hongkong to an appeal to the Governor) withhold his certificate in all cases where the intended passengers or any of them are under contracts of service, and he shall in no case give his certificate until he shall have mustered the passengers, and have ascertained to the best of his power that they understand whither they are going, and in case they shall have made any contracts of service that they comprehend the nature thereof; he shall also take care that a copy of the form of any such contracts, or an abstract of their substance, signed by himself, is appended to the said certificate: if any of the passengers are in bad health, or insufficiently provided with clothing, or if any such contracts are unfair, or if there is reason to suspect that fraud or violence have been practised in their collection or embarkation, he may detain the ship, and, if he shall think fit, may order all or any of the passengers to be re-landed.

Power to withhold certificate. Examination of passengers and of contracts, if any.

9. The Emigration Officer may, if he shall think fit, before granting his certificate, employ any duly qualified medical practitioner, master mariner, marine surveyor, or other person whose professional assistance and advice he may require for the purpose of ascertaining whether the requirements of section [46] of this Ordinance have been duly complied with, and the costs and charges of obtaining such assistance and advice, shall be defrayed by the owners or charterers of the ship, whether the Emigration Officer shall grant his certificate or not.

Emigration Officer may employ medical men, marine surveyors, and others.

10. The Emigration Officer shall, from time to time, fix a reasonable scale of fees and charges to be approved by one of Her Majesty's Principal Secretaries of State, for the remuneration of any professional persons who may be employed by him under the last preceding regulation, and pending the approval or disapproval of such scale, the fees and charges therein specified shall be payable, as if the same has been approved in manner aforesaid.

Fees of professional persons employed.

11. The owners or charterers of every ship shall pay such fees for the remuneration of the Emigration Officer, as may, from time to time, be ordered under instructions from one of Her Majesty's Principal Secretaries of State, and until and subject to such instructions, the following fees shall be payable in addition to all fees chargeable under regulation 10:—

Fees of Emigration Officer.

- Upon the application for a certificate,\$25
- Upon the granting of the certificate,.....\$25

Provided always that, no fees shall be payable to the Emigration Officer of Hongkong, but in lieu thereof the following stamp duties are hereby imposed, that is to say:—

- Upon every application for a certificate under regulation 2 contained in this schedule, a stamp duty of.....\$ 1
- Upon every certificate granted under regulation 1 of this schedule, a stamp duty of.....\$ 1

And *The Stamp Ordinance, 1886*, shall be read as if the stamp duties hereby imposed were inserted in the schedule thereof.

12. In case default shall be made by the owners or charterers of the ship in the payment of any fees and charges to which they may be liable under section 46 of this Ordinance and this Schedule, the ship may be detained by the British Consul, or if in Hongkong by the Governor, until such fees and charges shall have been paid.

Power to detain ship for non-payment of fees.

13. The Emigration Officer may withhold his certificate or revoke the same at any time before the departure of the ship, if it shall appear to his satisfaction that any particulars contained in the application in writing which shall have been made for the same or any other particulars which may have been furnished to him by or on behalf of the owners, charterers, or master of the ship in relation thereto, are untrue, and that the conditions of section 46 of this Ordinance have not been complied with; and in every such case it shall be lawful for the British Consul, or if in Hongkong for the Governor, to seize and detain the ship until the certificate, if already granted, shall have been delivered up to be cancelled.

In case of false particulars, ship may be detained and certificate cancelled.

14. The master of every British ship shall, during the whole of the intended voyage, make issues of provisions, fuel and water, according to the aforesaid dietary scale, to all the passengers except such as shall have supplied themselves therewith, and shall not make any alteration except for the manifest advantage of the passengers, in respect of the space allotted to them as aforesaid, or in respect of the means of ventilation, and shall not ill-use the passengers, or require them (except in case of necessity) to help in working the vessel; and shall issue medicines and medical comforts, as shall be requisite, to the best of his judgment, and shall call at such ports as may be mentioned in the Emigration Officer's clearing certificate for fresh water and other necessaries; and shall carry the passengers without unnecessary delay to the destination to which they have contracted to proceed.

Treatment of passengers at sea.

15. The master of every British ship shall, within 24 hours after his arrival at the port of destination and at any port of call, produce his emigration papers to the British Consul (if any) at such port, or in case such port shall be in Her Majesty's dominions to any officer appointed or authorized by the local Government in that behalf. It shall be lawful for such Consul or other officer to enter and inspect such ship, and in case the master shall obstruct or refuse to assist him in the discharge of such duty, or shall without reasonable cause fail to produce his emigration papers as aforesaid, he shall be liable to a fine of five hundred dollars, and the ship may be detained by the British Consul, or if in Her Majesty's dominions, by the local Government, until such fine shall have been paid and the emigration papers shall have been given up.

Production of emigration papers at port of destination.

The Consul should be appointed Emigration Officer by the Foreign Office.

16. In all ports and places where no Emigration Officer shall have been appointed, the British Consul shall, until such appointment, and at all times pending the vacancy of such office, be deemed to be the Emigration Officer for the purposes of these Regulations.

British Consul deemed Emigration Officer where no such Officer is appointed.

G.

[(K.)]

48

Emigration Officer's Certificate, under section [46] referred to in schedule (I.)

I, [A. B.], &c., Emigration Officer at the port of do hereby certify as follows:—

- (1.) That the Chinese passenger ship A. B.,
Master, of the port of _____ is within the provisions of section XVII of an Ordinance of the Legislature of Hongkong, entitled *The Chinese Emigration Consolidation Ordinance, 188*, and that the said ship is authorized to proceed to sea from the port of _____ for the port of _____
- (2.) That the said ship is authorized to carry _____ adults and that there are on board _____ Passengers [if any are deck passengers add: of whom _____ are deck passengers], making in all _____ adults, namely: _____ men, _____ women, _____ male children, _____ female children, such children, being between the ages of one and twelve years.
- (3.) That the space set apart and to be kept clear for the use of such passengers is as follows: On the upper deck superficial feet being [describe space] and in the between decks _____ superficial feet being [describe space].
- (4.) That the ship is sea-worthy, and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage to prejudice the health or safety of the passengers. The means of ventilating the passengers' accommodation between decks are as follows: [describe space.]
- (5.) That suitable medicines and medical stores, provisions, fuel and water have been placed on board, of good quality properly packed and sufficient in quantity to supply the passengers on board during the intended voyage.
- (6.) That all the conditions and requirements of the said section have been duly complied with.
- (7.) That the aforesaid passengers [or in case of a port only, state the number,] are emigrants under contracts of service and that I have inspected the contracts between them and their intended employers (the terms of which are annexed to this certificate) and consider them reasonable; and that no fraud appears to have been practised in collecting such emigrants.
- (8.) That the master of the ship is to put into _____ for water and fresh vegetables.

A. B.,
Emigration Officer at the
Port of _____

Dated _____, the _____ day of _____, 1888.

N.B.—Where none of the passengers are emigrants under contracts of service the following paragraph shall be substituted for paragraph 7:

7. That the whole of the said passengers are free passengers under no contract of service whatever.

FOR STEAMERS

49

Under section [47].

H. [(L.)]

Omit... [Whose steam power shall be sufficient without the aid of sails to propel them at the rate of five statute miles in the hour.]
 Voyages from Hongkong, Swatow, Amoy, Foochow, Ningpo, Shanghai, and any port in Formosa, to—

Calcutta.	Sarawak.
Pegu.	Bangkok.
Sumatra.	Japan.
Java.	
The Straits Settlements.	

 Omit [Labuan.]

FOR SAILING VESSELS.

Voyages from Hongkong, Swatow, Amoy, Foochow, Ningpo, Shanghai, and any port in Formosa, to—

From October to March, both inclusive.	From April to September, both inclusive.
Sumatra.	Labuan.
Java.	Manila.
The Straits Settlements.	Bangkok.
Labuan.	
Manila.	
Bangkok.	

(M.)

61 *Emigration Officer's Certificate, under section [60].*

I, [A. B.], Emigration Officer of Hongkong, do hereby certify, that I have inspected the fitting of the ship " " of which is master, bound for , and that there are no prohibited or objectionable fittings on board.
 Dated at Hongkong, the day of A. B., 188 .

(N.)

81 *Form of Warrant, under section [80].*

Hongkong } To
 to wit. }
 Whereas it has been made to appear to my satisfaction that there are reasonable grounds for suspecting that an offence has been committed against the provisions of the above section in respect of the ship , now lying in the waters of this Colony, rendering the said ship liable to forfeiture,—
 This is therefore to command you in Her Majesty's name forthwith to seize the said ship wherever she may be lying within the waters of this Colony, and to search the said ship and her equipment, and to detain the same in your charge and custody until the forfeiture or release thereof, according to law, for which this shall be your warrant.
 Given under my hand and the seal of the Colony, this day of in the year of Our Lord, 188 .



Governor and Commander-in-Chief, &c.

(O.)

84 *Form of Citation, under section [83].*

IN THE SUPREME COURT OF HONOKONG.

The day of 188 .
In re the "—" .

Take notice that under and in pursuance of *The Chinese Emigration Consolidation Ordinance, 188* , you are hereby cited to appear before the Supreme Court on the day of to show cause why the above-named ship and her equipment should not be forfeited to the Crown for breach of the provisions of the said Ordinance.

To the Owners of the ship "—" or their agents.

APPENDIX.

NOTE.—This Act is appended for convenience of reference.

13 and 19 Vic.
cap. 134.

An Act for the Regulation of Chinese Passenger Ships.

WHEREAS abuses have occurred in conveying Emigrants from ports in the Chinese Seas: And whereas it is expedient to prevent such abuses: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In the Construction of this Act,—

The Term "Chinese Passenger ships" shall include every ship carrying from any port in Hongkong, and every British ship carrying from any port in China or within one hundred miles of the coast thereof, more than twenty passengers, being natives of Asia; the word "Colony" shall include all Her Majesty's Possessions abroad not being under the Government of the East India Company; the word "Governor" shall signify the person for the time being lawfully administering the Government of such colony; the term "Legislature of Hongkong" shall signify the Governor and Legislative Council or other legislative authority of the same for the time being; the word "ship" shall include all seagoing vessels; the terms "commander" and "master" of any ship shall include any person for the time being in command or charge of the same; the term "emigration officer" shall include every person lawfully acting as emigration officer, immigration agent or protector of emigrants, and every person authorized by the Governor of any British colony to carry out the Provisions of this Act; and the term "British consul" shall include every person lawfully exercising consular authority on behalf of Her Majesty in any foreign port.

2. It shall be lawful for the Legislature of Hongkong, by any ordinance to be by them enacted for the purpose, to make regulations respecting Chinese passenger ships, and, in the case of British ships, respecting the treatment of the passengers therein while at sea; and until such enactment, the regulations contained in schedule (A) to this Act annexed shall be in force: Provided always, that no such ordinance shall come into operation until Her Majesty's confirmation of the same shall have been proclaimed in Hongkong by the Governor thereof.

3. It shall be lawful for the Governor of Hongkong to declare, by proclamation, for the purposes of this Act and of the said regulations, what shall be deemed to be the duration of the voyage of any Chinese passenger ship, and by such proclamation to alter the scales of dietary, medicines, and medical comforts contained in the aforesaid schedule (A).

4. No Chinese passenger ship shall clear out or proceed to sea on any voyage of more than seven days' duration until the master thereof shall have received from an emigration officer a copy of the aforesaid regulations, and a certificate in the form contained in schedule B to this Act annexed, or in such other form as may be prescribed by the said Legislature, which copy and certificate, with any documents to be attached thereto (hereinafter designated as emigration papers), shall be signed by the said emigration officer, nor until the master shall, with two sufficient sureties, to be approved by the said emigration officer, have entered into a joint and several bond in the sum of one thousand pounds to Her Majesty, her heirs and successors, in the form contained in schedule C to this Act annexed, or in such other form as shall be described by the said Legislature.

5. The said penal sum of one thousand pounds shall be due and recoverable, notwithstanding any penalty or forfeiture imposed by this Act or by the aforesaid regulations, and whether such penalties or forfeitures shall have been sued for and recovered or not.

6. It shall be lawful for commander of any of Her Majesty's ships of war, or for any emigration officer, Custom house officer, or British Consul; to enter and search any Chinese passenger ships (being a British vessel or within British Jurisdiction) so long as such ship shall have

any passengers on board, and for forty-eight hours afterwards, and in case such ship shall be engaged on a voyage of more than seven days' duration, to require the production of the emigration papers of such ship, and to examine all persons on board of the same, in order to ascertain whether the provisions of this Act, and of the regulations aforesaid, have been complied with: and any person who refuses to allow, attempts to avoid, or obstructs any such entry, search, or examination, or who knowingly misleads or deceives any person lawfully making any such search or examination, or who, being the master of the ship or having the emigration papers in his custody, fails to produce the same when required as aforesaid, shall be deemed guilty of a misdemeanour.

7. In case of any neglect or refusal to comply with any of the provisions of this Act or any of the regulations aforesaid, or to perform any stipulation in any of the contracts made with the passengers, the master of the ship, and any other persons who may have been guilty of, or have aided or abetted such neglect or refusal, shall each be deemed for each offence guilty of misdemeanour.

8. If any Chinese passenger ship clears out or proceeds to sea on any voyage exceeding seven days' duration without such emigration papers as aforesaid, or if the emigration papers of any Chinese passenger ship are forged or fraudulently altered, such ship shall, if she is a British ship, or if, not being a British ship, the offence is committed and the ship is seized in Her Majesty's dominions or in the territories of the East India Company, be forfeited to Her Majesty.

9. Every person who commits or aids or abets in committing any act or default by which any Chinese passenger ship may become liable to forfeiture shall be liable to a penalty not exceeding one hundred pounds for each offence.

10. It shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of customs, or any British Consul, to seize and detain any ship which has become subject to forfeiture as aforesaid, and bring her for adjudication before the High Court of Admiralty in England or Ireland, or any court having Admiralty Jurisdiction in Her Majesty's dominions, or the territories of the East India Company, and such court may thereupon make such order in the case as it thinks fit, and may award such portion of the proceeds of the sale on any forfeited ship as it thinks right to the officer bringing in the same for adjudication, or to any persons damaged by the act or default which has rendered the ship liable to forfeiture.

11. No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the judge or court before whom any trial relating to such ship or such seizure or detention is held, that there are reasonable grounds for such seizure or detention, but if no such grounds are shown, such judge or court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as he or it thinks just.

12. It shall be lawful for the court before which any ship liable to forfeiture under this act is proceeded against, to impose such a pecuniary penalty as to the same court shall seem fit, in lieu of condemning the ship, and in such case to cause the ship to be detained until the penalty is paid, and to cause any penalty so imposed to be applied in the same manner in which the proceeds of the said ship, if condemned and sold by order of the court, would have been applicable.

13. All misdemeanours and other criminal offences punishable under the Act shall be dealt with, tried, and judged of in the same manner as misdemeanours and other offences punishable under the Merchant Shipping Act, 1854, and all the rules of law, practice, or evidence applicable to the last mentioned misdemeanours and offences shall be applicable to misdemeanours and other offences under this act.

14. Any court, justice, or magistrate imposing any penalty under this Act for which no specific application is herein provided, may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is im-

posed, or in or towards payment of the expense of the proceedings; and subject to such directions or specific applications as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the consolidated fund of the United Kingdom; and all penalties recovered in any British possession shall be paid over into the public treasury of such possession, and form part of the public revenue thereof.

15. In any legal proceedings taken under this Act, or in respect of the bond hereinbefore required, any document purporting to be the written declaration of any British Consul, or of the commander of any of Her Majesty's ships of war, or to be a copy of the proceedings of any court of justice, shall without any proof of signature be received in evidence, in case it shall appear that such copy or declaration, if produced in the United Kingdom, was officially transmitted to one of Her Majesty's principal Secretaries of State, or if produced in any colony, was officially transmitted to the Governor thereof. Provided always, that no person making such written declaration as aforesaid shall be capable of receiving a share of any penalty or forfeiture which shall be procured by such written declaration.

16. This Act may be cited for any purpose whatever under the name of the "Chinese Passengers Act, 1855."

17. This Act shall not come into operation until Her Majesty's confirmation of the same has been proclaimed in Hongkong by the Governor thereof.

SCHEDULES.

(A.)

REGULATIONS RESPECTING CHINESE PASSENGER SHIPS.

* *Note.*—The wilful and fraudulent breach of any of these regulations by the person in charge of any Chinese passenger ship is punishable by forfeiture of the ship, and every person concerned in such breach is liable to a fine of one hundred pounds for each offence.

I. No Chinese passenger ship shall clear out or proceed to sea on any voyage of more than seven days' duration without a certificate from an emigration officer, and such certificate shall be in the form provided by the Chinese Passengers Act, 1855.

II. No emigration officer shall be bound to give such certificate in respect of any Chinese passenger ship till seven days after receiving notice that the ship is to carry passengers, and of her destination, and of her proposed day of sailing, nor unless there are on board a surgeon and interpreter approved by such emigration officer.

III. After receiving such notice, the emigration officer shall be at liberty at all times to enter and inspect the ship, and the fittings, provisions, and stores therein, and any person impeding him in such entry or inspection, or refusing to allow of the same, shall be liable to a fine of not more than one hundred pounds for each offence.

IV. The emigration officer shall not give his certificate unless he must be satisfied,—

1. That the ship is seaworthy, and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers:

2. That the space appropriated to the passengers in the between decks contains at the least twelve superficial and seventy-two 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 age of one year and twelve years:

3. That a space of five superficial feet per adult is left clear on the upper deck for the use of the passengers:

4. That provisions, fuel, and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage according to the following scale:—

DIETARY SCALE.†

Rice,.....	lb 1½ per diem.
Salt Beef,	} lb ½ on alternate days.
Salt Pork,	
Salt Fish,	} lb ½ on alternate days.
Fresh Beef, or Mutton in tins.	
Salted Vegetables,	} lb ½ on alternate days.
Pickles,	
Fresh Vegetables, as Yams, Pumpkins, &c.,	} Imperial qts. 3 a day.
Water,	
Firewood,.....	lbs. 2 a day.
Tea,	oz. ½ a day.
Lime or Lemon Juice and Sugar,	oz. 2 a week.

Note.—Fresh Vegetables to be issued during the first month of the voyage only, unless the master shall obtain a fresh supply *en route*, when these articles may be again supplied in the above proportion.

* See Proclamation 18, 3th February, 1856.

† As altered by Proclamation, 1st November, 1872.

(5.) That Medicines and Medical Comforts have been placed on board according to the following Scale:—

SCALE OF MEDICINES AND MEDICAL COMFORTS.
FOR EVERY 100 PASSENGERS, AND IN LIKE PROPORTION FOR ANY
GREATER OR LESS NUMBER.

Calomel.....	3	oz.
Blue Pill	2	oz.
Rhubarb Powder.....	2	oz.
Compound Jalap Powder	12	oz.
Ipecacuanha Powder	12	oz.
Opium	2	oz.
Dover's Powder	2	oz.
Magnesia	2	oz.
Epsom Salts.....	6	lbs.
Chloride of Lime.....	20	lbs.
Tartar Emetic	4	drams.
Quinine.....	2	oz.
Antimonial Powder.....	0½	oz.
Extract of Colocynth Compound	1	oz.
Carbonate of Ammonia	1½	oz.
Assafetida	1	oz.
Camphor	1½	oz.
Camphorated Liniment	16	oz.
Catechu.....	2	oz.
Prepared Chalk	2	oz.
Tincture of Opium	8	oz.
Turpentine	16	oz.
Senna Leaves	8	oz.
Blistering Plaister	8	oz.
Sulphur Sublimed	16	oz.
Sulphur Ointment	12	oz.
Linseed Flour	4	lbs.
Country Soap	24	oz.
Castor Oil	6	bottles.
Oil of Peppermint	2	oz.
Adhesive Plaster spread	2	yards.
Simple Ointment.....	16	oz.
Ringworm Ointment	16	oz.
Jeremie's Opiate	2	oz. phial.
Aromatic Spirit of Hartshorn	4	oz.
Cholera Pills in phial	12	drams.
Cubebs Powder	4	lbs.
Sweet Spirits of Nitre	16	oz.
Copaiba.....	16	oz.
Sulphate of Copper	2	oz.
Sulphate of Zinc	1	oz.
Lunar Caustic	4	drams.
Lime Juice	36	quarts.
Rum or Brandy	36	quarts.

INSTRUMENTS, &c.

- 1 Set of Amputating and other Surgical Instruments (if there be any person on board competent to use them).
- 1 One Ounce glass measure.
- 1 Minim glass measure.
- 1 Pestle and mortar (Wedgewood).
- 1 Set of weights and scales (grains in box).
- 1 Set of common splints.
- 1 Set of bleeding lancets.
- 1 Silver catheter.
- 1 Spatula.
- 1 Dressing scissors.
- 1 Infusion box.
- 1 Quire of country paper.
- 1 Penknife.
- 2 Metal bed pans.
- 2 Trusses for hernia, right and left.
- 2 Small syringes.
- 4 Ounces prepared lint.
- 2 Pieces cloth for bandages.

V.—The master of any Chinese passenger ship being a British ship and proceeding on a voyage of more than seven days' duration shall, during the whole of the intended voyage, make issues of provisions, fuel, and water, according to the aforesaid dietary scale, and shall not make any alteration, except for the manifest advantage of the passengers, in respect of the space allotted to them as aforesaid, or in respect of them (except in case of necessity) to help in working the vessel; and shall issue medicines and medical comforts, as shall be requisite, to the best of his judgment, and shall call at such ports as may be mentioned in the emigration officer's clearing certificate for fresh water and other necessaries; and shall carry them without unnecessary delay to the destination to which they have contracted to proceed.

VI.—The emigration officer shall not give his certificate until he shall have mustered the passengers, and have ascertained to the best of his power that they understand whither they are going, and comprehend the nature of any contracts of service which they have made: he shall also take care that a copy of the form of such contracts, or an abstract of their substance, signed by himself, is appended to the said certificate. If any of the passengers are in bad health, or insufficiently provided with clothing, or if the contracts are unfair, or if there is reason to suspect that fraud or violence have been practised in their collection or embarkation, he may detain the ship, and if he shall think fit, may order all or any of the passengers to be re-landed.

(B.)

EMIGRATION OFFICER'S CERTIFICATE, &c.

I hereby authorize the Chinese passenger ship to proceed to sea for the port of _____ in _____; and I certify that the said ship can legally carry _____ adults, and that there are on board _____ passengers, making in all _____ adults, viz. :— _____ men, _____ women, _____ male children, and _____ female children, such children being between the ages of one and twelve years; that the space set apart and to be kept clear for the use of such emigrants is as follows: On the upper deck _____ superficial feet, being [here describe the space]; that the ship is properly manned and fitted, and that the means of ventilating the part of the between-deck appropriated to passengers are as follows, [here describe the means of ventilation]; that the ship is furnished with a proper quantity of good provisions, fuel, and water for _____ days' issues to the passengers, according to the annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts according to the *annexed scale of medical necessaries; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate), and consider them reasonable; that no fraud appears to have been practised in collecting the emigrants: and that there are on board a surgeon † [and interpreter] approved by me, and designated [respectively _____ and _____] ‡ [the master of the ship is to put into _____ and _____ for water and fresh vegetables].

(Signed) _____
Emigration Officer.
18 _____

Dated this _____ day of _____

(C.)

FORM OF BOND TO BE GIVEN BY THE MASTERS OF CHINESE PASSENGER SHIPS.

Know all men by these presents, That we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors; to which payment, well and truly to be made, we bind ourselves and every of us, jointly, and severally, for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

Dated this _____ day of _____ 18 _____ Scaled with our Seals.

Whereas, by the Chinese Passenger Act, 1855, it is enacted, that before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall, with two sufficient sureties to be approved by an emigration officer, enter into a bond to Her Majesty, her heirs and successors, in the sum of one thousand pounds.

Now the condition of this obligation is this, that if (in respect of the ship _____, whereof _____ is master) all and every of the requirements of the said Chinese Passenger Act, and of the regulations contained in Schedule (A), to the said Act annexed, or enacted by the Legislature of Hongkong, shall be well and truly observed and performed [§ in like manner as the same ought to be observed and performed in case the said ship were a British ship, and the said _____ a British subject], then this obligation to be void, otherwise to remain in full force and effect.

* The scales must be those prescribed by the Regulations in Schedule A.
† In case the ship has been authorized to proceed without an Interpreter, omit the part between brackets, and add, "and that the ship has been authorized to proceed without an Interpreter."
‡ The part between brackets is to be inserted or not as may be required.
§ This clause to be inserted only in the case of a foreign Chinese Passenger Ship.

A BILL

ENTITLED

An Ordinance to amend Ordinance No. 15 of 1886.

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

1. Section 4 of Ordinance No. 15 of 1886 is hereby amended by substituting the word "second" for the word "third" in the said section.

A BILL

ENTITLED

An Ordinance to amend and consolidate the Law of Evidence.

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

PART I.—*Preliminary.*

Short Title.

1. This Ordinance may be cited for all purposes as *The Evidence Consolidation Ordinance, 1888.*

Repeals.

2. The Ordinances mentioned in the Schedule hereto or the extent mentioned in the 2nd column of such Schedule are hereby repealed but such repeal shall not affect anything lawfully done or suffered thereunder nor be taken to revive any Ordinance thereby repealed.

Interpretation.
(14 and 15 V. c. 39 s. 16.)
(No. 3 of 1885 s. 8.)

3. In the interpretation of this Ordinance unless the context be repugnant thereto or inconsistent therewith the words and expressions hereinafter mentioned shall have the following meanings, viz:—

The expression *The Court* shall include the Chief Justice, and the Puisne Judge of the Supreme Court also every judge, coroner, magistrate, justice officer of any Court, commissioner, arbitrator or other person now or hereafter having by law or consent of parties authority to hear receive and examine evidence in the Colony with respect to or concerning any suit action or other proceeding civil or criminal or with respect to any matter submitted to arbitration or ordered to be enquired into or investigated under any Commission.

The expression *Judge* means a judge of the Supreme Court.

The expression *Bank* shall mean any corporation, company or society established by charter or under, or by virtue of any Act of Parliament or Ordinance lawfully carrying on the business of bankers, or any foreign Banking Company carrying on business in this Colony, and recognized as such for the purposes of this Ordinance by an order of the Governor in Council, published in the *Gazette*.

The expression *Banker's Book* includes any ledger, day book, cash book, account book, or any other books used in the ordinary business of the bank.

PART II.—*Admissible Witnesses and Evidence.*

Incompetency from immaturity age.
(The Civil Code s. 54 sub. 6.)

4. The following persons only shall be incompetent to give evidence in any proceedings:—

(a.) Children under seven years of age, unless they shall appear capable of receiving just impressions of the facts respecting which they are examined and of relating them truly;

(b.) Persons of unsound mind, who, at the time of their examination, appear incapable of receiving just impressions of the facts respecting which they are examined or of relating them truly; and no person who is known to be of unsound mind shall be liable to be summoned as a witness, without the consent previously obtained of the Court or person before whom his attendance is required.

Parties and husbands and wives of parties to be admissible witnesses.
(Ordinance No. 3 of 1852 s. 1, 14 and 15 V. c. 39, s. 2, 16 and 17 V. c. 83, s. 1.)

5. In all proceedings before the Court the parties and the husbands and wives of the parties thereto, and the persons in whose behalf any proceedings may be brought or instituted or opposed or defended, shall except as hereinafter excepted, be competent and compellable to give evidence, either *vivâ voce* or by deposition according to the practice of the Court, on behalf of either or any of the parties to the proceedings.

Exception in criminal cases.
(No. 3 of 1852 s. 2, 14 and 15, V. c. 39, s. 3, 16 and 17 V. c. 83, s. 2.)

6. Nothing herein shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, in any criminal proceeding.

Exception of communications between husbands and wives.
(16 and 17 V. c. 83 s. 3.)

7. In no proceedings shall a husband be compellable to disclose any communication made to him by his wife during the marriage nor shall a wife be compellable to disclose any communication made to her by her husband during the marriage.

Witnesses not to be excluded from giving evidence by incapacity from crime or interest.
(6 and 7 V. c. 85 s. 1.)

8. No person offered as a witness in any proceedings shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the Court, on the trial or hearing of any proceedings or at any stage thereof.

9. Nothing in this Ordinance contained shall render any person who in any criminal proceeding is charged with the indictable offence or any offence punishable on Summary Conviction competent or compellable to give evidence for or against himself, or shall render any person in any proceedings compellable to answer any question tending to criminate himself.

10. In any proceedings instituted in consequence of adultery the parties to such proceedings and the husbands and wives of such parties shall be competent to give evidence in relation thereto; provided that no such witness whether a party to the suit or not shall be liable to be asked or bound to answer any question tending to show that he or she has been guilty of adultery, unless such witness shall have already given evidence in the same proceeding in disproof of his or her alleged adultery.

11. The parties to any suit for breach of promise of marriage shall be competent to give evidence in such suit; Provided always, that no plaintiff in any suit for breach of promise of marriage shall recover a verdict unless his or her testimony shall be corroborated by some other material evidence in support of such promise.

12. A party producing a witness in any proceedings shall not be allowed to impeach his credit by general evidence of bad character, but he may in case the witness shall in the opinion of the Court prove adverse contradict him by other evidence, or by leave of the Court prove that he has made at other times a statement inconsistent with his present testimony, but before such last mentioned proof can be given the circumstances of the supposed statement sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

13. If a witness in any proceedings upon cross-examination as to a former statement made by him relative to the subject matter of the proceedings and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but before such proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

14. A witness in any proceedings may be cross-examined as to previous statements made by him in writing or reduced into writing, relative to the subject matter of the proceedings without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him: Provided always, that it shall be competent for the Court, at any time during the trial or hearing of the proceedings to require the production of the writing for its inspection, and the Court may thereupon make such use of it for the purposes of the trial or hearing as it shall think fit.

15. A witness in any proceedings may be questioned as to whether he has been convicted of any felony or misdemeanour, and, upon being so questioned, if he either denies or does not meet the fact or refuses to answer, it shall be lawful for the cross-examining or opposite party to prove such conviction and in such case and whenever it may be necessary to prove the trial and conviction or acquittal of any person charged with an indictable offence a certificate, record or extract of the conviction containing the substance and effect only (omitting the formal part) and the conviction for such offence, purporting to be signed by the clerk of the Court, or other officer having the custody of the records of the Court where the offender was convicted, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person, be sufficient evidence of the said conviction without proof of the signature or official character of the person appearing to have signed the same.

16. It shall not be necessary in any proceedings to prove by the attesting witness any instrument to the validity of which attestation is not requisite; and such instrument may be proved by admission, or otherwise, as if there had been no attesting witness thereto.

17. Comparison of a disputed writing with any writing proved to the satisfaction of the Court to be genuine shall be permitted to be made by witnesses in any proceedings and such writings, and the evidence of witnesses respecting

Self-crimination of witness (No. 3 of 1852 s. 2, 14 and 15, V. c. 99 s. 3.)

Parties and their husbands and wives competent witnesses in suits for adultery where evidence authorised to be taken in Colony. (32 and 33 V. c. 68 s. 3.)

Parties in suits for breach of promise of marriage. (32 and 33 V. c. 68 s. 2.)

How far a party may discredit his own witness. (No. 6 of 1855 s. 21, 17 and 18 V. c. 125 s. 23, 28 and 29 V. c. 18 s. 3.)

Proof of contradictory statements of adverse witness. (No. 6 of 1855 s. 22, 17 and 18 V. c. 125 s. 23, 28 V. c. 18 s. 4.)

Cross-examination as to previous statements in writing. (No. 6 of 1855 s. 23, 17 and 18 V. c. 125 s. 24, 28 and 29 V. c. 18 s. 5.)

Proof of previous convictions. (No. 6 of 1855 s. 24, 14 and 15 V. c. 99 s. 13, 17 and 18 V. c. 125 s. 25, 28 and 29 V. c. 18 s. 6, 3 of 52 s. 7, 34 and 35, V. c. 112 s. 18.)

Attesting witness need not be called except in certain cases. (No. 6 of 1855 s. 25, 17 and 18 V. c. 125 s. 26, 28 and 29 V. c. 18 s. 7.)

Comparison of disputed writing. (No. 6 of 1855 s. 26, 17 and 18 V. c. 125 s. 27, 28 and 29 V. c. 18 s. 8.)

the same, may be submitted to the Court and jury (if any) as evidence of the genuineness, or otherwise, of the writing in dispute.

Evidence in cases of receiving stolen property. (34 and 35 V. c. 112 s. 19.)

18. Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, evidence may be given at any stage of the proceedings that there was found in the possession of such person other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property to be stolen which forms the subject of the proceedings taken against him. Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, and evidence has been given that the stolen property, has been found in his possession, then if such person has within five years immediately preceding been convicted of any offence involving fraud or dishonesty, evidence of such previous conviction may be given at any stage of the proceedings, and may be taken into consideration for the purpose of proving that the person accused knew the property which was proved to be in his possession to have been stolen; provided that reasonable notice in writing shall have been given of such previous conviction; and it shall not be necessary for the purposes of this section to charge in the information the previous conviction of the person so accused.

PART III.—*Documents Admissible.*

Documents of public nature. (No. 2 of 1852 s. 8, 14 and 15 V. c. 99 s. 14.)

19. Whenever any book or other document is of such a public nature as to be admissible in evidence on its mere production from the proper custody, and no Statute or Ordinance in force in the Colony exists which renders its contents provable by means of a copy, any copy thereof or extract therefrom shall be admissible in evidence in the Court provided it be proved to be an examined copy or extract, or provided it purport to be signed and certified as a true copy or extract by the officer to whose custody the original is entrusted, and which officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding cents for every folio of ninety words.

Official documents. (8 and 9 V. c. 113 s. 1.)

20. Whenever by any Statute or Ordinance now or hereafter to be in force in the Colony any certificate official or public document, or proceeding of any corporation or joint stock or other company or any certified copy of any document, bye-law, entry in any register or other book or of any other proceeding shall be receivable in evidence of any particular in the Court or before the Legislative Council of the Colony or any Committee thereof the same shall respectively be admitted in evidence provided they respectively purport to be sealed or impressed with a stamp or sealed and signed or signed alone as required or impressed with a stamp and signed as directed by the respective Statutes or Ordinances made or hereafter to be made without any proof of the seal or stamp where a seal or stamp is necessary or of the signature or of the official character of the person appearing to have signed the same and without any further proof thereof in every case in which the original record could have been received in evidence.

Affidavits, &c. taken before Ambassadors, &c. abroad may be used in Supreme Court. (18 and 19 V. c. 12 s. 2.)

21. Affidavits, affirmations and notarial acts taken and made under the Act of King George the fourth, chapter eighty-seven or under the Act of the 18th and 19th years of Her present Majesty, chapter forty-two, shall and may be received, read and made use of in and before any Court of law or equity or other judicature whatever in the Colony and the judges and officers thereof, in or in relation to any suit, cause, matter, or proceeding in or before any such court or judicature in like manner, and shall be of the same force and effect, as affidavits and affirmations taken in or before such court or judicature, or by any person duly commissioned or authorized by such court of judicature to take such affidavits or affirmations, and shall be filed and dealt with accordingly.

Banker's book copy of entry evidence. (No. 3 of 1886, ss. 2, 3, 4 & 5.)

22. Subject to the provisions of this section a copy of an entry in a banker's book shall in all proceedings be received as *prima facie* evidence of such entry and of the matters, transactions and accounts therein recorded,—

- (1.) Provided that such book was at the time of making the entry one of the ordinary books of the bank and that the entry was made in the usual and ordinary course of business and the book is in the custody or control of the bank; such proof

may be given by a partner or officer of the bank orally or by an affidavit sworn before any person authorised to take affidavits.

- (2.) Provided also that it be proved by some person who has examined the copy with the original entry orally or by affidavit sworn as aforesaid that the copy has been examined with the original entry and is correct.
- (3.) Provided further that a banker or officer of a bank shall not in any proceedings to which the bank is not party be compelled to produce any banker's book the contents of which can be proved under this Ordinance or to appear as a witness to prove the matters, transactions or accounts therein recorded unless by order of a judge made for special cause.

23. On the application of any party to any proceeding the Court or a Judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of such proceedings. An order under this section may be made either with or without summoning the bank or any other party, and shall be served on the bank three clear days before the same is to be obeyed, unless such Court or judge otherwise directs. Provided always that the cost of any application to such Court or judge under or for the purposes of this section, and the cost of anything done or to be done under an order of such Court or judge made under or for the purposes of section shall be in the discretion of such Court or judge, who may order the same or any part thereof to be paid to any party by the bank, where the same have been occasioned by any default or delay on the part of the bank. Any such order against a bank may be enforced as if the bank was a party to the proceeding.

24. Sunday, Christmas Day, Good Friday, and any bank holiday shall be excluded from the computation of time under sections 22 and 23.

25. All proclamations, treaties and other acts of state of any Foreign State or of any other British Colony and all judgments, decrees, orders, and other judicial proceedings of any Court of Justice or any Consulate in any Foreign State or in any other British Colony, and all affidavits, pleadings, and other legal documents filed or deposited in any such Court or Consulate may be proved in the Court either by examined copies or by copies authenticated as hereinafter mentioned; that is to say, if the document sought to be proved be a proclamation treaty, or other act of State, the authenticated copy to be admissible in evidence must purport to be sealed with the seal of the Foreign State or British Colony to which the original document belongs, and if the document sought to be proved be a judgment, decree, order, or other judicial proceeding of any Foreign or Colonial Court, or an affidavit, pleading, or other legal document filed or deposited in any such Court the authenticated copy to be admissible in evidence must purport either to be sealed with the seal of the Foreign or Colonial Court or in the event of such Court having no seal, to be signed by the judge or if there be more than one judge, by any one of the judges of the said Court; and such judge shall attach to his signature a statement in writing on the said copy that the Court whereof he is a judge has no seal; but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall respectively be admitted in evidence in every case in which the original document could have been received in evidence, without any proof of the seal where a seal is necessary or of the signature, or of the truth of the statement attached thereto, where such signature and statement are necessary or of the judicial character of the person appearing to have made such signature and statement.

26. All answers to interrogatories disclaimers, examinations, affidavits, declarations, affirmations, and attestations of honour and all other documents required to be sworn or declared in suits or matters depending in the Supreme Court, and also acknowledgments required for the purposes of enrolling any deed in the said Court, shall and may be sworn, declared and taken in England, Scotland or Ireland, or the Channel Islands, or in any other Colony, island, plantation, or place under the dominion of Her Majesty in Foreign parts, before any Court, judge, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or before any of Her Majesty's Consuls or Vice-Consuls in any

Court or judge may direct copies to be taken. (No. 3 of 1885, ss. 6 and 7.)

Certain days excluded from computation of time. (No. 3 of 1885, s. 9.)

Foreign and colonial acts of state, judgments, &c. provable by certified copies without proof of seal or signature or judicial character of person signing the same. (No. 3 of 1852 s. 5, 14 and 15 V. c. 99 s. 6.)

Answers, &c. in Supreme Court may be sworn and taken in England, Scotland, Ireland, the Channel Islands, &c. (15 and 16 V. c. 85 s. 22. No. 7 of 1857 s. 1.)

Foreign parts out of Her Majesty's dominions; and the judges and other officers of the Supreme Court shall take judicial notice of the seal or signature, as the case may be, of any such Court, judge, notary public, person, Consul, or Vice-Consul, attached, appended, or subscribed to any such pleas, answers, disclaimers, examinations, affidavits, affirmations, attestations of honour, declarations, acknowledgments, or other documents to be used in the said Court.

27. In Civil proceedings:—

Entries in books of account. (Code s. 55.)

(1.) Entries in books of account kept in the course of business with such a reasonable degree of regularity as shall be satisfactory to the Court, shall be admissible in evidence, whenever they refer to a matter into which the Court has to inquire, but shall not alone be sufficient evidence to charge any person with liability.

Government Gazettes.

(2.) The *Hongkong Gazette* and any *Government Gazette* of any country, colony, or dependency under the dominion of the British Crown, may be proved by the bare production thereof before the Court.

Proclamations, acts of state, &c.

(3.) All proclamations, acts of state, whether legislative or executive, nominations, appointments, and other official communications of the Government, appearing in any such *Gazette*, may be proved by the production of such *Gazette*, and shall be *prima facie* proof of any fact of a public nature which they were intended to notify.

Books of science, maps, charts.

(4.) The Court may, on matters of public history, literature, science, or art, refer, for the purposes of evidence, to such published books, maps, or charts as the Court shall consider to be of authority on the subject to which they relate.

Foreign Law.

(5.) Books printed or published under the authority of the government of a foreign country, and purporting to contain the statutes, code, or other written law of such country, and also printed and published books of reports of decisions of the courts of such country, and books proved to be commonly admitted in such courts as evidence of the law of such country, shall be admissible as evidence of the law of such foreign country.

Public maps.

(6.) All maps made under the authority of any government, or of any public municipal body, and not made for the purpose of any litigated question, shall *prima facie* be deemed to be correct, and shall be admitted in evidence without further proof.

Affidavits, &c. under 26 Geo. 4 c. 97, and 18 and 19, V. c. 42.

28. All affidavits, affirmations and notarial acts taken and made under the Act of the Sixth year of King George the Fourth, Chapter Eighty-seven or under the Act of the Eighteenth and Nineteenth years of Her Present Majesty Chapter forty-two, shall and may be received, read and made use of in and before the Court and the judges and officers thereof, in or in relation to any suit, cause, matter, or proceeding in or before the Court in like manner, and shall be of the same force and effect, as affidavits and affirmations taken in or before the Supreme Court or by any person duly commissioned or authorised by such Court to take such affidavits or affirmations, and shall be filed and dealt with accordingly.

Affidavits before Ambassadors. (No. 7 of 1857, s. 3.)

29. All documents whatsoever legally and properly filed or recorded in any Foreign Court of Justice or Consulate according to the law and practice of such Court or Consulate and all copies of such documents shall be admissible in evidence in the Court upon being proved in like manner as any documents filed or recorded in any Foreign Court are procurable under this or any other Ordinance; and documents whatsoever so filed or recorded in any Foreign Court or Consulate and all copies of such documents shall when so proved and admitted, be holden authentic and effectual for all purposes of evidence as the same would be holden in such Foreign Court or Consulate.

Documents to be admitted in evidence without proof of the seal or signature or official character of the ambassador or other official person. (18 and 19 V. c. 42 s. 3, No. 7 of 1857 s. 1.)

30. Any document purporting to have affixed, impressed, or subscribed thereon or thereto the seal and signature of any British ambassador, Envoy, Minister, Chargé d'Affaires, Secretary of Embassy or of Legation, Consul-General, Consul, Vice-Consul Acting Consul, pro-Consul, or Consular Agent, in testimony of any such oath, affidavit, affirmation, or act having been administered, sworn, affirmed, had, or done by or before him under the Acts mentioned in the last section shall be admitted in evidence without proof of any such seal and signature being the seal and signature of the person whose seal and signature the same purports to be, or of the official character of such person.

31. All courts, judges, magistrates, justices of the peace, officers of the Courts, commissioners acting judicially and other judicial officers within the Colony shall henceforth take judicial notice of the signature of the judges of the Supreme Court and of the judges of the Vice-Admiralty Court: Provided such signature be attached or appended to any decree, judgment, order, certificate, or other judicial or official document.

Courts to take judicial notice of signature of judges of Supreme Court, &c. (8 and 9 V. c. 113 s. 2.)

PART IV.—*Depositions.*

32. Whenever it shall be proved, by the oath affirmation or declaration of any credible witness, or shall in any other manner whatsoever, appear to the satisfaction of the Supreme Court, that the Attorney General, or other person conducting a prosecution in criminal proceedings on behalf of the Crown, is unable to produce at the trial of the prisoner or accused, any person as a witness, in consequence of the death of such person, or of his absence from the Colony, or of the impracticability of serving process upon him, or of his being so ill as not to be able to travel, or of his being insane, or of his being kept out of the way by means of the procurement of the prisoner or accused, or of his being domiciled in a country, the laws of which prohibit his absenting himself therefrom, or which he shall refuse to quit after application made to him in that behalf; and if it also appear that such person was examined before a Magistrate, or other officer of Her Majesty to whom the cognizance of the crime or offence appertained, and that the usual oath, affirmation, declaration, or warning was administered to, made by, or given to such person prior to his examination, and that the examination was taken in the presence of the prisoner or accused, and that he or his counsel or solicitor was asked if he wished to cross-examine and had a full opportunity of cross-examining or did actually cross-examine such person, and that the examination of such person was reduced into writing and read over to and signed by the person examined, and also by the Magistrate or other officer of Her Majesty as aforesaid, and that such examination or a copy thereof is in the custody of the Supreme Court, it shall be lawful for the Supreme Court and it is hereby required to allow to be read and received in evidence, in such prosecution, so much of the examination so taken as aforesaid as would have been admissible, according to the Law and Practice of the Supreme Court, had the said person been produced and examined before the said Court, in the ordinary and accustomed manner.

Depositions of persons who have died or who are absent or who from other specified cause cannot be produced as witnesses in any criminal prosecution, may, in certain cases, be read in evidence. (No. 6 of 1864 s. 2, 11 and 12 V. c. 42 s. 17.)

33. If the Attorney-General, or other person conducting a prosecution in criminal proceedings on behalf of the Crown, shall at the trial of any person accused apply to the Court for leave to read as evidence, in such prosecution, the examination of any person, and it shall appear from the Registrar or Deputy Registrar or other proper officer of the said Court that the depositions, including the examination of such person, or a copy thereof, are in the custody of the said Court, and if it shall appear from the perusal of such examination by the presiding judge that such examination contains any statement to the effect or from which it may fairly and reasonably be inferred, that such person was examined before a Magistrate or other officer of Her Majesty to whom the cognizance of the crime or offence appertained, and that the usual oath, affirmation, declaration, or warning was administered to, made by, or given to such person, prior to his examination, and that the examination was taken in the presence of the prisoner or accused, and that he or his Counsel or Solicitor was asked to cross-examine and had a full opportunity of cross-examining or did actually cross-examine such person and that the examination of such person was reduced into writing and read over to the person examined, then, if such examination purports to be signed by the person examined and by the Magistrate or other officer by or before whom the same purports to be taken, it shall be lawful to read such examination in evidence, without further proof of the matters in this section aforesaid, unless it be proved that such examination was not taken in manner aforesaid, or was not in fact signed by the person examined or by the Magistrate or officer aforesaid, purporting to sign the same.

What shall be deemed *prima facie* proof of examination having been duly taken. (No. 6 of 1864 s. 3.)

34. No objection to the reception in evidence of the examination of any person shall be permitted to prevail upon the ground that the particular examination of such person was not signed by the Magistrate or other officer of Her Majesty as aforesaid, if it shall appear, in manner aforesaid, that the depositions wherein such examination was included, were so signed.

No objection to admissibility of examination in evidence if depositions signed by the Magistrate, &c., notwithstanding particular examination not so signed. (No. 6 of 1864 s. 4.)

Power to take deposition of person dangerously ill, and not likely to recover, and to make evidence in certain events, after death of such person. (30 and 31 V. c. 3, s. 6.)

35. And whereas it may happen that a person dangerously ill and unable to travel, may be able to give material and important information relating to an indictable offence or to a person accused thereof, and it may not be practicable or permissible to take in accordance with the provisions of the foregoing sections 32 and 33 the examination or deposition of the person so being ill, so as to make the same available as evidence in the event of his or her death before the trial of the prisoner or accused and it is desirable in the interests of truth and justice that means should be provided for perpetuating such testimony, and for rendering the same available in the event of the death of the person, whenever it shall be made to appear to the satisfaction of any Magistrate or Justice of the Peace that any person dangerously ill, and in the opinion of some registered medical practitioner, not likely to recover from such illness, is able and willing to give material information relating to an indictable offence or relating to any person accused of any such offence, and it shall not be practicable for any Magistrate or other officer of Her Majesty as aforesaid to take an examination or deposition in accordance with the provisions of said sections 32 and 33 of this Ordinance of the person so being ill, it shall be lawful for the said Magistrate or any Justice of the Peace to take in writing the statement on oath, affirmation, or declaration of such person so being ill, and such Magistrate or justice shall thereupon subscribe the same, and shall add thereto by way of caption a statement of his reason for taking the same, and of the day and place when and where the same was taken, and of the names of the persons (if any) present at the taking thereof, and, if the same shall relate to any indictable offence or for which any accused person is already committed or bailed to appear for trial, shall transmit the same with the said addition to the proper officer of the Court for trial at which such prisoner or accused shall have been so committed or bailed; and in all other cases he shall transmit the same to the Registrar of the Supreme Court who is hereby required to preserve the same, and file it for record; and if afterwards, upon the trial of any offender or offence to which the same may relate, the person who made the same statement shall be proved to be dead, or if it shall be proved that there is no reasonable probability that such person will ever be able to travel or to give evidence, it shall be lawful to read such statement in evidence, either for or against the prisoner or accused, without further proof thereof, if the same purports to be signed by the Magistrate or justice by or before whom it purports to be taken, and provided it be proved to the satisfaction of the Court that reasonable notice of the intention to take such statement has been served upon the person (whether prosecutor or prisoner, or accused) against whom it is proposed to be read in evidence and that such person, or his counsel or solicitor, had or might have had, if he had chosen to be present, full opportunity of cross-examining the deceased person who made the same.

Provision for the prisoner being present at taking of statement. (30 and 31 V. c. 3, s. 7.)

36. Whenever a prisoner in actual custody shall have been served with or shall have received notice of an intention to take such statement as in the last section mentioned, the judge or Magistrate by whom the prisoner was committed, or the visiting justices of the prison in which he is confined, may, by an order in writing, direct the gaoler having the custody of the prisoner to convey him to the place mentioned in the said notice for the purpose of being present at the taking of the statement; and such gaoler shall convey the prisoner accordingly, and the expenses (if any) of such conveyance shall be paid out of the funds applicable to the other expenses of the prison from which the prisoner shall have been conveyed.

Examination by Magistrate, evidence at trial (No. 18 of 1873, s. 4 Indian Criminal Code No. 10 of 1872, s. 249.)

37. All examinations in pursuance of Ordinance No. 18 of 1873 by the Committing Magistrate of any prisoner or accused who is thereafter committed for trial at the Criminal Sessions of the Supreme Court shall be laid by the judge as evidence before the jury at the trial.

Answers of prisoner and accused. (No. 18 of 1873, s. 7. Indian Criminal Code No. 10 of 1872, s. 193.)

38. The answers given by any prisoner or accused to any questions put to him by the judge during the trial before the Supreme Court in pursuance of Ordinance No. 18 of 1873 may be put in or treated as evidence in the case in the discretion of the judge.

Statement of accused, when receivable in evidence. (No. 6 of 1864 s. 5, 11 and 12 V. c. 42, s. 18.)

39. In case of proceedings with a view to committal for trial at the Supreme Court, if after the examination of all the witnesses on the part of the prosecution shall have been completed before a Magistrate or other officer of Her Majesty to whom the cognizance of the crime or offence

Note :—Suggested “at such trial” to allow the statement to be read on the part of the prosecution or defence.

appertained, any voluntary statement shall have been made by the prisoner or accused before such Magistrate or officer of Her Majesty as aforesaid, it shall be lawful for any judge of the Supreme Court, and he is hereby required to allow such statement to be read and received in evidence *in such prosecution* upon the presiding judge being satisfied that the following conditions had been in each case complied with;

- (1). That prior to such statement having been made the Magistrate or other officer of Her Majesty to whom the cognizance of the crime or offence appertained, had read or caused to be read, or, where necessary, had translated, or caused to be translated to the prisoner or accused, the depositions taken against him.
- (2). That prior to such statement having been made the Magistrate, or other officer of Her Majesty to whom the cognizance of the crime or offence appertained, had addressed to the prisoner or accused these words, or words to the like effect: “Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence against you upon your trial.”
- (3). That prior to such statement having been made the Magistrate, or other officer of Her Majesty to whom the cognizance of the crime or offence appertained, had given the prisoner or accused clearly to understand that he had nothing to hope from any promise of favour, and nothing to fear from any threat which might have been held out to him to induce him to make any admission or confession of his guilt, but that whatever he then said might be given in evidence against him upon his trial notwithstanding such promise or threat.
- (4). That what the prisoner or accused answered thereto was taken down in writing and read over to him.
- (5). That the said statement had been kept with, and at the time of the application to receive the same in evidence was in the custody of the Supreme Court in the same manner as the depositions of the witnesses which had been taken in the same matter.

Provided nevertheless, that nothing herein enacted or contained shall prevent the Attorney General, or other person conducting a prosecution in criminal proceedings on behalf of the Crown from giving in evidence any admission or confession or other statement of the prisoner or accused, made at any time, which by law would be admissible as evidence against such person.

* *Note* :—Suggested “the prisoner or accused or his counsel.”

40. If the Attorney General or other person conducting a prosecution in criminal proceedings on behalf of the Crown * shall at the trial of any prisoner or accused apply to the Court for leave to read as evidence in such prosecution the statement of such person mentioned in the last section, and it shall appear from the Registrar or Deputy Registrar or other competent officer of the said Court that the depositions including the statement of such person or a copy thereof are in the custody of the said Court, and if such statement shall appear to have been duly taken in compliance with the conditions by the last section imposed, then if such statement purports to be signed by the Magistrate or other officer by or before whom the same purports to be taken, it shall be lawful to read such statement in evidence without further proof of the matters in the section last aforesaid, unless it be proved that such statement was not duly taken, or was not in fact signed by the Magistrate or Officer aforesaid purporting to sign the same.

Prima facie
proof of state-
ment duly
taken.
(No. 6 of
1864 s. 6.)

PART V.—*Commissions to take Evidence.*

41. Where upon an application for this purpose by summons it is made to appear to the Supreme Court or any judge thereof that any of Her Majesty's Courts of competent jurisdiction outside the Colony has duly authorised by commission, order or other process, the obtaining the testimony in or in relation to any civil proceedings pending in or before such Court or tribunal of any witness or witnesses out of the jurisdiction of such Court or tribunal, and within the jurisdiction of the Supreme Court it shall be lawful for the Supreme Court or any judge thereof to order the examination before the person or persons appointed,

Order for
examination
of witnesses
in the Colony
in relation to
any suit
pending before
any tribunal
or tribunals
of Her Ma-
jesty.
(22 V. c. 20 s. 1.)

and in manner and form directed by such commission, order or other process as aforesaid of such witness or witnesses accordingly so far as not repugnant to the laws and practice of the Colony; and it shall be lawful for the said Court or any judge thereof by the same order or by any subsequent order, to command the attendance of any person to be named in such order, for the purpose of being examined, or the production of any writings or other documents to be mentioned in such order, and to give all such directions as to the time, place and manner of such examination, and all other matters connected therewith as may appear reasonable and just; and any such order may be enforced, and any disobedience thereof punished, in like manner as in case of an order made by the Supreme Court or any judge thereof in any suit or other proceeding depending in such Court or before any such judge.

Order for examination of witnesses in the Colony in relation to any civil or commercial matter pending before a foreign tribunal. (19 and 20 V. c. 113 s. 1.)

42. Where upon an application by summons for this purpose, it is made to appear to the Supreme Court or any judge thereof that any Court or tribunal of competent jurisdiction in a foreign country, before which any civil or commercial proceedings are pending, is desirous of obtaining the testimony in relation to such proceedings of any witness or witnesses within the jurisdiction of the Supreme Court it shall be lawful for the Supreme Court or any judge thereof to order the examination upon oath, upon interrogatories or otherwise, before any person or persons named in such order, of such witness or witnesses accordingly; and it shall be lawful for the Supreme Court or any judge thereof by the same order or by any subsequent order, to command the attendance of any person to be named in such order, for the purpose of being examined, or the production of any writings or other documents to be mentioned in such order, and to give all such directions as to the time, place and manner of such examination, and all other matters connected therewith, as may appear reasonable and just; and any such order may be enforced in like manner as an order made by the Supreme Court or any judge thereof in any suit depending in such Court or before such judge.

Certificate of Ambassador, &c. sufficient evidence in support of application. (19 and 20 V. c. 113 s. 2.)

43. A certificate under the hand of the ambassador, minister or other Diplomatic agent of any foreign power, received as such by the Governor or in case there be no such Diplomatic agent, then of the Consul-General or Consul of any such foreign power in the Colony received and admitted as such by the Governor that any such proceedings in relation to which an application is made under the last section of this Ordinance is a civil or commercial suit or matter pending before a Court or tribunal in the country of which he is the diplomatic agent or Consul, having jurisdiction in the proceedings so pending and that such Court or tribunal is desirous of obtaining the testimony of the witness or witnesses to whom the application relates, shall be evidence of the matters so certified; but where no such certificate is produced other evidence to that effect shall be admissible.

Examination of witness under ss. 41, 42 (19 and 20 V. c. 113, s. 3, 22 V. c. 20 s. 6.)

44. When under any such commission, order or other process as mentioned in section 41 or under any order made under section 42 of this Ordinance, any witness is to be examined, such witness shall be examined on oath, affirmation and declaration, and declaration alone or otherwise according to the law and practice of the Colony; Provided always,—

Payment of expenses (19 and 20 V. c. 113 s. 4, (22 V. c. 20 s. 3.)

(1.) That every person whose attendance shall be required under any such commission order or other process shall be entitled to the like conduct money and payment of expenses and loss of time as upon attendance at the trial or hearing of any suit or other proceeding before the Supreme Court; and

Persons to have right of refusal to answer questions and to produce documents. (19 and 20 V. c. 113 s. 5.)

(2.) That every person examined under any such commission, order or other process shall have the like right to refuse to answer questions tending to criminate himself, and all such other questions to which he would be entitled to object in similar proceedings before the Supreme Court; and that no person shall be compelled to produce under any such order as aforesaid any writing or other document that he would not be compellable to produce at the trial or the hearing in the Supreme Court.

PART VI.—Oaths, Affirmations, &c.

45. The Court is hereby empowered to administer an oath to all such persons as are legally called or appear voluntarily before it.

Administra-
tion of oath
by the Court.
(No. 3 of 1852,
s. 10, 14 and 15
V. c. 99, s. 16.)

46. If any person not being a native of China called as a witness to give *vivâ voce* evidence or required or desiring to make an affidavit or deposition in any proceedings shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be lawful for the Court or the person qualified to take affidavits or depositions upon being satisfied of the sincerity of such objection to permit such person instead of being sworn to give evidence or to make such affidavit or deposition as aforesaid as follows:—

Affirmation in
lieu of oath.
(No. 6 of 1855
s. 18, 17 and 18
V. c. 125 s. 20,
24 and 25
V. c. 66 s. 1.)

(1.) In the case of *vivâ voce* evidence, he shall make the following affirmation and declaration.

“I, A.B., do solemnly sincerely and truly affirm and declare that the taking of an oath is according to my religious belief unlawful; I do solemnly sincerely and truly affirm and declare that the evidence which I am about to give shall be the truth the whole truth and nothing but the truth.”

(2.) In case of an affidavit or deposition or other document required to be sworn he shall make and subscribe the following affirmation and declaration:—

“I, A.B., do solemnly sincerely and truly affirm and declare that the taking of an oath is according to my religious belief unlawful; and I do solemnly sincerely and truly affirm and declare, &c.”

47. Every person not being a Christian or of the Jewish religion called as a witness to give *vivâ voce* evidence or required or desiring to make any affidavit or deposition in any proceedings shall in lieu of an oath make his declaration, which shall be duly interpreted to every witness ignorant of the English language, in the manner following:—

Declaration by
non-Christian
in lieu of oath.
(No. 6 of 1855,
s. 19, No. 2 of
1860 ss. 2, 3.)

(1.) In the case of *vivâ voce* evidence, he shall make the following declaration.

“I, A.B., do solemnly sincerely and truly declare that the evidence which I am about to give shall be the truth the whole truth and nothing but the truth;”

(2.) In the case of an affidavit or deposition or other document required to be sworn, he shall make and subscribe the following declaration:—

“I hereby solemnly and sincerely declare that the contents of this my (affidavit information deposition or testification or other document *as the case may be*) are true.”

48. Every solemn affirmation and declaration or declaration alone shall be of the same force and effect as an oath in the usual form.

Effect of affir-
mation, decla-
ration, &c.
(No. 6 of 1855,
s. 19.)

PART VII.—Perjury, &c.

49. Every person making or subscribing any solemn affirmation and declaration or declaration who shall wilfully falsely and corruptly affirm declare or subscribe any matter or thing which if the same had been sworn would have amounted to wilful and corrupt perjury shall incur the same penalties as by any law or ordinance in force within the Colony, is or may be provided or enacted for the punishment of wilful, and corrupt perjury.

False affirma-
tions and
declarations.
(No. 6 of 1855,
s. 19, 77, No. 2
of 1860 s. 4, 17
and 18 V. c. 125,
24 and 25 V. c.
66 s. 2.)

50. Where two or more contradictory statements of fact or alleged fact, material to the issue or matter in question, have been wilfully and knowingly made by one and the same witness in any proceeding before the Court either at the same examination or at two or more examinations, and whether before the same Court or person or before any other Court or person and whether the respective truth or falsehood of the said statements can be ascertained or not, an information may be preferred against him, charging him with having, on the day or days of his said examination or examinations wilfully and knowingly made the said conflicting or contradictory statements, and setting forth the short material purport or effect thereof respectively and upon conviction thereof either in whole or in part such witness shall be liable to the penalties of perjury.

Contradictory
statements by
the same
witness may
be punished as
perjury if
material to the
issue. (No. 7 of
1857 s. 6.)

Tendering false affidavits, &c. made in pursuance of 6, Geo. IV. c. 87, and 18 and 19 V. c. 42. (No. 7 of 1857, s. 2.)

Punishment for tendering in evidence false documents or making contradictory statement of fact. (7 of 57 s. 7.)

Certifying a false document a misdemeanour. (No. 3 of 1852 s. 9, 14 and 15 V. c. 99 s. 15.)

Persons forging seal, stamp, or signature of certain documents, or wilfully uttering same guilty of felony. (No. 3 of 1852 s. 11, 8 and 9 V. c. 113 s. 4, 14 and 15 V. c. 99 s. 17, 17 and 18 V. c. 42 s. 5 No. 7 of 1857 s. 1.)

Warrant or order to bring up prisoner to give evidence. (16 and 17 V. c. 30 s. 9.)

Nothing herein to interfere with the Law of Wills. (No. 3 of 1852 s. 12.)

51. Any person tendering in evidence in any proceedings in this Colony any such affidavits affirmations or notarial acts as are mentioned or referred to in the 28th section of this Ordinance which are proved to be false knowing the same to be false shall upon conviction thereof be liable to the penalties of perjury.

52. If any false document within the meaning of the 28th section of this Ordinance shall have been tendered in evidence or the statements in the 50th section mentioned or the last of them shall have been so made before the Supreme Court or before a Police Magistrate such Court or Magistrate may if it or he shall think fit either direct a prosecution of the same offence for perjury and commit the offender unless he shall give bail for trial at the next Criminal Sessions of the Supreme Court, or treat the same as contempt of Court and forthwith proceed summarily to punish the same either by fine not exceeding for every such offence \$200 or by imprisonment with or without hard labour for a term not exceeding six months which punishment shall be in lieu of all other penalties.

53. If any officer authorized or required by this Ordinance to furnish any certified copies or extracts, shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanour, and be liable, upon conviction, to imprisonment for any term not exceeding eighteen months.

54. If any person shall forge the seal, stamp, or signature of any document in this Ordinance mentioned or referred to, or shall tender in evidence any such document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to imprisonment for seven years and not less than one year with or without hard labour, and whenever any such document shall have been admitted in evidence by virtue of this Ordinance, the Court or the person who shall have admitted the same, may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and be kept in the custody of such officer of the Court or other proper person, for such period, and subject to such conditions, as to the said Court or person shall seem meet.

PART VIII.—Miscellaneous.

55. It shall be lawful for the Governor or any judge of the Supreme Court in any case where he may see fit to do so upon application by affidavit to issue a warrant or order under his hand for bringing up any prisoner or person confined in any gaol or prison or place in the Colony under any sentence or under commitment for trial or otherwise (except under process in any civil proceedings) before any Court Judge Magistrate or other judicature to make his defence or to be examined as a witness in any proceedings depending or to be inquired of or determined in or before such Court Judge Magistrate or judicature; and the person required by any such warrant or order to be so brought before such Court Judge Magistrate or other judicature shall be so brought under the same care and custody and be dealt with in like manner in all respects as a prisoner required by any writ of *habeas corpus* awarded by the Supreme Court to be brought before such Court to be examined as a witness in any cause or matter depending before such Court as is now by law required to be dealt with.

56. Nothing herein contained shall repeal any provision contained in chapter twenty-six of the statute passed in the session of Parliament holden in the seventh year of the reign of King William the fourth and the first year of the reign of Her present Majesty.

SCHEDULE.

ORDINANCE.	PART REPEALED.
No. 3 of 1852,	The whole.
No. 3 of 1854,	So much as relates to 6 and 7 V. c. 85.
No. 6 of 1855,	s. 18, 19, 20, 21, 22, 23, 24, 25, 26 and 77.
No. 5 of 1856,	ss. 4, 10 and so much as relates to 16 and 17 V. c. 83.
No. 3 of 1857,	So much as relates to 19 and 20 V. c. 113.
No. 7 of 1857,	The whole.
No. 2 of 1860,	s. 2, 3, 4.
No. 6 of 1864,	The whole.
No. 3 of 1865,	s. 25 to 30 (inclusive).
No. 13 of 1873,	ss. 54, sub. 6, s. 55.
No. 18 of 1873,	ss. 4 and 7.
No. 3 of 1885,	The whole.

A BILL

ENTITLED

An Ordinance to consolidate and amend the Law relating to the compensation of the families of persons killed by accidents arising from negligence. Title.

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

1. This Ordinance may be cited for all purposes as *The Compensation to Families Ordinance, 1888.* Short title.

2. Ordinance No. 10 of 1870 is hereby repealed, but such repeal shall not affect the past operation of the said Ordinance or any liability, or thing incurred, done or suffered thereunder. Repeal.

3. In the interpretation of this Ordinance the word *parent* shall include father and mother, and grand-father and grand-mother, and step-father and step-mother; and the word *child* shall include son and daughter, and grandson and grand-daughter and step-son and step-daughter. Interpretation. (No. 10 of 1870, s. 1, 9 and 10 V. c. 93, s. 5).

4. Whensoever the death of a person shall be caused by any wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued) have entitled the person injured to maintain a suit and recover damages in respect thereof, then and in every such case the person who would have been liable if death had not ensued, shall be liable to a suit for damages notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony. Suit may be brought against person causing death, &c. (No. 10 of 1870, s. 2, 9 and 10 V. c. 93, s. 10).

5. Every such suit shall be for the benefit of the wife, husband, parent, and child of the person whose death shall have been so caused, and shall except as hereinafter provided be brought by and in the name of the executor or administrator of the person deceased; and in every such suit the jury, or where the suit is tried without a jury the Court may give such damages as they or it may think proportioned to the injury resulting from such death, to the parties respectively for whom and for whose benefit such suits shall be brought; and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the beforementioned parties in such shares as the jury by their verdict shall find, or the Court, if the case be tried without a jury, shall direct. Suit for benefit of relations of deceased. (No. 10 of 1870, s. 2, 9 & 10 V. c. 93, s. 2).

6. If and so often as it shall happen at any time or times hereafter in any of the cases intended and provided for by this Ordinance that there shall be no executor or administrator of the person killed within the meaning of this Ordinance or that there being such executor or administrator no such suit as aforesaid, shall within six months after the death of the person so killed as aforesaid have been brought by and in the name of his or her executor or administrator, then and in every such case such suit may be brought by and in the name or names of all or any of the persons (if more than one) for whose benefit such suit would have been, if it had been brought by and in the name of such executor or administrator; and every such suit so to be brought shall be for the benefit of the same person or persons and shall be subject to the same regulations and procedure as nearly as may be as if it were brought by and in the name of such executor or administrator. Where no suit within six months by executor or administrator may sue. (27 and 28 V. c. 93, s. 1).

7. In every such suit the plaintiff on the record shall be required on filing his petition in such suit to deliver to the defendant or his solicitor a full particular of the person or persons for whom and on whose behalf such suit is brought and of the nature of the claim in respect of which damages are sought to be recovered. Plaintiff to deliver full particulars of the person on whose behalf the suit is brought. (No. 10 of 1870, s. 5, 9 and 10 V. c. 93, s. 4).

8. If in any such suit as aforesaid, the defendant is advised to pay money into Court it shall be sufficient if he pay it as a compensation in one sum to all persons entitled under this Ordinance for his wrongful act, neglect or default without specifying the shares into which it is to be divided by the jury (if any) or by the Court if there be no jury: [if the said sum be accepted in full satisfaction of the plaintiff's claim the Court or a judge thereof shall have power either at the hearing or upon a summons for that purpose to apportion the same amongst the parties (if more than one) entitled thereto;] but if the said sum be not accepted and an issue is taken by the plaintiff as to its sufficiency and the jury or Court (as the case may be) shall think the same sufficient, the defendant shall be entitled to the verdict or judgment upon that issue. Money may be paid into Court as one sum. (27 and 28 V. c. 93, s. 2).

9. Not more than one suit shall lie for and in respect of the same subject matter of complaint; and every such suit shall be commenced within twelve calendar months after the death of the person so killed as aforesaid. Limitation of suit. (No. 10 of 1870, s. 4, 9 and 10 V. c. 93, s. 3).

A BILL

ENTITLED

An Ordinance to amend Ordinance 6 of 1887.

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

1. Ordinance 6 of 1887 is hereby amended by substituting for sections 1, 2, 3 and 4 of the said Ordinance, the following sections, that is to say:—

1. In this Ordinance the expression *arms*, includes any description of fire arms, also any sword, cutlass, spear, pike, bayonet, dagger, fighting iron or other deadly weapon, also any part of any arms so defined.
2. The Governor in Council may from time to time at discretion grant to any person a licence to carry arms, subject to such conditions as to the Governor in Council may seem fit, and may from time to time at discretion revoke any such licence.
3. No person, who has not a licence from the Governor in Council for the purpose, shall carry any arms in this Colony: Provided that this prohibition shall not apply to any persons in the Naval or Military or Civil Services of the Crown or of any foreign power, or, to Justices of the Peace, or to Special or Common Jurors, and provided also that this prohibition shall not apply to prevent the owner of any trading or fishing junk who has given security to the Harbour Master under section 38 of Ordinance 8 of 1879 from having without licence on board of his junk such arms as are reasonably necessary for the protection of such junk on the high seas.
4. If any arms are found on board of any junk or other Chinese vessel and the person in charge, or appearing or acting as the master or as in charge of such junk or vessel, does not produce a licence under this Ordinance authorizing him or some other person or persons on board of such junk or vessel to carry such arms, or does not shew that such arms come within the second proviso of section 3, such person and all other persons on board of such junk or vessel shall be deemed to be persons carrying arms contrary to this Ordinance.

And in section 7 by substituting for the words "every month to furnish to the Registrar General" the words "February, May, August and November in each year to furnish to the Captain Superintendent of Police."

A BILL

ENTITLED

An Ordinance to Facilitate the Incorporation of Religious, Educational, and Charitable Institutions.

WHEREAS it is desirable to provide facilities for the transmission and management of estates, properties, and effects granted or dedicated to religious, educational, or charitable uses. Be it therefore enacted by the Governor of Hongkong with the advice of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Governor with the advice of the Executive Council from time to time to issue Letters Patent under the Seal of the Colony and the to declare that any person or persons and their successors for ever holding any religious or secular office or preferment or exercising any religious or secular functions to which he or they shall have been duly called or appointed in accordance with the rites, laws, rules, or usages of the community or institution to which such person or persons should belong shall be a body corporate by such name and style as may in and by the said Letters Patent be given to such Corporation and such person or persons shall by that name have perpetual succession and a common seal and shall by the same name from time to time and at all times thereafter be capable to receive, purchase, acquire, and possess to them and their successors so called or appointed to and for the uses and purposes of the said Corporation and of the religious or secular institution by which such person or persons and their successors shall be so called or appointed any messuages, lands, and tenements of what nature, kind, or quality soever within the Colony and also to receive, purchase, acquire, and possess to and for the same uses and purposes any goods,

chattels, gifts, or benefactions whatsoever and to mortgage, charge, or alienate all or any of the said messuages, lands, tenements, goods, chattels, gifts, or benefactions provided such a mortgage, charge, or alienation be not contrary to the gift, grant, or dedication of the original donor and that the moneys to be raised thereby shall be applied to the same uses and purposes and such corporation shall and may by the same name be capable to sue and to be sued both at law and in equity in like manner as any other body politic or corporate or any persons capable to sue and be sued in law or in equity in any manner whatsoever.

2. No defect, irregularity, or illegality in the calling or appointment of any such person or persons or their successors nor any want of title thereby or by any matter of form created shall invalidate, prejudice, or affect the right, title, or interest of any *bonâ fide* purchaser or mortgagee, provided that the purchase or mortgage deed shall be under the common seal of the said corporation and that the consideration for making such deed shall be truly stated therein. And no purchaser or mortgagee shall be obliged to see to the application or be accountable for the misapplication or non-application of his purchase or mortgage money. Provided nevertheless that it shall be proved that such person or persons were in fact holding such religious office or preferment.

3. Every deed of grant, gift, benefaction, or testamentary disposition to or in favor of any such Corporation shall be made in the presence of and attested by three credible witnesses and shall be executed and registered one month previous to the decease of the person making such deed of grant, gift, benefaction, or testamentary disposition.

4. Any person or persons seeking for incorporation under the provisions of this Ordinance and his or their successors shall produce to the Governor in Executive Council such proof as the Governor in Council may require of the status and objects of the body represented by such person or persons and of the appointment of such person or persons as the representative or representatives of such body and that the application is made with the consent of such body.

5. If the Governor in Executive Council is satisfied as to the sufficiency of the proof so produced an order certifying to that effect may be made by the Governor in Executive Council, and a copy of such certificate together with a copy of the documentary evidence of such person's or persons' calling or appointment and of the calling or appointment of such successor or successors certified under the hand of the clerk of the Executive Council to be true copies shall be registered by the clerk of Councils in the Supreme Court in a Register to be kept by the Registrar of the Supreme Court for the purpose and notice of every such registration shall be published in the *Gazette*.

6. Upon the issue of Letters Patent as aforesaid a copy of the same shall forthwith be registered in like manner.

GOVERNMENT NOTIFICATION.—No. 515.

His Excellency the Governor has given his assent, in the name and on behalf of the Queen, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 24 of 1888.—*An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, to authorise the Appropriation of a Supplementary Sum of One hundred and Ninety-four thousand Four hundred and Sixty-eight Dollars and Sixty-three Cents to defray the Charges of the Year 1887.*

Ordinance No. 25 of 1888.—*An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, to apply a sum not exceeding One million Two hundred and Thirty-nine thousand Eight hundred and Ninety-seven Dollars to the Public Service of the Year 1889.*

Ordinance No. 26 of 1888.—*An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, entitled The European District Reservation Ordinance Amendment Ordinance, 1888.*

Ordinance No. 27 of 1888.—*An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, to amend Ordinance 9 of 1876.*

Ordinance No. 28 of 1888.—*An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, for the naturalization of ELIAS ISAAC ELIAS otherwise ELIAS ISAAC ELIAS ZACHARIAH.*

By Command,

FREDERICK STEWART,
Colonial Secretary.