

## GOVERNMENT NOTIFICATION.—No. 490.

The following Circular Despatch with its enclosures is published for general information.

By Command,

A. LISTER,  
*Acting Colonial Secretary.*

Colonial Secretary's Office, Hongkong, 30th November, 1889.

## CIRCULAR.

Downing Street,  
London, 30th November, 1889.

SIR,— I have the honour to transmit to you for information and publication in the *Government Gazette* under your Government, a copy of "An Act to amend the Law relating to the use of Flags in the British Merchant Service," passed in the last Session of Parliament. I also enclose for publication and for insertion in any Volumes of the Colonial Regulations in use in the Colony, an amended paragraph to be substituted for number six of Section 432 in chapter 20 relating to the use of Flags.

I have the honour to be,

Sir,

Your most obedient humble Servant,

KNETSFORD

*The Officer Administering the Government of*  
HONGKONG.

## Enclosure 1.

## CHAPTER 73.

A.D. 1889.

An Act to amend the Law relating to the use of Flags in the British Merchant Service.

[30th August 1889.]

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:

Explanation of law as to national colours for ships.

1. The red ensign usually worn by merchant ships, without any defacement or modification whatsoever, is hereby declared to be the proper national colours for all ships and boats belonging to any subject of Her Majesty, except in the case of Her Majesty's ships or boats, or in the case of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or from the Admiralty.

Penalty on ship not showing colours.

2.—(1.) A ship belonging to any subject of Her Majesty shall, on a signal being made to her by one of Her Majesty's ships, and on entering or leaving any foreign port, and if of fifty tons gross tonnage or upwards shall also on entering or leaving any British port, hoist the proper national colours.

(2.) If default is made on board any such ship in complying with the requirements of this section, the master of the ship shall incur a penalty not exceeding one hundred pounds.

Provided that this section shall not apply to any sea fishing boat duly registered, lettered, and marked as required by the Acts relating to the sea fisheries.

Amendment of s. 105 of the Merchant Shipping Act, 1854.

3.—(1.) Any penalty incurred under section one hundred and five of the Merchant Shipping Act, 1854, in respect of the improper hoisting of colours or of a pendant on board any ship or boat belonging to any subject of Her Majesty, with the costs of recovering the penalty, may be recovered in Her Majesty's High Court of Justice in England or Ireland, or in the Court of Session in Scotland, or in any Vice-Admiralty Court within Her Majesty's dominions.

(2.) Any offence mentioned in that section may also be prosecuted, and the penalty for it recovered, in the same manner as if the offence were an offence declared by the Merchant Shipping Act, 1854, to be punishable by a penalty not exceeding one hundred pounds.

A.D. 1889.

Provided as follows :

- (a.) Where any such offence is prosecuted as last aforesaid the Court imposing the penalty shall not impose a higher penalty than one hundred pounds ; and
- (b.) Nothing in this section shall authorise the imposition of more than one penalty in respect of the same offence.

4. The expression "one of Her Majesty's ships" includes any vessel being under the command of an officer of Her Majesty's Navy on full pay.

Definition of Her Majesty's ships.

5. Nothing in this Act shall affect any power of the Admiralty in respect of the red ensign usually worn by merchant ships.

Saving for Admiralty.

6. This Act may be cited as the Merchant Shipping (Colours) Act, 1889, and shall be construed as one with the Merchant Shipping Acts, 1854 to 1887, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1854 to 1889.

Title and construction of Act.

### Enclosure 2.

6. All other vessels registered as belonging to one of Her Majesty's Colonies or Dependencies will fly the Red Ensign without any Badge. (See section 1 of 52 and 53 Victoria Cap. 73.) There will, however, be no objection to Colonial Merchant Vessels carrying distinguishing flags with the Badge of the Colony thereon, in addition to the Red Ensign, provided that such flag does not infringe the limits laid down in Section 105 of the Merchant Shipping Act, 1854.

## GOVERNMENT NOTIFICATION.—No. 491.

The following Hydrographic Notices are published for general information.

By Command,

Colonial Secretary's Office, Hongkong, 30th November, 1889.

A. LISTER,  
Acting Colonial Secretary.

*Government of Queensland.*

### NOTICE TO MARINERS.

*No. 20 of 1889.*

#### SUNKEN ROCK OFF ROUND-TOP ISLAND.

Notice is hereby given, that a Sunken Rock, with about 19 feet of water over it at low water, has been found by the B.I.S. "Taroba" to lie in the following position:—

Round-Top Island (centre), S.W.  $\frac{1}{2}$  S.  
Flat-Top Island Lighthouse, West.

G. P. HEATH, Commander, R.N.,  
Portmaster.

Department of Ports and Harbours,  
Brisbane, 11th October, 1889.

### NOTICE TO MARINERS.

*No. 21 of 1889.*

#### CHANNEL ACROSS BAR OF BURNETT RIVER.

Notice is hereby given, that an Inner Black Buoy has been placed on the Bar, in the line of the leading beacons and lights, to point out the extremity of a spit which has extended from the Southward into the Channel.

After passing the Outer Black Buoy vessels are to open the Lights slightly to the Northward until past the second black buoy, when they are to bring the Lights into line again, and proceed as formerly. Abreast the second buoy there is ample width of channel and deep water.

G. P. HEATH, Commander, R.N.,  
Portmaster.

Department of Ports and Harbours,  
Brisbane, 11th October, 1889.