

Council resumed and Bill reported without amendment.

The Acting Attorney General moved the third reading of the Bill.

The Acting Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

BILL ENTITLED AN ORDINANCE FOR THE REGULATION OF VEHICLES.—The Acting Attorney General moved the second reading of the Bill.

The Acting Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

Council resumed and Bill reported with amendments.

BILL ENTITLED AN ORDINANCE TO AMEND THE LAW RELATING TO SOLICITORS OF THE SUPREME COURT.—The Acting Attorney General moved that the second reading of the Bill be postponed.

The Acting Colonial Secretary seconded.

Question—put and agreed to.

ADJOURNMENT.—The Council then adjourned till Wednesday, the 8th February, 1899, at 3 p.m.

HENRY A. BLAKE,  
*Governor.*

Read and confirmed this 8th day of February, 1899.

J. G. T. BUCKLE,  
*Clerk of Councils.*

### GOVERNMENT NOTIFICATION.—No. 68.

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

J. G. T. BUCKLE,  
*Clerk of Councils.*

Council Chamber, Hongkong, 8th February, 1899.

### HONGKONG.

#### MERCHANT SHIPPING CONSOLIDATION ORDINANCE, 1899.

#### TEXT OF THE ORDINANCE.

##### PRELIMINARY.

Section.	
1	Short Title.
2	Interpretation.

##### PART I.

3	REGISTRY.
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##### PART II.

##### MASTERS AND SEAMEN.

4	Certificates of Competency.
5	Engagement and Discharge of Seamen.
6	Boarding Houses for Seamen.
7	Distressed Seamen.
8	Provisions, Health and Accommodation.
9	Discipline.

## PART III.

## PASSENGER SHIPS.

- 10 Surveys.
- 11 General Equipment.
- 12 Excess of Passengers.

## PART IV.

## SAFETY.

- 13 Life-saving Appliances.
- 14 Deck and Load-lines.
- 15 Dangerous Goods.
- 16 Grain Cargoes.
- 17 Unseaworthy Ships.
- 18 Foreign Ships Overloading.

## PART V.

## MARINE COURTS AND COURTS OF SURVEY.

- 19 Marine Courts.
- 20 Courts of Survey.

## PART VI.

CONTROL OF THE WATERS OF COLONY AND OF  
VESSELS USING THE SAME.

- 21 Duties of Master.
- 22 Quarantine.
- 23 Fairways.
- 24 Safety of Ships and Prevention of Accidents.
- 25 Offences in Waters of Colony.
- 26 Removal of Obstructions.
- 27 Moorings and Buoys.
- 28 Powers of Police.

## PART VII.

## LIGHTHOUSES, BUOYS OR BEACONS.

- 29 Lighthouses.
- 30 Light or other Dues.
- 31 Damage to Lights, Buoys or Beacons.
- 32 Gap Rock Lighthouse.
- 33 Prevention of False Lights.

## PART VIII.

## 34 IMPORTATION AND STORAGE OF EXPLOSIVES.

## PART IX.

STEAM-SHIPS NOT EXCEEDING SIXTY TONS  
AND RIVER STEAMERS.

- 35 Steam-ships not exceeding Sixty Tons.
- 36 River Steamers.

## PART X.

## JUNKS AND SMALL BOATS.

- 37 Junks.
- 38 Boats, Lighters, Hulks, &c.

## PART XI.

## GENERAL.

- 39 Prosecution of Offences and Procedure.
- 40 Rules and Regulations.
- 41 Remuneration, Fees and Costs.
- 42 Abstract of Ordinance.
- 43 Exemption of Ships of War.
- 44 Repealing Clause.
- 45 Suspending Clause.

MERCHANT SHIPPING CONSOLIDATION ORDINANCE,  
1899.

COMPARED AND REFERRED TO ORDINANCE No. 26 OF 1891,  
AND TO MERCHANT SHIPPING ACT, 1894.

ARRANGEMENTS OF PARTS, SECTIONS, AND SUB-SECTIONS.			Corresponding Part and Section in Ord. No. 26 of 1891, or in the Imperial Merchant Shipping Act, 1894.
Part	Sec.	Sub-sec.	Part Sec. Sub-sec.
		PREAMBLE.	
		PRELIMINARY.	
	1	Short Title.	1
	2	Interpretation.	2
I		REGISTRY.	I
	3	(1) Documents required by ships in waters of Colony, .....	3 (1)
		(2) Who qualified to hold Colonial Register, .....	(2)
		(3) Declaration necessary, .....	(3)
		(4) Documents necessary, .....	(4)
		(5) Surveyor's certificate, .....	(5)
		(6) Marking of ship, .....	(6)
		(7) Production of register to Harbour Master, .....	(7)
		(8) Colonial Register may be proved, .....	(8)
		(9) Colonial ship may use British flag, .....	(9)
		(10) Change of owner or master, .....	(10)
		(11) <i>When master a British subject.</i>	
		(12) <i>Passengers.</i>	
		(13) Subject to Merchant Shipping Act, .....	(11)
		(14) Duration of Colonial Register, .....	(12)
		(15) Consent to prosecution, .....	(13)
II		MASTERS AND SEAMEN.	
	4	<i>Certificates of Competency.</i>	10
		(1) Officers must possess, .....	(2)
		(2) Ships to carry certificated officers, .....	(3)
		(3) <i>Colonial Ships not exceeding 60 tons.</i> .....	
		(4) Penalty for leaving without, .....	(5)
		(5) Logs to be evidence, .....	(6)
		(6) Penalties on uncertificated persons, .....	(7)
		(7) Examination for certificates of competency, .....	15 (1)
		(8) Rules for, .....	(2)
		(9) Applicant to give notice to Harbour Master, .....	(3)
		(10) Board of Examiners to be appointed, .....	(4)
		(11) Harbour Master to summon Board, .....	(5)
		(12) Fee to be paid by applicant, .....	(6)
		(13) Fees to Members of Board, .....	(7)
		(14) Certificate to be given, .....	(8)
		(15) Certificates subject to regulations, .....	(9)
		(16) <i>Copy granted in case of loss.</i> .....	M.S.A. 101
		(17) <i>Certificate to be produced to Superintendent Mercantile Marine,</i> .....	" 103
		(18) <i>Forgery of certificate,</i> .....	" 104
	5	<i>Engagement and discharge of Seamen.</i>	16
		(1) Mercantile Marine Office, .....	(1)
		(2) Shipping of seamen, .....	(5)
		(3) <i>Agreements to be made,</i> .....	M.S.A. 113
		(4) <i>Penalty for shipping without agreement,</i> .....	" 113
		(5) Fees, .....	16 (8)
		(6) Payment of fees and reimbursement, .....	(9)
		(7) <i>Seamen not to be discharged without sanction.</i>	
		(8) Place of discharge, .....	(11)
		(9) Master to give discharge and account of wages, .....	(10)
		(10) Penalty for forging documents, &c., .....	22 (1)
		(11) Forcing or leaving men on shore, .....	16 (13)
		(12) Seamen free from arrest, .....	17 (5)
	6	<i>Boarding-houses for Seamen.</i>	17
		(1) Establishment and regulation, .....	(1)
		(2) Penalty for keeping without licence, .....	(2)
		(3) Duties of boarding-house keepers, .....	(3)
		(4) Masters and mates, etc., exempt, .....	(4)
	7	<i>Distressed Seamen.</i>	23
		(1) Relief of seamen from ships registered in Colony, .....	(1)
		(2) Payment out of general revenue, .....	(2)
		(3) Repayment of expenses incurred elsewhere, .....	(3)
	8	<i>Provisions, Health, and Accommodation.</i>	
		(1) British or Colonial ships to carry medicines, .....	19 (2)
		(2) Neglect of owner or master, .....	(4)

ARRANGEMENTS OF PARTS, SECTIONS, AND SUB-SECTIONS.			Corresponding Part and Section in Ord. No. 26 of 1891, or in the Imperial Merchant Shipping Act, 1894.		
Part	Sec.	Sub-sec.	Part Sec. Sub-sec.		
II	8	(3)	<i>Inspection of Medical Stores, .....</i>	M.S.A. 202 adapted.	
		(4)	Masters may require seamen to undergo medical inspection, .....	13 (3)	
		(5)	Boarding-house keepers to report health of boarders, .....	(1)	
		(6)	Penalty for obstructing removal to hospital, ...	(2)	
		(7)	Deaths, etc., to be reported to Harbour Master, .....	21	
		<i>Discipline.</i>			
		9	(1)	Seamen deserting may be apprehended, .....	20 (1)
	(2)		Ships or houses may be searched, .....	(2)	
	(3)		Penalty for harbouring, .....	(3)	
	(4)		Harbour Master may require search, .....	(4)	
	(5)		Offences against discipline, .....	M.S.A. 221 (5)	
	(6)		Expenses by whom payable, .....	225 (6)	
	PASSENGER SHIPS.				
	III	10	<i>Surveys.</i>		5
(1)			<i>Definition of " Passenger Ship," .....</i>	M.S.A. 267 (1)	
(2)			<i>Passenger ships to be surveyed, .....</i>	" 271 (8)	
(3)			<i>Shall not clear out, without certificate, .....</i>	" " (4)	
(4)			Governor may appoint surveyors, .....	5 (5)	
(5)			Power of surveyors to inspect, .....	(6)	
(6)			Governor to regulate mode of survey, .....	(7)	
(7)			Penalty on surveyors receiving fees, .....	(8)	
(8)			Surveyors to give declaration, .....	(9)	
(9)			Transmission of declaration, .....	(10)	
(10)			Governor to grant certificate, .....	(11)	
(11)			Delivery of certificate to owner, .....	14 (1)	
(12)			Appeal to Court of Survey, .....	(2)	
(13)			Report of Court, .....	(3)	
(14)			Costs, .....	(4)	
(15)			Provisions of Ordinance to apply, .....	(5)	
(16)			No appeal in certain cases, .....	(6)	
(17)			Objection to constitution of Court, .....	5 (12)	
(18)			Fees to be paid for certificate, .....	(13)	
(19)			How long certificate to be in force, ..	(14)	
(20)			Governor may cancel certificate, .....	(15)	
(21)			Copy of certificate to be posted, .....	(16)	
(22)			Surveyors to make returns, .....	M.S.A. 282	
(23)	<i>Penalty for forgery, etc., .....</i>	5			
IV	11	<i>General Equipment.</i>		6	
		(1)	Safety valves, compasses, etc., .....	(2)	
	(2)	Penalty for improper weight on safety valve, ...	(3)		
	12	<i>Excess of Passengers.</i>		6	
		(1)	Harbour Master may refuse clearance, .....	(1)	
		(2)	Penalty on master for taking excess of passengers, .....	(2)	
(3)		Owner or agent in like manner, .....	(3)		
(4)	Production of passenger certificate, .....	(4)			
(5)	Deck passengers, .....	(5)			
(6)	Not to apply to " Chinese Passenger-Ships," ..	(6)			
SAFETY.					
IV	13	<i>Life-saving Appliances.</i>		4	
		(1)	Governor in Council to make regulations, .....	(1)	
		(2)	Duties of owner and master, .....	(1)	
		(3)	Penalties for neglect, .....	(2)	
		(4)	Power of surveyors, .....	(3)	
		(5)	Surveyor to give notice of deficiency, .....	(4)	
(6)	Harbour Master not to grant clearance, .....	(5)			
IV	14	<i>Deck and Load Lines.</i>		40	
		(1)	Marking of Deck-lines, .....	(1)	
		(2)	Marking of Load-lines, .....	(1)	
		(3)	Penalty for neglecting to mark, .....	(4)	
		(4)	Penalty for misleading marks, .....	(4)	
		(5)	<i>Ship deemed to be unsafe if disc is submerged, ..</i>	M.S.A. 439	
		(6)	Written statement to Harbour Master, .....	40 (3)	
		(7)	<i>Government Marine Surveyor to certify, .....</i>	M.S.A. 443	
(8)	Ship to be kept marked, .....	40 (4)			

ARRANGEMENTS OF PARTS, SECTIONS, AND SUB-SECTIONS.			Corresponding Part and Section in Ord. No. 26 of 1891, or in the Imperial Merchant Shipping Act, 1894.		
Part	Sec.	Sub-sec.	Part	Sec.	Sub-sec.
IV	15		I	12	
		<i>Dangerous Goods.</i>			
		(1) Restrictions on carriage of, .....			(1)
		(2) Penalty for misdescription, .....			(2)
		(3) <i>Definition of Dangerous Goods</i> , .....	M.S.A.	446	
		(4) Power to refuse to carry, .....			(3)
		(5) <i>Vessel not to carry more than 20 passengers</i> , .....			
		(6) Power to throw overboard, .....			(4)
		(7) Forfeiture of goods improperly sent, .....			(5)
		(8) Procedure of Court, .....			(6)
		(9) Saving as to Dangerous Goods Ordinance, .....			(7)
	16			41	
		<i>Grain Cargoes.</i>			
		(1) Carriage of grain, .....			(1)
		(2) Penalty for improper loading or sending to sea, .....			(1)
	17			11	
		<i>Unseaworthy Ships.</i>			
		(1) Sending unseaworthy ships to sea, .....			(1)
		(2) Knowingly taking to sea, .....			(2)
		(3) Consent of Governor to prosecution, .....			(3)
		(4) As to summary conviction, .....			(4)
		(5) Power to detain unsafe ships, .....			(1)
		(6) Liability of Government, .....		9	(2)
		(7) Security from complainant, .....			(3)
		(8) Supplementary provisions, .....			(4)
	18			10	
		<i>Foreign Ships; Overloading.</i>			
		(1) Application of provision to Foreign ships, .....			(1)
V		MARINE COURTS AND COURTS OF SURVEY.			
	19			13	
		<i>Marine Courts.</i>			
		(1) Governor may appoint Marine Court, .....			(1)
		(2) Constitution of Court, .....			(1)
		(3) Remuneration of members, .....			(2)
		(4) <i>Shipping casualties</i> , .....	M.S.A.	464	
		(5) Cases for inquiry, .....		13	(3)
		(6) <i>Jurisdiction of Court</i> , .....	M.S.A.	478	
				466	
		(7) <i>Inquiry not to be held if matter has already been subject of investigation</i> , .....	"	478	
		(8) <i>Or if inquiry has been commenced in United Kingdom</i> , .....		478	
		(9) <i>Grounds for suspension of certificate</i> , .....		470	
		(10) <i>Decision of Court</i> , .....		470	
		(11) <i>Report to Board of Trade</i> , .....		470	
		(12) <i>Copy of report to be furnished</i> , .....		470	
		(13) <i>Board of Trade may order re-hearing</i> , .....		478	
		(14) <i>Person who applies for Court to assist</i> , .....	M.S.A.	466	
		(15) Additional powers, .....		13	(4)
		(16) Members to sign report, .....			(5)
		(17) Delivering up of certificate, .....			(6)
		(18) Re-hearing, .....			(7)
		(19) Rules as to procedure, .....			(8)
		(20) Opportunity for defence, .....			(9)
	20			13	
		<i>Court of Survey.</i>			
		(1) Constitution of Court, its power and procedure, .....			(10)
		(2) Rules by Governor in Council, .....			(11)
		(3) Payment of costs of investigation, .....			(13)
		(4) Admiralty Court not affected, .....			(14)
VI		CONTROL OF THE WATERS OF COLONY AND OF VESSELS USING THE SAME.	II		
	21			24	
		<i>Duties of Master.</i>			
		(1) Ships to hoist their numbers, .....			(1)
		(2) To be boarded, .....			(2)
		(3) To be moored as ordered by Harbour Master, .....			(8)
		(4) To be entered, .....			(4)
		(5) Orders of Harbour Master, .....			(5)
		(6) Blue Peter and clearances before departure, .....			(6)
	22			25	
		<i>Quarantine.</i>			
		(1) Governor in Council make regulations, .....			(1)
		(2) Penalty for breach, .....			(1)
		(3) <i>Recovery of costs.</i>			
	23			26	
		<i>Fairways.</i>			
		(1) Fairways to be kept clear, .....			(1)

ARRANGEMENTS OF PARTS, SECTIONS, AND SUB-SECTIONS.			Corresponding Part and Section in Ord. No. 26 of 1891, or in the Imperial Merchant Shipping Act, 1894.
Part	Sec.	Sub-sec.	Part Sec. Sub-sec.
VI	24	<i>Safety of Ships and Prevention of Accidents.</i>	II 27
		(1) Lights on junks under weigh,.....	(1)
		(2) Lights on all vessels at anchor,.....	(2)
		(3) Precautions in case of fire or disturbance,.....	(3)
		(4) Governor may make regulations,.....	(5)
	25	<i>Offences in Waters of the Colony.</i>	28
		(1) Prohibiting offences,.....	(1)
		(2) Do.,.....	(1)
		(3) Fire-arms not to be used,.....	(2)
	26	<i>Removal of Obstructions.</i>	29
		(1) Harbour Master may remove,.....	(1)
	27	<i>Mooring and Buoys.</i>	30
		(1) Government moorings,.....	(1)
		(2) Private moorings,.....	(2)
		(3) Hulks, etc.,.....	(3)
		(4) Use of moorings,.....	(4)
		(5) Fees for hulks,.....	(5)
		(6) Governor in Council to made rules,.....	(6)
	28	<i>Powers of Police.</i>	31
		(1) Superintendent and inspector, etc. may board vessels,.....	(1)
		(2) May arrest suspected persons,.....	(2)
		(3) Ship if under weigh may be stopped.	
VII		LIGHTHOUSES, BUOYS OR BEACONS.	
	29	(1) Interpretation,.....	32 (1)
		(2) Power to erect,.....	(2)
		(3) Power to raise funds,.....	(3)
		(4) Power to advance funds,.....	(4)
	30	<i>Light or other dues.</i>	33
		(1) Master or agent to pay dues,.....	(1)
		(2) Governor in Council may fix time of payment or exempt, or substitute,.....	(3)
		(3) Tables of dues,.....	(4)
		(4) Receipt to be produced before clearance,.....	(5)
		(5) Power to distrain for dues,.....	(6)
		(6) Ship's burden how ascertained,.....	(7)
		(7) Penalties,.....	(8)
	31	<i>Damage to Lights, Buoys, or Beacons.</i>	34
		(1) Penalties for injuring lights, etc.,.....	(1)
		(2) Governor in Council may make Rules,.....	
	32	<i>Gap Rock Lighthouse.</i>	35
		(1) Sections to apply to,.....	(1)
	33	<i>Prevention of False Lights.</i>	36
		(1) Harbour Master may prohibit,.....	(1)
		(2) If not obeyed may abate,.....	(2)
VIII		IMPORTATION AND STORAGE OF EXPLOSIVES.	
	34	(1) Vessels and buildings to be provided,.....	37 (1)
		(2) To be termed Government Depot,.....	(2)
		(3) Vessels not to anchor in proximity,.....	(3)
		(4) Master or agents to furnish particulars,.....	(4)
		(5) Vessel to be taken to specified place,.....	(5)
		(6) Red flag to be exhibited,.....	(6)
		(7) Isolation of ships,.....	(7)
		(8) Export of explosives,.....	(8)
		(9) No transhipment at night,.....	(9)
		(10) Limits to storage on land,.....	(10)
		(11) Police may search,.....	(11)
		(12) Governor in Council may make rules,.....	(12)
		(13) Storage rent to be paid,.....	(13)
		(14) Penalty for offences,.....	(14)
		(15) Not to affect Ordinance 8 of 1873,.....	(15)
		(16) Ships of war exempted,.....	(16)

ARRANGEMENTS OF PARTS, SECTIONS, AND SUB-SECTIONS.

Corresponding Part and Section in Ord. No. 26 of 1891, or in the Imperial Merchant Shipping Act, 1894.

Part	Sec.	Sub-sec.		Part	Sec.	Sub-sec.
IX			STEAMSHIPS NOT EXCEEDING 60 TONS AND RIVER STEAMERS.	II		
	35		<i>Steamships not exceeding 60 tons.</i>		7	
		(1)	Not to ply for hire without licence, .....			(1)
		(2)	Harbour Master may grant licence, .....			(2)
		(3)	Regulations, .....			(3)
		(4)	Alteration of regulations, .....			(4)
		(5)	Penalty for excess passengers, .....			(5)
		(6)	Penalty for unlicensed vessel, .....			(6)
		(7)	Plying without certificated master, etc., .....			(7)
		(8)	Pressure on safety valve, .....			(8)
		(9)	Exhibition of lights, .....			(9)
		(10)	Cancellation of licence, .....			(10)
		(11)	Report of arrival, .....			(11)
		(12)	Anchorage pass, .....			(12)
		(13)	Not to remove without a clearance, .....			(13)
		(14)	Night clearance, .....			(14)
		(15)	Notice of departure, .....			(15)
		(16)	Special permits, .....			(16)
		(17)	Penalty, .....			(17)
		(18)	Improper use of licence, .....			(18)
		(19)	Orders of Harbour Master, .....			(19)
		(20)	Offence against regulations, .....			(20)
		(21)	Certain ships exempted, .....			(21)
		(22)	Boilers to be surveyed, .....			(22)
		(23)	Use of unsurveyed ships, .....			(23)
		(24)	Fees for surveys, .....			(24)
		(25)	Application of section, .....			(25)
	36		<i>River Steamers.</i>		8	
		(1)	Licences to be granted, .....			(1)
		(2)	Period of licence, .....			(2)
		(3)	Penalty for excess passengers, .....			(3)
X			JUNKS AND SMALL BOATS.			
	37		<i>Junks.</i>		38	
		(1)	Interpretation, .....			(1)
		(2)	Harbour Master's stations, .....			(2)
		(3)	Anchorage for junks, .....			(3)
		(4)	Unlicensed junks, .....			(4)
		(5)	Do., .....			(5)
		(6)	Report of arrival, .....			(6)
		(7)	Anchorage pass, .....			(7)
		(8)	Not to remove without clearance, .....			(8)
		(9)	Not to leave at night, .....			(9)
		(10)	Flag hoisted before departure, .....			(10)
		(11)	Special permits, .....			(11)
		(12)	Penalty for unlawful use of licence, &c., .....			(15)
		(13)	Trading licences, .....			(21)
		(14)	Fishing licences, .....			(26)
		(15)	Licences to other vessels, .....			(28)
		(16)	Unlicensed fishing vessels, .....			(27)
		(17)	Orders of Harbour Master, .....			(22)
		(18)	Discipline of harbour, .....			(23)
		(19)	Penalty for disobeying, .....			(24)
		(20)	Bringing mendicants into Colony, .....			(16)
		(21)	Power to board junk, .....			(17)
		(22)	Levy on junk, .....			(19)
		(23)	Transfer on sale of junk, .....			(20)
		(24)	Trial of offences, .....			(18)
		(25)	Governor in Council to make regulations, .....			(25)
		(26)	Penalties, .....			(12)
		(27)	Do., .....			(13)
		(28)	Do., .....			(14)
	38		<i>Boats, Lighters, Hulks, etc.</i>		39	
		(1)	Governor in Council to make regulations, .....			(1)
		(2)	Passengers in overcrowded boats, .....			(2)
XI			GENERAL.			
	39		<i>Prosecution of offences and Procedure.</i>			
		(1)	Application of certain parts of M.S.A., .....		42	(1)
		(2)	Trial of offences, .....			(2)
		(3)	Recovery of penalties, .....			(15)
		(4)	Powers of Magistrates, .....		43	(1)
		(5)	Service of documents, .....		42	(3)(4)(5)
		(6)	Power to detain ship, .....	M.S.A. 692	42	(6)
		(7)	Taking detained ship to sea, .....			
		(8)	Taking detaining officer to sea, .....			

ARRANGEMENTS OF PARTS, SECTIONS, AND SUB-SECTIONS.			Corresponding Part and Section in Ord. No. 26 of 1891, or in the Imperial Merchant Shipping Act, 1894.			
Part	Sec.	Sub-sec.	Part	Sec.	Sub-sec.	
XI	39	(9)	II	42	(16)	
		(10)				M.S.A. 697
	40	<i>Rules and Regulations.</i>			42	(8)
		(1)	Governor in Council to make, .....			
		(2)	Penalties, .....			
		(3)	Publication of Rules, .....			
		(4)	Effect of publication, .....			
	41	<i>Remuneration, Fees and Costs.</i>			42	(13)
		(1)	Remuneration of certain persons, .....			
		(2)	Costs, &c. ....			
	42	<i>Abstract of Ordinance.</i>			44	(1) (2)
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	43	<i>Abstract of Ordinance.</i>			45	(1)
		(1)	Abstract to be supplied, .....			
	44	<i>Exemption of Ships of War.</i>			46	(1)
(1)		Ships of War exempt, .....				
45	<i>Repealing Clause.</i>			741		
	(1)	Ordinances repealed, . . . . .				
46	<i>Suspending Clause.</i>			47	(1)	
	(1)	Date of Ordinance coming into operation, .....				



## A BILL

ENTITLED

An Ordinance to consolidate and amend the Laws **Title.**  
relating to Merchant Shipping, the duties of  
the Harbour Master, the control and manage-  
ment of the waters of the Colony, and the  
regulation of vessels navigating the same.

WHEREAS it is expedient to consolidate and amend the **Preamble.**  
laws relating to merchant shipping, the duties of the Har-  
bour Master, the control and management of the waters of  
the Colony, and the regulation of all vessels navigating  
the same: Be it enacted by the Governor of Hongkong,  
with the advice and consent of the Legislative Council  
thereof, as follows:—

## PRELIMINARY.

1. This Ordinance may be cited for all purposes as **The Short title.**  
Merchant Shipping Consolidation Ordinance, 1898.
2. In this Ordinance, unless the context otherwise **Interpretation**  
requires, the following expressions have the respective **clause.**  
meanings hereby assigned to them, that is to say,—
  - “Stipendiary Magistrate” means and includes any Police  
Magistrate of the Colony, and the Marine Magistrate:
  - “Master” includes every person (except a pilot) having  
command or charge of any ship:
  - “Seaman” includes every person (except masters, pilots  
and apprentices duly indentured and registered) em-  
ployed or engaged in any capacity on board any ship:
  - “Vessel” includes any ship or boat, or any other de-  
scription of vessel used in navigation:
  - “Ship” includes any description of vessel used in navi-  
gation not propelled by oars, except Chinese junks or  
lorchas not propelled by steam:
  - “Junk” includes “Lorcha,” and any sea-going sailing  
vessel of Chinese or other Asiatic build, construction,  
and rig:
  - “Lorcha” includes any sea-going sailing vessel of Euro-  
pean build and construction, but of Chinese or other  
Asiatic rig, or of Chinese or other Asiatic build and  
construction, but of European rig:
  - “Steam-ship” means any vessel propelled by steam:
  - “Colonial Ship” means and includes every ship provided  
with a Certificate of Colonial Registry under part I. of  
this Ordinance:
  - “River Steamer” means any steam-ship, exceeding 60  
tons Register, having a Passenger Certificate under sub-  
section 10 of section 10 of this Ordinance, and regularly  
plying between the Colony and any port or place on the  
Canton River, or West River, or Macao:
  - “Passenger” includes any person carried in a ship other  
than the master and crew, and the owner, his family  
and servants:
  - “Tons,” “Tonnage” means tons and tonnage, as calcu-  
lated according to British measurement of registered  
tonnage:
  - “The Waters of the Colony” means the navigable waters  
within the jurisdiction of the Government of this  
Colony:
  - “Local Trade Limits” means the water surrounding  
the Island of Hongkong within the following bound-  
aries, viz.:—
    - On the East.*—A north and south line drawn through  
the Fowtomoon Pass.
    - On the West.*—A north and south line drawn through  
the Capsingmoon Pass.
    - On the South.*—An east and west line drawn through  
the centre of Lochau or Beaufort Island:
  - “Harbour Limits” means the waters of the Colony within  
the following boundaries:—
    - On the East.*—A line drawn from “North Point” on  
the Island of Hongkong to Kowloon City.
    - On the West.*—A line drawn, from the westernmost  
point of Hongkong, to the western side of Green  
Island, continued to the western point of Stonecutters’  
Island, thence to the north point of Stonecutters’  
Island, continued on an East and West line to the  
mainland:
  - “Harbour Master” includes any person deputed or au-  
thorised by the Harbour Master to execute any power  
or perform any duty vested in or imposed upon him by  
this Ordinance.

## PART I.

## REGISTRY.

- Documents required by ships in the waters of the Colony.** 3.—(1.) Every ship trading in or from the waters of this Colony must be provided with either—
- (a.) a Certificate of Registry in conformity with The Imperial Merchant Shipping Acts; or
  - (b.) a Certificate of Colonial Registry under this part of the Ordinance; or
  - (c.) a Certificate of Foreign Registry or other document similar or equivalent to that required in the case of a British or Colonial ship; or
  - (d.) in the case of a steam-ship not exceeding 60 tons a licence under section 35 of this Ordinance.
- Who qualified to hold Colonial Registers.** (2.) The Governor may, at his discretion, grant a Certificate of Colonial Registry as hereinafter provided to—
- (a.) Any person, or body corporate, qualified to be the owner of a British ship as described in section 1 of The Merchant Shipping Act, 1894;
  - (b.) Any Chinese person resident within the Colony applying for the same, provided such applicant be a registered lessee of Crown lands within this Colony, and that he tenders, as securities for the due performance by him of all the requirements of this section, two other Crown lessees, and that he and such lessees be, severally reported by the Registrar General to be each worth five thousand dollars in this Colony, and, should such applicant be a member of any shop or partnership, that the seal or chop of such shop or partnership be also affixed to the security to be given by him.
- Declaration necessary.** (3.) When any person as aforesaid shall be desirous of obtaining a Certificate of Colonial Registry, such person shall forward to the Colonial Secretary an application therefor, together with a declaration in writing stating that the ship for which such registry is sought is intended to be employed solely in voyages with China: Provided always, that should such declaration be false, or the Colonial ship to which it relates not be employed in conformity with it, the registry thereby obtained shall, ipso facto, become null and void.
- Documents necessary for Colonial Registry.** (4.) A Certificate of Colonial Registry shall be issued by the Registrar of Shipping on production to him of the following documents:—
- (a.) The surveyor's certificate as hereinafter provided;
  - (b.) A declaration of ownership with proof thereof to the satisfaction of the Registrar of Shipping;
  - (c.) In the case of a Chinese person a joint and several bond of the owner and two sureties binding each and every of the several obligees under a penal sum of five thousand dollars, to comply with all the provisions of this Ordinance, and with all the laws binding on British subjects with regard to trade with China.
- Surveyor's certificate.** (5.) The surveyor's certificate, referred to in sub-section 4 of this section, shall be a certificate granted by the Government Marine Surveyor specifying the proper measurement of the ship, the particulars descriptive of her identity, that such ship has proper anchors and chains, that the boiler and machinery (if a steam-ship) and the sails (if a sailing ship) are in good condition, and that she is, in all respects, strongly built and properly equipped for the trade for which she is intended.
- Marking of ships.** (6.) It shall not be lawful for the owner of any Colonial ship to give her any name other than that of her registry. Such name shall, before registry, be painted in white or yellow letters not less than four inches long, upon some conspicuous part of her stern and on each bow, in a distinct and legible manner, and, in the case of a Chinese owned vessel, in Roman letters and in Chinese characters, and shall be so kept and preserved. A scale of feet denoting her draught of water shall also be marked on each side of her stem and of her stern post, in such manner as the Government Marine Surveyor shall approve. For the breach of any of the provisions of this sub-section, the owner, or (in the absence of the owner from the Colony) the master, shall be liable to a penalty not exceeding five hundred dollars.
- M.S.A. 1894, sec. 7.** (7.) The Certificate of Registry of every Colonial ship shall be produced once at least every six months to the Harbour Master, who shall endorse the date of such production on such register. On failure of such production, such register may be forfeited unless satisfactory cause for such non-production be shown to the Harbour Master.
- Production of Colonial register to Harbour Master.**

(8.) Every register, certificate, endorsement, declaration, Colonial register or bond authorised or required by this section, may be proved in any Court of Justice, or before any person having authority to receive evidence, either by the production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the Registrar of Shipping, or other person who, for the time being, shall happen to have charge of the original, which certified copy he is hereby required to furnish to every person applying at a reasonable time for the same, and paying therefor the sum of one dollar; and every document, when so proved as aforesaid, shall be received as *prima facie* evidence of all matters therein recited, stated, or appearing.

(9.) The British flag may be used on board of any ship lawfully possessing a Certificate of Colonial Registry under this Ordinance.

(10.) Any change of ownership in any Colonial ship shall render her registry null and void, and the register shall be at once delivered up to the Registrar of Shipping, and any change of master shall be endorsed upon the register by the Harbour Master.

(11.) The master of every ship provided with a Certificate of Colonial Registry under sub-section (2) (b) of this section must be a natural-born British subject.

(12.) No Colonial ship, exceeding 60 tons, shall carry more than 12 passengers for hire, unless she is provided with a Passenger Certificate under section 10 of this Ordinance. If not exceeding 60 tons, she shall not carry any passengers for hire unless she is provided with a License from the Harbour Master under section 35.

(13.) Every Colonial ship shall be, in every respect, subject to the provisions of this Ordinance and (except where the same are inconsistent with the terms of this Ordinance) to the provisions of The Merchant Shipping Act, 1894, and to any Acts amending the same, in the same manner and to the same extent as British ships registered under the said Act are subject thereto.

(14.) Any Certificate of Colonial Registry granted under this section shall be in force and effect for one year from the date of such certificate, and no longer, and such certificate shall be renewable by endorsement on the same, by the Registrar of Shipping: Provided always that whether the certificate is intended to be renewed or not it shall be delivered into the custody of the Registrar of Shipping five days before the expiration of the year for which it has been granted or in the event of the registered ship being at sea then on her return to the Colony. The owner, agent, or master of any such ship neglecting to comply with the requirements of this sub-section shall be liable to a penalty not exceeding \$500.

(15.) No prosecution shall be instituted under this section unless under the fiat of the Attorney General.

## PART II.

### MASTERS AND SEAMEN.

#### *Certificates of Competency.*

4.—(1.) The name of a master, first, only, or second mate, or first, or second engineer, shall not be attached to the register, or articles of agreement, of any British or Colonial ship, unless such master, mate, or engineer shall possess a Certificate of service or competency granted in the United Kingdom under The Merchant Shipping Act, 1894, or a Colonial Certificate of Competency declared by Order of Her Majesty in Council to be of the same force as if it had been granted under the said Act.

(2.) Every British ship, and every Colonial ship exceeding 60 tons, and every Foreign ship holding a Passenger Certificate under section 10 of this Ordinance shall, when leaving the waters of the Colony, be provided with officers who possess valid certificates of competency of a grade appropriate to their stations in the ship, or of a higher grade, according to the following scale:—

- (a.) In any case with a duly certificated master;
- (b.) If the ship is of one hundred tons or upwards, with at least one officer besides the master holding a certificate not lower than that of only mate, or, of mate of a river steamer, in the case of river steamers;
- (c.) If the ship carries more than one mate, with at least the first and second mate duly certificated;
- (d.) If the ship is a steam-ship of one hundred nominal horse-power or upwards, with at least two engineers,

- one of whom shall be a first-class and the other a first-class or second-class engineer duly certificated :
- (e.) If the ship is a steam-ship of less than one hundred nominal horse-power, with at least one engineer who is a first-class or second-class engineer duly certificated.
- Colonial ships not exceeding 60 tons. (3.) Every Colonial ship, not exceeding 60 tons, trading or plying for hire shall, when leaving the waters of the Colony, be provided with officers who possess valid Certificates of Competency according to the following scale:—
- (a.) The master must possess a certificate appropriate to the grade of second mate, or of a higher grade.
- (b.) The engineer (in the case of a steam-ship) must possess a certificate appropriate to the grade of second class engineer, or of a higher grade.
- Ship leaving without certificated officers. (4.) The master of any British, or Colonial ship leaving the waters of the Colony without having on board and entered on the register and articles of agreement, officers possessing the certificates required by this section, shall be liable to a penalty not exceeding five hundred dollars, and it shall be lawful for the Harbour Master to refuse a port clearance to any such ship, or to any Foreign ship holding a passenger certificate under section 10 of this Ordinance, in case of non-compliance with the provisions of sub-section (2), and if any ship to which this sub-section refers leaves or attempts to leave any Port in the Colony without a clearance the master thereof shall be liable to a penalty not exceeding five hundred dollars.
- Logs to be evidence. (No. 26 of 1891, sec. 16.) (5.) In any proceeding in a Court of Justice against any person for a breach of the provisions of this Ordinance, all entries in the official log and the articles of agreement shall be received in evidence subject to all just exceptions.
- Penalties on uncerificated persons. (No. 26 of 1891, sec. 16.) (6.) Every person who, having been engaged in any of the capacities mentioned in sub-sections (2) or (3) in any such ship as aforesaid, goes to sea in that capacity without being at the time entitled to, and possessed of, such certificate as is required by this section, and every person who employs any person in any of the above capacities in such ship without ascertaining that he is at the time entitled to, or possessed of, such certificate as is required by this section, shall, for each such offence, be liable to a penalty not exceeding two hundred and fifty dollars.
- Examinations. (Ibid, sec. 15.) (7.) Examinations shall be instituted for persons who wish to procure certificates of competency as masters, mates, or engineers in the mercantile marine.
- Rules for. (Ibid.) (8.) The Governor in Council may, from time to time, lay down rules as to the conduct of such examinations, and as to the qualifications of the applicants, and such rules shall be strictly adhered to by all examiners.
- Applicant to give notice to Harbour Master. (Ibid.) (9.) Whenever any person shall be desirous of obtaining a certificate of competency as master, first, second, or only mate, or engineer in the mercantile marine, he shall give notice in writing to that effect to the Harbour Master, who shall forward the same to the Governor.
- Board of Examiners to be appointed. (Ibid.) Constitution of Board. (10.) It shall thereupon be lawful for the Governor to constitute and appoint a board of examiners to inquire into the competency of such applicant, and such board shall consist of three members, one of whom shall be the Harbour Master, and of the remaining two one or both shall be Commissioned Officers in the Royal Navy, or masters, or duly qualified engineers in the mercantile marine.
- Harbour Master to summon board and notify applicant. (Ibid.) (11.) Upon such appointment being notified to the Harbour Master, he shall summon the other members of the said board to attend at the Harbour Master's office for the purpose of examining the said applicant, at a day and at an hour to be named in such summons, (such day not to be more than seven days after the date of such summons); and shall also notify the applicant to attend accordingly.
- Fee to be paid by applicant. (Ibid.) (12.) Every applicant for a certificate of competency shall, upon lodging his application, pay to the Harbour Master a fee, if for a master's or first-class engineer's certificate, of twenty dollars, and if for any other certificate, of fifteen dollars.
- Fees to members of board. (Ibid. and No. 9 of 1892.) (13.) Every member of the board, except the Harbour Master, and Assistant Harbour Master, the Marine Surveyor and the Assistant Marine Surveyor, shall be entitled to receive out of the public revenue of the Colony a fee of five dollars for the examination of each applicant.
- Certificate to be given to successful candidates. (Ibid.) (14.) Every applicant who shall have passed a satisfactory examination, and shall have given satisfactory evidence of his sobriety, experience and general good conduct on board ship, shall be entitled to receive, upon the recommendation of the board, a certificate of competency signed by the Governor.

(15.) Certificates of competency granted under this section shall be subject to the Regulations made under the Order of Her Majesty in Council dated the 9th May, 1891, with respect to the use, delivery, cancellation and suspension of Colonial certificates of competency and to any further regulations which may subsequently be made under the same authority. Certificates subject to regulations. (Ibid.)

(16.) If a master, mate, or engineer proves to the satisfaction of the Governor that he has, without fault on his part, lost or been deprived of a certificate already granted to him under this section, the Governor shall, and in any other case may, upon payment of such fee (if any) as he directs, cause a copy of the certificate to which, by the record kept, he appears to be entitled, to be delivered to him; and such copy shall have all the effect of the original. Copy to be granted in case of loss. (M. S. A., 1894, s. 101)

(17.) The master of a ship, on signing the agreement with the crew before the Superintendent of the Mercantile Marine Office, shall produce to him the certificates of competency which the master, mates, and engineers of the ship are hereby required to hold. Certificates to be produced. (Ibid., s. 103.)

(18.) If any person—

- (a.) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency, or an official copy of any such certificate; or Forgery of certificate. (Ibid., s. 104.)
- (b.) makes, assists in making, or procures to be made, any false representation for the purpose of procuring either for himself or for any other person a certificate of competency; or
- (c.) fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled; or
- (d.) fraudulently lends his certificate of competency or allows it to be used by any other person;

that person shall in respect of each offence be guilty of a misdemeanor.

*Engagement and Discharge of Seamen.*

5.—(1.) It shall be lawful for the Governor to appoint within the Colony a place to be called the Mercantile Marine Office, at which place shall be conducted all the business connected with the engagement and discharge of seamen on board British and Colonial ships, and ships whose flag is not represented by a Consular Officer, such ships being in the waters of the Colony. Mercantile Marine Office. (No. 26 of 1891, sec. 16.)

The Harbour Master shall be the Superintendent of the said Mercantile Marine Office.

The present Mercantile Marine Office shall be deemed to be the place appointed until the Governor shall appoint some other place.

(2.) No seaman shall, except with the sanction of the Harbour Master, be shipped to do duty on board a British or Colonial ship, or any foreign ship whose flag is not represented by a Consular Officer resident in the Colony, elsewhere than at the Mercantile Marine Office, and the Superintendent shall require such seaman to produce to him his certificate of discharge from the last ship, and failing the production of such certificate, such seaman shall be bound to give satisfactory explanation to the Harbour Master of the cause of the non-production thereof. Shipping of seamen. (Ibid.)

(3.) The master of every British ship, and of every Colonial ship exceeding sixty tons registered tonnage, and of every foreign ship whose flag is not represented by a Consular Officer resident in the Colony, shall enter into an agreement with every seaman whom he engages in this Colony and carries to sea as one of his crew, in the form and manner provided by The Merchant Shipping Act, 1894. Agreement to be made. (M. S. A., 1894, s. 113.)

(4.) If a master of any such ship carries any seaman to sea without entering into an agreement with him in accordance with the preceding sub-section, he shall be liable to a fine not exceeding fifty dollars. Penalty for shipping without agreement. (Ibid.)

(5.) Such fees not exceeding the sums specified in table I in the schedule hereto, as are from time to time fixed by the Governor in Council, shall be payable upon all engagements and discharges; and the Superintendent shall cause a scale of such fees to be prepared and to be conspicuously placed in the Mercantile Marine Office, and the Superintendent may refuse to proceed with any engagement or discharge, unless the fees payable thereon are first paid. Fees. (No. 26 of 1891, sec. 16.)

Payment of fees on engagement and discharge of seamen.

(6.) Every master of a ship engaging or discharging any seamen or seaman at the Mercantile Marine Office shall pay to the Superintendent the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge from the wages of all persons (except apprentices) so engaged or discharged and retain any sums not exceeding the sums specified in that behalf in the table marked J in the schedule hereto: Provided that, if in any cases the sums which the master is so entitled to deduct exceed the amount of the fee payable by him, such excess shall be paid by him to the superintendent in addition to such fee.

No seaman to be discharged without sanction and due provision for maintenance.

(7.)—(a.) No master shall discharge in this Colony any seaman from any ship, British or Foreign, without the sanction of the Harbour Master or of the Consular Officer (if any) representing the nation to which such ship belongs and unless due provision is made for the subsistence and maintenance of such seaman to the satisfaction of the Harbour Master in the case of a British ship or of a Foreign ship whose flag is not represented in the Colony by a Consular Officer, or to the satisfaction of such Consular Officer in the case of a Foreign ship whose flag is so represented; and any master discharging a seaman in contravention of this sub-section shall be liable to a penalty not exceeding one hundred dollars.

Penalty for wrongfully remaining behind.

(b.) Any seaman being part of the crew of any ship, who shall wilfully or negligently remain in the Colony after the departure of such ship, shall be liable to a penalty not exceeding twenty-five dollars or to imprisonment with or without hard labour for a term not exceeding one month.

Place of discharge. (Ord. 26 of 1891, sec. 16.)

(8.) No seaman shall, except with the sanction of the Harbour Master, be discharged from a British or Colonial ship, or any foreign ship whose flag is not represented by a Consular Officer resident in the Colony, elsewhere than at the Mercantile Marine Office, and every seaman discharged from a foreign ship so represented, shall, within twenty-four hours of being discharged at the office of his Consular Officer, produce to the Harbour Master, or some person deputed by him, a certificate of his discharge, signed by such Consular Officer, and shall in default be liable to a penalty not exceeding twenty-five dollars, and in default of payment to imprisonment not exceeding twenty-one days.

Master shall give to seaman discharged in Colony certificate of discharge, and, if required, an account of wages. (Ibid.)

(9.) Whenever any seaman shall be discharged at the Mercantile Marine Office from any ship within the Colony, the master of such ship shall give at the time of such discharge to such seaman a written certificate of discharge, specifying the time and nature of service, and the time of discharge of such seaman, signed by himself; and if such seaman require it, shall further give him, within twenty-four hours after demand, a true account in writing of the wages of such seaman and of all deductions therefrom.

Penalties for forging of documents, and for false descriptions and statements. (Ibid, sec. 22.)

(10.) Any seaman, or other person, who shall give a false description of his services, or show, or make, or procure to be made, any false character, or shall make false statements as to the name of the last ship in which he served, or as to any other information which may be required of him by any person having lawful authority to demand such information, shall be liable to a penalty not exceeding fifty dollars, and in default to imprisonment for a term not exceeding two months with or without hard labour.

Forcing or leaving seamen on shore. (No. 26 of 1891, sec. 16.)

(11.) If the master or any other person belonging to any British ship wrongfully forces on shore and leaves behind or otherwise wilfully and wrongfully leaves behind in this Colony any seaman or apprentice belonging to such ship before the completion of the voyage for which such seaman or apprentice was engaged he shall be liable to a penalty not exceeding two hundred and fifty dollars or to imprisonment with or without hard labour for a term not exceeding six months.

No seaman shipped under this Ordinance liable to arrest on civil process. (Ibid, sec. 17.)

(12.) No seaman, who shall have been actually shipped on board any vessel in compliance with this Ordinance, shall, during the time for which he is then shipped, be liable to be arrested on civil process, unless the debt or demand shall exceed the sum of five hundred dollars: Provided always, that by the term "seaman" in this paragraph shall be meant only a person who has, within the space of six months previously, served on board a ship for wages as a seaman, and that the protection from arrest hereby granted shall not be held to extend to any person not coming within such definition, nor in any case to masters, mates, or engineers.

*Boarding-houses for Seamen.*

6.—(1.) The Harbour Master shall, with the consent of a Police Magistrate, have power to license a sufficient number of fit and proper persons to keep boarding-houses for seamen, not being Chinese, and every such licence shall be countersigned by the Colonial Secretary, and shall be granted for such period not exceeding one year, and upon such terms and security, and shall be renewable upon such conditions, as the Colonial Secretary may appoint; and it shall be lawful for the Colonial Secretary to demand for every such licence an annual fee of twenty-five dollars, or at the rate thereof according to the term of such licence; and every such house shall be for the reception of such number of seamen only as shall be expressed in the licence under a penalty of twenty-five dollars, for each seaman lodged at one time in excess of such number, and shall not be granted until there have been constructed in the house to be licensed suitable rooms to be approved by the Harbour Master; and no such boarding-house shall be a house licensed for the sale of intoxicating liquors, nor shall any charge for intoxicating liquor be allowed in any account for the amount of which any seaman may be indebted, or stated to be indebted, to any person, and such boarding-house shall not be a part of a house; and every such boarding-house shall be open at all times to the visit of any Justice of the Peace, or of the Harbour Master, or of any Inspector of Police. And the Harbour Master may refuse to grant any such license, and may limit the number and description of seamen to be boarded in each house, and may make, rescind and vary rules subject to the approval by the Governor and to publication thereof in *The Gazette* for the government of such houses, and regulate the charge to be made for board and lodging; and a copy of such rules shall be hung up in each house for the inspection of the inmates; and for any infraction of any one of such rules the offender in every instance shall be liable to a penalty not exceeding twenty-five dollars, and for a second offence may be deprived, if the keeper of such house, of his license as an additional punishment.

Establishment and regulation of boarding-houses. (No. 26 of 1891, sec. 17.)

Provided that unless and until such rules are made, rescinded or varied the rules in table K of the schedule to this Ordinance shall apply.

Licenses issued under this section shall be terminable on the 30th November of each year.

(2.) If any person not having obtained a license required by the preceding sub-section for keeping a boarding-house for seamen, shall keep one, he shall be liable to a penalty not exceeding the sum of one hundred dollars; and the fact of more than one seaman boarding or lodging in the house of any person shall be prima facie proof of the keeping of a boarding-house for seamen by such person; but nothing in this Ordinance contained shall be construed to prevent any seaman from having the whole or any part of any unfurnished house for the residence of himself, or his family, and boarding himself therein.

Penalty for keeping an unlicensed boarding-house. (Ibid.)

(3.) Every licensed keeper of a boarding-house for seamen shall cause daily to be entered in a book, in English, the name and description of each additional seaman who has, on that day, come to board or lodge at his house, and the name of each seaman who has left his house on that day after being a lodger or boarder therein, and such other particulars as the Harbour Master may direct; and every such keeper of a boarding-house shall, on the morning of Monday, in each week, send to the Harbour Master's office a list, copied from his book, of the seamen on that day boarding or lodging in his house, and of those seamen, boarders, or lodgers, who left his house on any or either of the intermediate days, and shall also particularize in such list those seamen who wish for immediate employment, and place opposite to the names of those last named, the names of the ships from which they were last discharged; and the Harbour Master shall keep the lists as furnished to him constantly in view, and in a conspicuous part of the Mercantile Marine Office for the convenience of masters of ships requiring men, and shall also post in a similar manner, if required so to do, such notices for the supply of men by masters of ships as the said masters shall furnish, and any infraction of this sub-section shall render the boarding-house keeper liable to a penalty not exceeding twenty-five dollars.

Duties of boarding-house keepers. (Ibid.)

(4.) Nothing in this section contained shall prevent masters, mates, or engineers of ships from boarding or lodging elsewhere than at a licensed boarding-house.

Certificated officers may lodge elsewhere.

*Distressed Seamen.*

**Relief of seamen belonging to vessels registered in this Colony.** (Ibid. sec. 23.)

**7.—(1.)** All expenses, which shall be incurred under the provisions of The Merchant Shipping Act, 1894, in the relief of distressed seamen who at the time of such relief being granted shall have last served in a ship registered in this Colony, and all expenses incurred in the United Kingdom in the relief and returning to this Colony all distressed seamen who last served in such a ship, shall be borne by the revenue of this Colony.

**Payment of expenses incurred in the Colony for relief of such seamen.** (Ibid.)

**(2.)** It shall be lawful for the Governor, from time to time, to order the payment, out of any monies forming part of, or arising from, the general revenue of the Colony, of all expenses which may be incurred in the Colony for the relief of such seamen as aforesaid, under the provisions of the said Act or of any regulations in that behalf which may be made, from time to time, by the Governor in Council.

**Governor may order re-payment of expenses incurred elsewhere than in the Colony.** (Ibid.)

**(3.)** It shall be lawful for the Governor, from time to time, to order the re-payment, out of any such monies as aforesaid, of all sums which shall have been expended under the provisions of the said Act by the Imperial Government, or by the "Shipwrecked Mariners' Society" or by the Government of any British colony, or by any British Consular Officer in any neighbouring foreign country, in and about the relief of such seamen as aforesaid, and such sums shall be refunded in such manner as the Governor shall think fit, or as a Secretary of State for the time being may direct.

*Provisions, Health and Accommodation.*

**Ships to carry medicines, medical stores, &c. in accordance with scale issued by Board of Trade.** (No. 26 of 1891, sec. 19.)

**8.—(1.)** The owner, agent, or master of every British or Colonial ship navigating between this Colony and any place out of the same, shall cause to be kept on board such ship a supply of medicines and medical stores in accordance with the scale appropriate to such ship as laid down in the published scales of medicines and medical stores issued by the Board of Trade, and a copy of the book or books issued by the said Board containing instructions for dispensing the same, and also a sufficient quantity of anti-scorbutics, to be served out to the crew, of proper quality, and in accordance with the requirements of The Merchant Shipping Act, 1894, or any Act hereafter amending the same.

**Owners neglecting to provide medicines and medical stores to be guilty of misdemeanour.** (Ibid.)

**(2.)** The master, owner, or agent of any such ship who shall wilfully neglect or refuse to provide, and keep on board such medicines, medical stores, books of instructions, and anti-scorbutics as are by this section required, shall be guilty of a misdemeanour, and shall, upon summary conviction before any Stipendiary Magistrate, be liable to a penalty not exceeding five hundred dollars.

**Inspection of medical stores.** (M. S. A., 1894, sec. 202.)

**(3.)** It shall be the duty of the Health Officer of the Port to inspect the medicines, medical stores and anti-scorbutics of any British or Colonial ship navigating between this Colony and any place out of the same, and if such articles are deficient in quantity or quality he shall give notice to the master of the ship and to the Harbour Master; and the Harbour Master shall, before granting a clearance to such ship, require a certificate from the Health Officer that the default has been remedied, and if such certificate is not produced the ship shall be detained.

**Masters of ships before shipping seamen may require them to undergo medical inspection.** (No. 26 of 1891, sec. 18.)

**(4.)** The master of any ship, before shipping any seaman, may require that such seaman shall be inspected by the Principal Civil Medical Officer, and the Principal Civil Medical Officer upon such inspection shall give a certificate under his hand as to the state of health of such seaman, which certificate such seaman shall produce and show to the master of the ship in which he may be about to serve; and for every certificate there shall be paid the fee of fifty cents, to be paid by the master or agent of the ship in case such seaman should prove to be in sound health, and by the seaman himself, or the boarding-house keeper with whom he shall be residing, in case he shall prove to be affected with any contagious disease.

**Keepers of licensed boarding-houses to report state of boarder's health.** (Ibid.)

**(5.)** Every keeper of a licensed boarding-house for seamen, in the list of seamen resident in his house, which he is required to furnish to the Harbour Master, shall report as to the state of health of each seaman, so far as he may be able to ascertain the same; and every seaman who may be reported, or may be otherwise discovered, to be affected with a contagious disease, shall be removed by warrant under the hand of the Harbour Master to a hospital, where he shall be kept until he be, and shall have obtained a certificate of his having been so discharged, which certificate he shall produce and show to the Harbour Master when required so to do; and the expenses, which may be incurred in and about the maintenance and treatment of



any such seaman in such hospital, shall be a debt due to the Crown, and shall be paid by such seaman; or, in case of the keeper of the boarding-house in which such seaman shall have resided before his removal to hospital not having reported, or having made a false report as to the state of health of such seaman, then such expenses shall be paid by such boarding-house keeper, in case it shall appear to and be certified by the Medical Officer in charge of the hospital to which such seaman may be removed or by an Assistant Surgeon that the disease with which he may be affected is of such a nature as that the keeper of the boarding-house could, with ordinary and reasonable observation, have ascertained its existence; and in all cases, such expenses shall, in case of non-payment, be sued for and recovered by the Harbour Master on behalf of the hospital.

(6.) If any seaman affected with a contagious disease, and reported so to be by the keeper of the boarding-house in which such seaman may be residing, shall refuse or offer any hindrance or obstruction to his removal to a hospital; or having been removed to a hospital, shall attempt to leave the same before he shall be properly discharged-cured; or, having been discharged cured, shall refuse to produce his certificate of discharge when required by the Harbour Master; or, being affected with a contagious disease, shall neglect or refuse to inform the keeper of the boarding-house in which he may be residing of the fact of his being so affected,—then, and in every such case, such seaman so offending shall be liable to a fine not exceeding twenty-five dollars, or imprisonment, with or without hard labour, for any term not exceeding one month.

Penalty for offering any obstruction to removal to hospital. (Ibid.)

(7.) In the event of the death of any of the crew, passengers, or other persons occurring on board of any ship in the waters of the Colony, or of the desertion of any of the crew of any British or Colonial ship, or ship whose flag is not represented by a Consular Officer resident in the Colony, or in the case of the death of any passenger on board of any ship in the course of a voyage to the Colony, the master of such ship shall forthwith, or on the arrival of the ship at Hongkong, as the case may be report the same to the Harbour Master, and in default shall be liable to a penalty not exceeding twenty-five dollars for every death, or desertion, which he shall neglect to report.

Deaths, or desertions to be reported. (Ibid. sec. 21.) Ord. 20 of 1885.

*Discipline.*

9.—(1.) (a.) If any seaman or apprentice belonging to the crew of any British ship shall desert therefrom, or absent himself from his duty while such ship is within the waters of the Colony, it shall be lawful for any Police Officer, or for the master or person in charge of the ship, or for any one specially deputed by such master or person in charge, to arrest such seaman without warrant and convey him before a Stipendiary Magistrate; and in case such seaman shall refuse to return to his duty on board the said ship, or shall not give a sufficient reason for such refusal, the Stipendiary Magistrate may order such seaman to be put forcibly on board the ship to which he may belong, or to be confined in any gaol, or other place of security within the Colony, for any period until he can be put on board his ship at her departure from the port, or until he shall be demanded by the master of the ship: Provided always, that the said period of confinement shall not, in the absence of such departure or demand, exceed three months.

Seamen or apprentices deserting may be apprehended and put on board the vessels to which they belong. (Ibid. sec. 20.)

Or may be confined in gaol.

(b.) If any seaman or apprentice deserts when within the waters of the Colony from a merchant ship belonging to a subject of any foreign country to which an Order of Her Majesty in Council has declared that section 238 of the Merchant Shipping Act, 1894, shall apply; any Court justice or officer that would have had cognizance of the matter if the seaman or apprentice had deserted from a British ship, shall, on the application of a Consular officer of the foreign country, aid in apprehending the deserter, and for that purpose may, on information given on oath, issued a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent to be so conveyed; and any such warrant or order may be executed accordingly; and if any person harbours or secretes any deserter liable to be apprehended under this sub-section knowing or having reason to believe that he has deserted, that person shall for each offence be liable on summary conviction before a Stipendiary Magistrate to a fine not exceeding one hundred dollars,

M. S. A. 1864, sec. 238.

Ships or houses may be searched for deserters from ships. (Ord. 26 of 1891.)

(2.) It shall be lawful for a Magistrate, upon complaint of the master of any ship, to the effect that he has reasonable cause to believe that any seaman who has deserted while such ship is within the waters of the Colony is harboured, secreted, or concealed, or suspected to be harboured, secreted, or concealed on board any other ship, boat, or other vessel, or in any house or place whatsoever, to issue a warrant directing a constable to search such ship, boat, or other vessel, or such house or place, and such seaman to lodge in any or the nearest Police Station; and every such seaman shall, with all convenient speed, be brought before a Stipendiary Magistrate, to be dealt with as is, hereinbefore, directed.

Penalty on persons harbouring deserters from ships. (Ibid.)

(3.) If any person whatsoever shall harbour, conceal, employ, or retain, or assist in harbouring, concealing, employing, or retaining any seaman belonging to the crew of any British ship, who shall have deserted therefrom, or otherwise absconded, or absented himself from duty, while such ship or vessel is within the waters of the Colony, knowing such seaman to have deserted, absconded, or absented himself from duty, or shall cause, induce, or persuade or endeavour to cause, induce, or persuade any such seaman, in any manner whatsoever to violate, or to attempt or endeavour to violate, any agreement which he may have entered into to serve on board any such ship, or shall knowingly connive at the desertion, absconding, or absence from duty of any such seaman, such person so offending shall, for every such offence, upon summary conviction thereof before a Stipendiary Magistrate, be liable to a penalty not exceeding two hundred and fifty dollars, or imprisonment with or without hard labour for any period not exceeding six months.

Harbour Master or deputy may require the master to search for suspected deserters, and to make declaration of such search. Penalty. (Ibid.)

(4.) The Harbour Master, or his deputy, before granting a port clearance to any ship, may, if he have reasonable grounds for belief that any deserter is concealed on board of such ship, proceed on board thereof, and then and there require her master to institute due and diligent search for such deserter, and further, if he deem it necessary, require the master to make oath or solemn declaration that to the best of his knowledge and belief, after due and diligent search, no such deserter is concealed within or about his ship; and any master of a ship refusing or unnecessarily delaying to comply with such requisition, shall be liable, upon summary conviction, to a penalty not exceeding two hundred dollars, and imprisonment until such fine be paid.

Offences against discipline. (M. S. A. 1894 sec. 221.)

(5.) If a seaman lawfully engaged, or an apprentice to the sea service, commits any of the following offences within the waters of the Colony, he shall be liable to be punished summarily as follows:—

(Ibid.)

(a.) If he deserts from his ship he shall be guilty of the offence of desertion, and be liable to forfeit all or any part of the effects he leaves on board, and of the wages which he has then earned, and also, to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him; and also, he shall be liable to imprisonment for any period not exceeding twelve weeks with or without hard labour;

(b.) If he neglects, or refuses without reasonable cause, to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within twenty-four hours of the ship's sailing from this Colony, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, if the offence does not amount to desertion, or is not treated as such by the master, be guilty of the offence of absence without leave, and be liable to forfeit out of his wages a sum not exceeding two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses properly incurred in hiring a substitute; and also, he shall be liable to imprisonment for any period not exceeding ten weeks with or without hard labour;

(M. S. A. 1894, sec. 225.)

(c.) If he quits the ship without leave after her arrival and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;

Ord. 26 of 1891, sec. 20; also M. S. A. 1894.

(d.) If he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment for a period not exceeding four weeks, and also, at the

discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay ;

- (e.) If he is guilty of continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for a period not exceeding twelve weeks, and also, at the discretion of the Court, to forfeit for every twenty-four hours continuance of disobedience or neglect, either a sum not exceeding six days' pay, or any expenses properly incurred in hiring a substitute ;
- (f.) If he assaults the master or any mate or certificated engineer of the ship, he shall be liable to imprisonment for a period not exceeding twelve weeks ;
- (g.) If he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a period not exceeding twelve weeks ;
- (h.) If he wilfully damages his ship, or embezzles or wilfully damages any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for a period not exceeding twelve weeks :

Provided that in the case of a Foreign Ship the Magistrate may only deal with cases arising out of the offences named in (d), (e), (f), and (g) of this sub-section, and provided also that if there is a Consular officer resident at Hongkong of the nation to which such ship belongs the Magistrate shall not deal with any case, unless thereto requested by such officer in writing, and unless such Consular officer shall undertake that any such seaman shall not become a charge on the Colony in consequence of being so dealt with at his request.

(6.) All expenses incidental to the apprehension, and confinement, of any seaman, under this section, shall be payable by the master of the ship to which such seaman may belong, and be recoverable from him, at the suit of the Captain Superintendent of Police, as a debt due to the Government of this Colony ; and the subsistence money for every such seaman confined in gaol shall be paid in advance to the superintendent of the gaol, and in default of such payment, the gaoler may release such seaman : Provided that every seaman imprisoned under this section may, by direction of the Committing Magistrate, be sent on board his ship, or may be placed at the disposal of the Consular Officer at whose request the Magistrate dealt with the case, on the written application of the said Consular Officer, either on or before the expiration of his term of imprisonment.

### PART III.

#### PASSENGER SHIPS.

##### Surveys.

10.—(1.) For the purpose of this Part of this Ordinance,—

The expression "passenger ship" shall mean,—

- (a.) All British, and Colonial ships exceeding 60 tons register, carrying more than 12 passengers and being within the waters of the Colony : Definition. (Ord. 26 of 1891.)
- (b.) All foreign ships exceeding 60 tons being within the waters of the Colony and carrying more than 12 passengers from the Colony :
- (c.) All steam-ships exceeding 60 tons plying within the waters of the Colony, and carrying more than twelve passengers :
- (d.) River steamers.

(2.) Every passenger ship shall be surveyed once at least in each year in the manner provided in this section, except,—

- (a.) British ships which have from the United Kingdom or from any British possession and other certificates equivalent to those required under this section, the same being in force and applicable, and which have been issued under the provisions of The Merchant Shipping Act, 1894, or any legislative enactment for the time being in force in Great Britain and Ireland or in any British possession. Passenger ships to be surveyed. [M.S.A., 1894, sec. 271 (1), (2).] (Ord. 26 of 1891.)

(b.) Foreign ships which have from their own country, or the country from whose flag they may have been transferred, or from any British port, survey and other certificates equivalent to those required in the case of British ships: Provided that in the event of any question arising as to the sufficiency of any foreign certificate to protect the ship holding the same from survey under this section, such question shall be referred for settlement to the Governor in Council whose decision thereon shall be final.

Shall not clear out without certificate. [M. S. A. 1894, sec. 271 (D).] (3.) No passenger ship shall clear out or proceed on any voyage from this Colony unless the master has the certificates as to survey required under this Part, the same being in force and applicable to the voyage on which the ship is about to proceed, or, in the case of a foreign ship, certificates equivalent to those required in the case of a British ship. Any passenger ship attempting to go to sea may be detained until such certificates as aforesaid are produced to the Harbour Master.

Governor to appoint surveyors, and fix their remuneration. (No. 26 of 1891, sec. 5.) (4.) The Governor may, from time to time, appoint such number of fit and proper persons to be Government surveyors for the purposes of this Ordinance as he thinks proper, and appoint their duties, and may, from time to time, remove such surveyors, or any of them, and may, from time to time, fix and alter the remuneration to be received by such surveyors.

Surveyors to have power to inspect. (Ibid.) (5.) It shall be lawful for the said surveyors in the execution of their duties to go on board any ship to which this section applies, at all reasonable times, and to inspect the same, or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificates of the master, mate, or engineer, to which the provisions of The Merchant Shipping Acts, or any Ordinance, or any of the regulations made, or to be made under the said Merchant Shipping Acts, or such Ordinance for the time being in force in this Colony apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and, if in consequence of any accident to any such ship or for any other reason they consider it necessary so to do, to require the ship to be taken into dock for the purpose of surveying the hull thereof; and any person who hinders any such surveyor from going on board any such steam-ship, or otherwise impedes him in the execution of his duty under this Ordinance, shall be liable to a penalty not exceeding twenty-five dollars.

Governor to regulate mode of survey. (Ibid.) (6.) The said surveyors shall execute their duties under the direction of the Governor, and the Governor may make regulations as to the manner in which the surveys hereinafter mentioned shall be made, and as to the notice to be given to the surveyors when surveys are required, and as to the amount and payment of the fees due, and of any expenses incurred by such surveyors in the execution of their duties, and may thereby determine the person by and to whom and the conditions under which such payment shall be made, and until such regulations are made by the Governor the said surveyors shall execute their duties in accordance with the "Instructions to Surveyors" issued from time to time by the Board of Trade.

Provided that unless and until such scale of fees is made, rescinded or varied the scale of fees in table C of the schedule to this Ordinance shall apply.

Penalty on surveyors receiving fees. (Ibid.) (7.) Every surveyor who demands or receives directly or indirectly from the owner, agent, or master of any ship surveyed by him under the provisions of this Ordinance, or from any other person, and any such owner, agent, master, or other person who offers or gives any fee or remuneration whatsoever to any such surveyor for or in respect of such survey, shall be liable to a penalty not exceeding two hundred and fifty dollars.

Owner to have survey made by surveyor, and surveyor to give declarations. (Ibid.) (8.) The owner, agent, or master of every passenger ship being within the waters of the Colony, shall, where such ship comes within the meaning of this section, cause the same to be surveyed by one or more of the Government surveyors; and such surveyor or surveyors shall thereupon, if satisfied that he or they can with propriety do so, give to such owner or agent declarations as follows:—

(a.) A declaration of a Government surveyor shall contain statements of the following particulars, that is to say:—

(1.) That the hull of the ship is sufficient for the service intended and in good condition;

- (ii.) That the boats, rafts, life buoys, or other appliances for saving life, lights, signals, compasses, and shelter for deck passengers, and the certificates of the master and mate or mates are such and in such condition as required by law ;
  - (iii.) The time (if less than twelve months) for which the said hull and equipments will be sufficient ;
  - (iv.) The limits (if any) beyond which, as regards the hull and equipments, the ship is, in the surveyor's judgment, not fit to ply ;
  - (v.) With reference to all passenger ships not coming within the provisions of The Chinese Passengers Act, 1855, or of any Ordinance made in pursuance thereof, if plying or intended to ply for hire, the number of passengers which such ship is, in the judgment of the surveyor, fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins, and in the different parts of the deck and cabins ; such numbers to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances, as the Governor in Council may, from time to time, direct, by any regulations to be made by him for this purpose, and until such regulations are made and so far as the same shall not extend, according to the regulations contained in table D in the schedule hereunto annexed.
- (b.) A declaration of a Government surveyor shall also contain statements of the following particulars, that is to say :—
- (i.) That the boilers and machinery of the ship are sufficient for the service intended, and in good condition ;
  - (ii.) The time (if less than twelve months) for which such boilers and machinery will be sufficient ;
  - (iii.) That the safety valves and fire hose are such and in such condition as are required by this Ordinance ;
  - (iv.) The limit of the weight to be placed on the safety valves ;
  - (v.) The limit (if any) beyond which, as regards the boilers and machinery, the ship is, in the surveyor's judgment, not fit to ply ;
  - (vi.) That the certificates of the engineer or engineers are such and in such form as required by law ;
  - (vii.) That the ship is duly marked with deck and load lines in accordance with section 14 of this Ordinance or in accordance with The Merchant Shipping Act, 1894.

And such declarations shall be in such form as the Governor directs.

(9.) The said owner, agent, or master shall transmit such declarations to the Colonial Secretary within fourteen days after the dates of the receipt thereof respectively ; and in default shall forfeit a sum not exceeding two dollars for every day that the sending of such declarations is delayed ; and such sum shall be paid upon the delivery of the certificate hereinafter mentioned in addition to the fee payable for the same and shall be applied in the same manner as such fees, and if the declarations are not transmitted to the Colonial Secretary within twenty-eight days, the fees and forfeitures shall be recoverable as a debt due to the Crown.

(10.) Upon the receipt of such declarations, the Governor shall, if satisfied that the provisions of this section have been complied with, cause a certificate in duplicate to be prepared and issued to the effect that the provisions of the law with respect to the survey of the ship and the transmission of declarations in respect thereof have been complied with, and such certificate shall state the limits (if any) beyond which, according to the declaration of the surveyor or surveyors, such ship is not fit to ply, and shall also contain a statement of the number of passengers which, according to the declaration of the surveyor or surveyors, such ship is fit to carry, distinguishing (if necessary) between the respective numbers to be carried on the deck and in the cabins, such number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, and other circumstances, as the case requires.

- Issue and transmission of certificates. (Ibid.) (11.) The Colonial Secretary shall transmit such certificate in duplicate to the Harbour Master, who shall deliver the same to the owner, master, or agent on his applying and paying the balance of fee and other sums (if any) herein mentioned as payable in that behalf.
- Appeal to Court of Survey. (Ibid. sec. 14.) (12.) If a ship-owner feels aggrieved—  
 (a.) By a declaration of a Government surveyor or surveyors under this section, or by the refusal of a surveyor to give the said declaration; or  
 (b.) By the refusal of a certificate of clearance for an emigrant ship under The Chinese Passengers Act, 1855, or the Ordinances relating thereto; or  
 (c.) By the refusal of a certificate of clearance under this Ordinance;  
 the owner, charterer, master, or agent may appeal in the manner prescribed by the general rules in table H hereto to a Court of Survey, constituted under this Ordinance, and upon constitution thereof by the Governor, such court may make such order with respect to the costs of any such investigation as they think fit, and such costs shall be paid accordingly, and shall be recoverable in the same manner as costs in summary proceedings before any Police Magistrate.
- Report of Court of Survey. (13.) On such appeal, the Court of Survey shall report to the Governor on the question raised by the appeal, and the Governor, when satisfied that the requirements of the report and the provisions of the enactments have been complied with, may give the certificates required.
- Costs. (14.) Subject to any order made by the Court of Survey the costs of and incidental to an appeal under this section shall follow the event.
- Application of provision of this Ordinance. (15.) Subject as aforesaid, the provisions of this Ordinance with respect to the Court of Survey and appeals thereto, so far as consistent with the tenor thereof, shall apply to the Court of Survey when sitting under this section, and to appeals under this section.
- No appeal to Court of Survey in certain cases. (Ibid.) (16.) Where the survey of a ship is made for the purpose of a declaration under sub-section 8 of this section, the person appointed to make the survey shall, if so required by the owner, charterer, or agent, be accompanied on the survey by some competent person appointed by the owner, charterer, or agent, to be approved by the Governor, and in such case, if the said two persons agree, there shall be no appeal to the Court of Survey in pursuance of this section.
- Objections to constitution of Court. (Ibid.) (17.) It shall be lawful for the owner, charterer, master, or agent of any ship preferring any appeal under this section or under section 17 (5) (d) or (e) of this Ordinance in and by the notice of appeal required by the general rules in table H, hereto, to give notice that he objects to the Marine Magistrate being a member of the Court of Survey, stating the grounds of his objection, and thereupon the Harbour Master shall forthwith forward such notice to the Governor, who may, in his discretion, direct that the Marine Magistrate shall not be a member of such Court of Survey.
- Fees to be paid for certificate. (Ibid. sec. 5.) (18.) The owner, agent, or master of every ship requiring a certificate under this section, shall pay for every certificate granted by the Governor the fees mentioned in the table marked C in the schedule hereto.
- How long certificates to continue in force. (Ibid.) (19.) No certificate shall be held to be in force for the purposes of this section beyond a period of twelve months from the date of its issue, or any shorter time specified in the certificate; and no certificate shall be in force after notice is given by the Governor to the owner, agent, or master of the ship to which the same relates, that he has cancelled or revoked the same: Provided that if any ship is absent from the Colony at the time when her certificate expires no penalty shall be incurred under this section until she commences a voyage after her next subsequent return to the Colony, and the Governor may require any certificate which has expired or has been revoked or cancelled to be delivered up as he directs, and any owner, agent, or master, who without any reasonable cause neglects or refuses to comply with such requirement, shall be liable to a penalty not exceeding fifty dollars.
- Governor may cancel certificates, and require fresh declarations. (Ibid.) (20.) The Governor may revoke and cancel such certificate in any case in which he has reason to believe,—  
 (a.) That the declarations of the sufficiency and good condition of the hull, equipments, and machinery of any ship have been fraudulently or erroneously made; or,  
 (b.) That such certificate has otherwise been issued upon false or erroneous information; or,

(c.) That since the making of such declarations, the hull, equipments, or machinery of such ship have sustained any injury, or are otherwise insufficient: And in every such case the Governor may, if he thinks fit, require the owner to have the hull, equipments, or machinery of such ship again surveyed, and to transmit a further declaration or declarations of the sufficiency and good condition thereof, before re-issuing any certificate, or granting a fresh one in lieu thereof.

(21.) The owner, agent, or master of every such ship, shall forthwith, on the transmission of any such certificate as aforesaid to him or his agent, cause one of the duplicates thereof so transmitted to be put up in some conspicuous part of the ship, so as to be visible to all persons on board the same, and shall cause it to be continued so put up so long as such certificate remains in force and such ship is in use; and in default, such owner, agent, or master shall, for every offence, be liable to a penalty not exceeding fifty dollars.

(22.) The said surveyor or surveyors shall, from time to time, make such returns to the Governor as he requires with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of the ship surveyed by him or them; and every owner, master, and engineer of any such ship shall, on demand, give to such surveyor or surveyors all such information and assistance within his power as he or they require for the purpose of such returns; and every such owner, master, or engineer who, on being applied to for that purpose, wilfully refuses or neglects to give such information or assistance, shall be liable to a penalty not exceeding twenty-five dollars.

(23.) If any person—  
 (a.) knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or passenger ship's certificate; or  
 (b.) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such declaration or certificate, or anything contained in, or any signature to any such declaration or certificate;  
 that person shall in respect of each offence be guilty of a misdemeanor.

*General Equipment.*

11.—(1.) Every passenger ship of which a survey is required by section 10 shall—

- (a.) Be provided (if a steam-ship) with a safety valve upon each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if such valve is in addition to the ordinary valve it shall be so constructed as to have an area not less, and a pressure not greater, than the area of and pressure on that valve;
- (b.) Have her compasses properly adjusted from time to time, such adjustment to be made to the satisfaction of the Government surveyor or surveyors and according to such regulations as may be issued by the Governor;
- (c.) Be provided with a hose adapted for the purpose of extinguishing fire in any part of the ship and capable of being connected with the engines of the ship;
- (d.) Be provided with means for making the signals of distress at night specified in article 31 of the Regulations for preventing Collisions at Sea, or in any rules substituted therefor, including a proper supply of lights inextinguishable in water, and fitted for attachment to life buoys;
- (e.) Every such ship not coming within the provisions of The Chinese Passengers Act of 1855, or of any Ordinance made in pursuance thereof, shall be provided with such shelter for the protection of deck passengers (if any) as the Governor, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case, may require.

If any such passenger-ship as aforesaid goes to sea from any port in the Colony without being so provided as hereinbefore required, then for each default in any of the above requisites, the owner shall (if he appears to be in fault) be liable to a penalty not exceeding five hundred dollars, and

the master shall (if he appears to be in fault) be liable to a penalty not exceeding two hundred and fifty dollars.

Penalty for improper weight on safety valve. (Ibid.) (2.) If any person places an undue weight on the safety valve of any steam-ship, or increases such weight beyond the limits fixed by the Government surveyor, he shall, in addition to any other liabilities, be liable, by so doing, to a penalty not exceeding five hundred dollars.

*Penalties for carrying Passengers in excess of the numbers allowed by Certificate or Clearance.*

Harbour Master may refuse clearances to ship carrying more passengers than allowed. (Ibid. sec. 6 amended.) 12.—(1.) The master of every ship shall, upon application to the Harbour Master for a port clearance, state the number of passengers he purposes to carry on the then projected voyage; and if such number shall be in excess of the number allowed by the passenger certificate, or shall exceed twelve in the case of a ship which is not provided with a passenger certificate, the Harbour Master may refuse a port clearance to such ship. Any master wilfully misrepresenting the number of passengers so about to be carried or leaving or attempting to leave any port in the Colony without a clearance shall be liable to a penalty not exceeding two hundred and fifty dollars.

Penalty for taking more passengers than allowed by clearance and for leaving without a clearance. (Ibid.) (2.) The master of any ship who shall, after having obtained a port clearance, leave or attempt to leave the waters of the Colony with any number of passengers greater than that allowed by the said port clearance, shall be liable to a penalty not exceeding two hundred dollars in addition to a penalty not exceeding five dollars for every such passenger in excess of the number permitted to be carried by the said port clearance.

Penalty on owner, agent, &c., in like case. (Ibid.) (3.) When any master of any ship shall under the provisions of sub-section 2 have become liable to the penalty therein mentioned, the owner, agent or consignee of such vessel shall be liable to a like penalty unless he proves that such passengers were shipped without his knowledge or consent and that he derived no profit, benefit or advantage from the shipping of the said passengers.

Refusal of clearance. (Ibid.) (4.) It shall be lawful for the Harbour Master to refuse a clearance to any ship carrying more than twelve passengers unless upon the production of the passenger certificate (being a certificate then in force and applicable), and he may detain such ship until such certificate is produced.

Deck passengers. (Ibid.) (5.) It shall be lawful for the Governor in Council to prohibit the conveyance of deck passengers by any ship.

Not to apply to ships which come under The Chinese Passengers Act, 1855, &c. (Ibid.) (6.) This section shall not apply to ships which come within the operation of The Chinese Passengers Act, 1855, or of any Ordinance made in pursuance of the provisions thereof, provided that such ships shall have complied with the requirements of section 10.

#### PART IV.

##### SAFETY.

##### *Life-saving Appliances.*

Power to make regulations. (Ibid. sec. 4.) Classes of ships. 13.—(1.) The Governor in Council may from time to time make rules with respect to the following matters:—

(a.) The arranging of ships into classes having regard to the service in which they are employed, the nature and duration of the voyage, and the number of persons carried.

Life-boats, &c. (b.) The number and description of the boats, life-boats, life-rafts, life-jackets and life-buoys to be carried by British or Colonial ships according to the class in which they are arranged and the mode of their construction, also the equipments to be carried by the boats and rafts and the method to be provided to get the boat and other life-saving apparatus into the water.

Life-saving apparatus. (c.) The quantity, quality and description of buoyant apparatus to be carried on board ships carrying passengers either in addition to or in substitution for boats, life-boats, life-rafts, life-jackets and life-buoys.

Unless and until other Rules are made, the Rules in table A of the schedule hereto shall be the Rules under this section.



(2.) It shall be the duty of the owner and master of every British or Colonial ship exceeding 60 tons to see that his ship is provided in accordance with the rules in table A in the schedule to this Ordinance with such life-boats, jackets and other appliances for saving life at sea as, having regard to the nature of the service in which the ship is employed and the avoidance of undue incumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers.

(3.) In the case of any ship—

- (a.) if the ship is required by the rules for life-saving appliances to be provided with such appliances and proceeds on any voyage or excursion without being so provided in accordance with the rules applicable to the ship; or
- (b.) if any of the appliances with which the ship is so provided are lost or rendered unfit for service in the course of the voyage or excursion through the wilful fault or negligence of the owner or master; or
- (c.) if the master wilfully neglects to replace or repair on the first opportunity any such appliances lost or injured in the course of the voyage or excursion; or
- (d.) if such appliances are not kept so as to be at all times fit and ready for use;

then the owner of the ship (if in fault) shall for each offence be liable to a fine not exceeding five hundred dollars, and the master of the ship (if in fault) shall for each offence be liable to a fine not exceeding two hundred and fifty dollars.

(4.) Any surveyor appointed under this Ordinance may inspect any ship for the purpose of seeing that she is properly provided with appliances for saving life at sea in conformity with this Ordinance, and for the purpose of such inspection shall have all the powers given to surveyors by section 725 of The Merchant Shipping Act, 1894.

(5.) If any such surveyor finds that any ship is not so provided he shall give to the master or owner notice in writing pointing out the deficiency and also what is in his opinion requisite to remedy the same.

(6.) The Harbour Master shall not grant a clearance for any ship hereinbefore required to be provided with boats, life-jackets and other appliances for saving life unless the same is duly so provided; and if any such ship attempts to go to sea without such clearance, the Harbour Master may detain her until she is so provided.

*Deck and Load Lines.*

14.—(1.) All British or Colonial ships registered in the Colony, (except ships under 25 tons, pleasure yachts, ships not trading or plying for hire and ships employed solely as tugs), shall be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

- (a.) The upper edge of each of the deck lines must be level with the upper side of the deck plank next the waterway at the place of marking.
- (b.) The deck-lines must be white or yellow on a dark ground, or black on a light ground.
- (c.) In this section the expression "amidships" means the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.

(2.) The owner, or agent, or master of every British or Colonial ship registered in the Colony (except ships under 25 tons, pleasure yachts, ships not trading or plying for hire, and ships employed solely as tugs), shall, before clearing his ship outwards from the Colony, mark upon each of her sides, amidships within the meaning of the last preceding section, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with an horizontal line eighteen inches in length drawn through its centre.

- (a.) The centre of this disc shall be placed at such level, as may be approved by the Governor, below the deck-line marked under this section, and specified in the certificate given thereunder, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship.
- (b.) The position of the disc shall be fixed in accordance with the Tables of Freeboard contained in Instructions to Surveyors issued by the Board of Trade.

- Penalty in case of British or Colonial ship neglecting to mark.** (Ord. 26 of 1891, sec. 49.) (3.) Any owner or master of a British or Colonial ship (except ships under 25 tons, pleasure yachts, ships not trading or plying for hire, and ships employed solely as tugs), being within the waters of this Colony who neglects to cause such ship to be marked as required by this section or to keep her so marked, or who allows such ship to be so loaded as to submerge in salt water the centre of the disc, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy shall for each offence be liable to a penalty not exceeding five hundred dollars.
- Penalty for inaccurate marks.** (4.) If any of the marks required by this section are in any respect inaccurate so as to be likely to mislead, the owner or master of the ship shall be liable to a penalty not exceeding five hundred dollars.
- Ship to be deemed unsafe.** (M.S.A. 1894, sec. 439.) (5.) If a ship is so loaded as to submerge in salt water the centre of the disc indicating the load-line, the ship shall be deemed to be an unsafe ship within the meaning of the provisions hereafter contained in section 17 of this Ordinance, and such submersion shall be a reasonable and probable cause for the detention of the ship.
- Written statement to Harbour Master.** (Ord. 26 of 1891, sec. 40.) (6.) The owner, agent or master of a British or Colonial ship required to be marked under this section shall also, upon clearing her, deliver to the Harbour Master a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre. If default is made in delivering this statement in the case of any such ship, the Harbour Master may refuse to clear the ship.
- Govt. Marine Surveyor to approve and certify on behalf of Governor.** (7.) The Governor may appoint the Government Marine Surveyor, or any other person specially selected by him for that purpose, to approve and certify on his behalf from time to time the position of any disc indicating the load-line, and any alteration thereof, and may appoint fees to be taken in respect of any such approval or certificate.
- Ships to be kept marked.** (8.) When a ship to which this section applies has been marked with a disc indicating the load-line, she shall be kept so marked until her next return to the Colony.

#### *Dangerous Goods.*

- Restrictions on carriage of dangerous goods.** (Ord. 26 of 1891, sec. 12.) 15.—(1.) If any person sends or attempts to send by, or not being master or owner of the ship, carries or attempts to carry in any ship, any dangerous goods, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of such goods and of the name and address of the sender or carrier thereof to the master or owner of the ship at or before the time of sending the same to be shipped, or taking the same on board the ship, he shall, for every such offence, be liable to a penalty not exceeding five hundred dollars: Provided that if such person show that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, the penalty to which he shall be liable shall not exceed fifty dollars.
- Penalty for misdescription of dangerous goods.** (Ibid.) (2.) If any person knowingly sends, or attempts to send by, or carries, or attempts to carry in any ship, any dangerous goods, or goods of a dangerous nature, under a false description, or falsely describes the sender or carrier thereof, he shall be liable to a penalty not exceeding two thousand and five hundred dollars.
- Definition.** [M. S. A., 1894, sec. 446 (3).] 33 & 39 Vict. c. 17. (3.) For the purpose of this Ordinance the expression "dangerous goods" means aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitro-glycerine, petroleum, any explosives within the meaning of The Explosives Act, 1875, and any other goods which are of a dangerous nature.
- Power to refuse to carry goods suspected of being dangerous.** (Ord. 26 of 1891, sec. 12.) (4.) The master or owner of any ship may refuse to take on board any package or parcel which he suspects to contain goods of a dangerous nature, and may require it to be opened to ascertain the fact.
- (5.) It shall be lawful for the Harbour Master to refuse a port clearance to any ship, carrying more than 20 passengers, if there are on board any "dangerous goods" as defined by this section, or any articles which are now or

hereafter may be declared to be "dangerous goods" by an order of the Governor in Council under section 7 of Ordinance No. 8 of 1873, unless the said dangerous goods are enclosed in a substantial compartment exclusively appropriated to the stowage of the said dangerous goods, or otherwise secured from contact with, or damage from, any other article or substance carried on board the ship, and so placed and surrounded that they are inaccessible to either the passengers or the crew unless with the consent of the master. And the master of any such ship leaving or attempting to leave the waters of the Colony without having the said dangerous goods enclosed, secured, placed and surrounded as in this sub-section provided or without having obtained a clearance shall be liable to a penalty not exceeding five hundred dollars.

Ship with dangerous goods not to carry more than 20 passengers.

(6.) Where any dangerous goods as defined in paragraph 3 of this section, or any goods which, in the judgment of the master or owner of the ship, are of a dangerous nature, have been sent or brought aboard any ship, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the ship may cause such goods to be thrown overboard, together with any package or receptacle in which they are contained; and neither the master nor the owner of the ship shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any Court.

Power to throw overboard dangerous goods. (Ibid.)

(7.) Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any ship, without being marked as aforesaid, or without such notice having been given as aforesaid, and where any such goods have been sent or carried, or attempted to be sent or carried, under a false description, or the sender or carrier thereof has been falsely described, it shall be lawful for a Stipendiary Magistrate to declare such goods, and any package or receptacle in which they are contained, to be, and they shall thereupon be forfeited, and when forfeited shall be disposed of as the Court directs.

Forfeiture of dangerous goods improperly sent. (Ibid.)

(8.) The Magistrate shall have and may exercise the aforesaid powers of forfeiture and disposal, notwithstanding that the owner of the goods has not committed any offence under the provisions of this section relating to dangerous goods, and is not before the Court, and has not notice of the proceedings, and notwithstanding that there is no evidence to show to whom the goods belong; nevertheless the Magistrate may, in his discretion, require such notice to be given to the owner or shipper of the goods before the same are forfeited.

The Court may proceed in absence of the owners. (Ibid.)

(9.) The provisions of this section relating to the carriage of dangerous goods shall be deemed to be in addition to, and not in substitution for, or in restraint of, any other enactment for the like object, so nevertheless that nothing in the said provisions shall be deemed to authorize that any person be sued or prosecuted twice in the same matter.

Saving as to Dangerous Goods Ordinances. (Ibid.)

*Grain Cargoes.*

16—(1.) No cargo of which more than one third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, hereinafter referred to as grain cargo, shall be carried on board any ship, unless such grain cargo be contained in bags, sacks or barrels or secured from shifting by boards, bulkheads or otherwise.

Carriage of grain. (No. 26 of 1891, sec. 41.)

(2.) If the master or owner of any such ship or any agent of such, who is charged with the loading of the ship or the sending her to sea, knowingly allows any grain cargo or part of a grain cargo to be shipped therein for carriage, contrary to the provisions of this Ordinance, he shall, for every such offence, be liable on summary conviction to a penalty not exceeding fifteen hundred dollars.

Penalty. (Ibid.)

*Unseaworthy Ships.*

17.—(1.) Every person who sends or attempts to send, or is a party to sending or attempting to send a British or Colonial ship to sea in such an unseaworthy state that the life of any person is likely to be endangered, shall be guilty of a misdemeanour unless he proves either that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and, for the purpose of giving such proof, he may give evidence in the same manner as any other witness.

Sending unseaworthy ship to sea a misdemeanour. (Ibid. sec. 11.)

(2.) Every master of a British or Colonial ship, who knowingly takes the same to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered,

Knowingly taking to sea. (Ibid.)

shall be guilty of a misdemeanour, unless he proves that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof, he may give evidence in the same manner as any other witness.

Consent of Governor to prosecution.

(3.) A prosecution under the preceding sub-sections of this section shall not be instituted except with the consent of the Governor.

Not punishable by summary conviction.

(4.) A misdemeanour under the preceding sub-sections of this section shall not be punishable upon summary conviction.

Power to detain unsafe ships, and procedure for such detention.

(Ibid. sec. 9.)

(5.) Where a British or Colonial ship being in any port of the Colony is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipment, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship (hereinafter referred to as "unsafe") may be provisionally detained and either finally detained or released, as follows :—

(a.) The Governor, if he has reason to believe on complaint, or otherwise, that a British or Colonial ship is unsafe, may provisionally order the detention of such ship.

(b.) When a ship has been provisionally detained, there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Governor may, if he thinks fit, appoint some competent person or persons to survey the ship and report to him.

(c.) The Governor on receiving the report may either order the ship to be released, or, if in his opinion the ship is unsafe, may order her to be finally detained, either absolutely or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo as the Governor thinks necessary for the protection of human life, and he may, from time to time, vary or add to any such order.

(d.) Before the order for final detention is made, a copy of the report shall be served upon the master of the ship, and within seven days after such service the owner, or agent, or master of the ship, may appeal in the prescribed manner to the Court of Survey constituted under section 20 of this Ordinance.

(e.) Where a ship has been provisionally detained, the owner, or agent, or master of the ship, at any time before the person appointed under this section to survey the ship makes such survey, may require that he shall be accompanied by such person of nautical, engineering, or other special skill and experience to be approved by the Governor as the owner, or agent, or master may select, and in such case, if the surveyor and assessor agree, the Governor shall cause the ship to be detained or released accordingly, but if they differ, the Governor may act as if the requisition had not been made, and the owner, or agent, and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

(f.) Where a ship is provisionally detained, the Governor may at any time, if he thinks it expedient, refer the matter to the Court of Survey.

(g.) The Governor may, at any time, if satisfied that a ship detained under this Ordinance is not unsafe, order her to be released either upon or without any conditions.

Liability of the Government and ship-owner for costs and damages (Ibid.)

(6.) If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner or agent, for the provisional detention of the ship, the Government of the Colony shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

If a ship is finally detained under this Ordinance, or if it appears that a ship provisionally detained was, at the time of such detention, unsafe within the meaning of this Ordinance, the owner of the ship shall be liable to pay to the Government the costs of and incidental to the detention and survey of the ship, and such costs shall, without prejudice to any other remedy, be recoverable in a summary way before any Stipendiary Magistrate.

For the purposes of this Ordinance the costs of and incidental to any proceeding before a Court of Survey and a reasonable amount in respect of the remuneration of the surveyor shall be part of the costs of the detention and survey of the ship, and any dispute as to the amount of costs under this Ordinance may be referred to the Registrar of the Supreme Court, who, on request made to him for that purpose by the Governor, shall ascertain and certify the proper amount of such costs.

An action for any costs or compensation payable by the Government under this section may be brought against the Attorney General in a suit instituted by the plaintiff as claimant against "The Attorney General" as defendant, and the provisions of section 83, chapter XIV., of the Hongkong Code of Civil Procedure, shall apply to such suit.

(7.) Where a complaint is made to the Governor that a British or Colonial ship is unsafe, he may, if he thinks fit, require the complainant to give security to his satisfaction for the costs and compensation which may be incurred by the Government, and any suit that may be necessary to enforce such security may be instituted in the name of the Attorney General for and on behalf of the Governor:

Provided that where the complaint is made by one-fourth, being not less than three of the seamen belonging to the ship, and is not, in the opinion of the Governor, frivolous or vexatious, such security shall not be required, and the Governor shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this Ordinance.

(8.) (a.) An order for the detention of a ship provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship—

(b.) When a ship has been detained under this Ordinance, she shall not be released by reason of her British or Colonial register being subsequently closed.

(c.) For the purposes of a survey under this section, any person authorised to make the same may go on board the ship and inspect the same and every part thereof, and the machinery, equipments and cargo, and may require the unloading or removal of any cargo, ballast, or tackle.

(d.) The provisions of The Merchant Shipping Act, 1894, with respect to persons who wilfully impede an inspector, shall apply as if those provisions were herein enacted, with the substitution for the inspector of any member of the Court of Survey, assessor, or surveyor, who, under this section, has the same powers as an inspector or has authority to survey a ship.

#### *Foreign Ships, Overloading.*

18. Where a foreign ship has taken on board all or any part of her cargo in the waters of the Colony, and is, whilst in such waters, unsafe by reason of overloading or improper loading, the provisions of this Ordinance with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

(a.) A copy of the order for the provisional detention of the ship shall be forthwith served on the Consular Officer for the State to which the ship belongs.

(b.) Where a ship has been provisionally detained, the Consular Officer, on the request of the owner, or agent, or master of the ship, may require that the person (if any) appointed by the Governor to survey the ship shall be accompanied by such person as the Consular Officer may select, and in such case, if the surveyor and such person agree, the Governor shall cause the ship to be detained or released accordingly; but if they differ, the Governor may act as if the requisition had not been made, and the owner, or agent, and master shall have the appeal to the Court of Survey touching the report of the surveyor which is before provided by this Ordinance; and

(c.) Where the owner, or agent, or master of the ship appeals to the Court of Survey, the Consular Officer, on the request of such owner or master, may nominate any competent person or persons to be a member or members of the Court of Survey, not exceeding two.

## PART V.

## MARINE COURTS AND COURTS OF SURVEY.

*Marine Courts.*

Governor may appoint. (Ord. 26 of 1891, sec. 13.) (M. S. A., sec. 478.)

19.—(1.) It shall be lawful for the Governor, from time to time and whensoever occasion shall arise or require, by warrant under his hand and the seal of the Colony, to form a Court, which shall be called "The Marine Court," to make investigations as to shipwrecks, or other casualties affecting ships, or to inquire into charges of incompetency, or misconduct on the part of masters, mates, or engineers of ships.

Constitution of Court.

(2.) Such Court shall consist of not more than five or less than three members, of whom one shall be a Stipendiary Magistrate and President of the Court, and one (or more) a commissioned officer in the Royal Navy, and the remainder masters of the mercantile marine, or such persons of nautical, engineering or other special skill or knowledge as the Governor may think fit to appoint: Provided always that where any investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the Court shall include not less than two members having experience in the merchant service.

Unofficial members of Court to be remunerated.

(3.) Each of the unofficial members of such Court shall be paid, out of the Colonial Treasury, the sum of ten dollars a day, or such other sum as the Governor may, in any special case, direct during each day that such Court shall hold its sitting.

(4.) For the purpose of an investigation under this Part a shipping casualty shall be deemed to occur—

Shipping casualties. (M. S. A., 1894, sec. 464.)

(a.) When on or near the coasts of the Colony any ship is lost, abandoned, or materially damaged;

(b.) When on or near the coasts of the Colony any ship has been stranded or damaged, and any witness is found in the Colony;

(c.) When on or near the coasts of the Colony any ship causes loss or material damage to any other ship;

(d.) When any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of the Colony;

(e.) When in any place any such loss, abandonment, material damage, or casualty as above mentioned occurs, and any witness is found in the Colony;

(f.) When in any place any British or Colonial ship is stranded or damaged, and any witness is found in the Colony;

(g.) When any British or Colonial ship is lost or is supposed to have been lost, and any evidence is obtainable in the Colony as to the circumstances under which she proceeded to sea or was last heard of.

(5.) In any of the following cases, that is to say:—

(a.) Where a shipwreck or casualty occurs to a British or Colonial ship on or near the coasts of the Colony or to a British or Colonial ship in the course of a voyage to the Colony;

(b.) Where a shipwreck or casualty occurs in any part of the world to a ship registered in the Colony;

(c.) Where some of the crew of a British or Colonial ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in the Colony;

(d.) Where the incompetency or misconduct has occurred on board a British or Colonial ship on or near the coasts of the Colony or on board a British or Colonial ship in the course of a voyage to the Colony;

(e.) Where the incompetency or misconduct has occurred on board a ship registered in the Colony;

(f.) When the master, mate, or engineer of a British or Colonial ship who is charged with incompetency or misconduct on board that ship is found in the Colony;

Cases for inquiry, and jurisdiction of Court. (M. S. A., 1894, 466, 478.)

it shall be lawful for such Court to make investigation respecting such shipwreck or casualty, and to hear and inquire into any such charge of incompetency or misconduct, and for such purposes, the Court shall have the same jurisdiction over the matter in question as if it had occurred within their ordinary jurisdiction, but subject to all provisions, restrictions, and conditions, which would have been applicable if it had so occurred.

Such Court shall also have the powers given by section 729 of The Merchant Shipping Act, 1894, to inspectors appointed by the Board of Trade, as well as all the powers of a Police Magistrate acting as a Court of Summary Jurisdiction.

(6.) An inquiry shall not be held under this section into any matter which has once been the subject of an investigation or inquiry, and has been reported on by a competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a naval court.

(7.) Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter, an inquiry with reference to the same matter shall not be held, under this section.

(8.) The certificate of a master, mate, or engineer may be cancelled or suspended—

(a.) If the Court find that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default;

(b.) If the Court find that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under section 422 of The Merchant Shipping Act, 1894.

(9.) Where any case before any such Court as aforesaid involves a question as to the cancelling or suspending of a certificate, the Court shall, at the conclusion of the case as soon afterwards as possible, state in open Court the decision to which they have come with respect to the cancelling or suspending thereof.

(10.) The Court shall in all cases send a full report on the case with the evidence to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, send the certificate cancelled or suspended to the Board of Trade or other authority by whom the certificate was granted.

(11.) A certificate shall not be cancelled or suspended by a Court under this section, unless a copy of the report, or a statement of the case on which the investigation or inquiry has been ordered, has been furnished before the commencement of the investigation or inquiry to the holder of the certificate.

(12.) The Board of Trade may order the rehearing of any inquiry under this section in like manner as they may order the rehearing of a similar investigation or inquiry in the United Kingdom, but if an application for rehearing is not made or is refused, an appeal shall lie from any order or finding of the Court or tribunal holding the inquiry to the High Court in England: Provided that an appeal shall not lie—

(a.) From any order or finding on an inquiry into a casualty affecting a ship registered in a British possession; or

(b.) From a decision affecting the certificate of a master, mate, or engineer, if that certificate has not been granted either in the United Kingdom or in a British possession, under the authority of The Merchant Shipping Act, 1894.

(13.) It shall be the duty of the person who has applied for a Marine Court to superintend the management of the case and to render such assistance to the Court as is in his power.

(14.) The Court may also exercise the following further powers:—

(a.) It may, if unanimous that the safety of the ship or crew, or the interest of the owner, absolutely requires it, supersede the master of any British or Colonial ship then being within the waters of the Colony, and may appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship if within the Colony;

(b.) It may discharge any mate, engineer, or seaman from his ship;

(c.) It may order the wages of any mate, engineer, or seaman so discharged, or any part of such wages to be forfeited, and may direct the same to be retained by way of compensation to the owner or to be paid into the Treasury.

Members to sign report. (Ibid.) (15.) Each member of the Court shall either sign the report made on any investigation under this section, or report to the Governor his reasons for dissent therefrom.

Delivery up of certificate. (Ibid.) (16.) Every master or mate or engineer whose certificate is suspended or cancelled in pursuance of this Ordinance shall, upon demand of the Court, deliver his certificate to the Court, or, if it is not demanded by the Court, deliver it to the Governor or as he directs, and in default shall, for each offence, be liable to a penalty not exceeding two hundred and fifty dollars.

Rehearing. (Ibid.) (17.) Where an investigation into the conduct of a master, mate, or engineer, or into a shipping casualty, has been held under this Ordinance, or any Ordinance amending the same, the Governor may, in any case, and shall, if new and important evidence which could not be produced at the investigation has been discovered, or if for any other reason there has, in his opinion, been ground for suspecting a miscarriage of justice, order that the case be reheard, either generally or as to any part thereof, and either by the Court by whom it was heard in the first instance, or by a Marine Court to be appointed under this section, or by a Judge of the Colonial Court of Admiralty of this Colony, and the case shall be so reheard accordingly.

Rules as to procedure, fees, &c. (Ibid.) (18.) The Governor in Council may, from time to time, make general rules for carrying into effect the enactments relating to formal investigation into shipping casualties and into charges of incompetency or misconduct, and in particular with respect to the procedure, the parties, the persons allowed to appear, the notice to such parties and persons, or to persons affected, and the amount and application of fees:

Provided that unless and until other rules are made, the general rules in table G of the schedule to this Ordinance shall apply.

Opportunity for defence. (Ibid.) (19.) Every formal investigation shall be conducted in such a manner that if a charge is made against any person that person shall have an opportunity of making a defence.

#### *Courts of Survey.*

Constitution, power and procedure of Court of Survey. (Ord. 26 of 1891, sec. 13.) (20.—(1.) It shall be lawful for the Governor from time to time and whensoever occasion may arise or require to appoint a Court of Survey in the same manner and composed of the same persons as in the case of a Marine Court, and in such case the following provisions shall have effect:—

(a.) The case shall be heard in open Court.

(b.) Each member of the Court may survey the ship and shall have for such purpose all the powers of an inspector appointed by the Board of Trade under The Merchant Shipping Act, 1894.

(c.) The Court may in its discretion order the said ship to be surveyed and may appoint any competent person or persons to survey the ship and report thereon to the Court, and such person or persons in case of disagreement may be appointed by a majority of the members.

(d.) The Court shall have the same power as the Governor has to order the ship to be released or finally detained, but unless a majority of the members of the Court concur in an order for the detention of the ship, the ship shall be released.

(e.) The owner or agent and master of the ship, and any person appointed by the owner or agent or master, may attend at any inspection or survey made in pursuance of this section.

Rules for procedure of Court of Survey, &c. (Ibid.) (2.) The Governor in Council may, from time to time, make general rules to carry into effect the provisions of this Ordinance with respect to a Court of Survey and appeals thereto and in particular with respect to the summoning of, and procedure before the Court, the requiring on an appeal, under section 17 (5) (d) or (e) security for costs and damages, and the amount and application of fees:

Provided that unless and until other rules are made, the general rules in table H of the schedule to this Ordinance shall apply.

Court may order payment of costs of any investigation. (Ibid.) (3.) The Court may make such order with respect to the costs of any investigation under this section as they think fit, and such costs shall be paid accordingly, and shall be recoverable in the same manner as a civil debt pursuant to the provisions of The Magistrates Ordinance, 1890.

Admiralty Jurisdiction of Supreme Court not affected. (4.) Nothing in this section contained shall be deemed to affect in any way the Admiralty Jurisdiction of the Supreme Court of the Colony.



PART VI.

REGULATION AND CONTROL OF THE WATERS OF THE COLONY AND OF VESSELS USING THE SAME.

*Duties of Master.*

21.—(1.) The master of every merchant ship shall hoist her national colours and number on entering the waters of the Colony; and shall keep the same flying until the ship shall have been entered at the Harbour Master's Office. Ships to hoist their numbers. (Ibid., sec. 24.)

(2.) Every such master shall, upon the arrival of his ship within the waters of the Colony, allow and assist on board without delay the Harbour Master and the Health Officer of the Port as soon as they shall come alongside, and shall furnish the Harbour Master with such information as may be required in accordance with table (Ka.) in the schedule hereto, and every master, or any officer of the ship who delays, obstructs or impedes the Harbour Master, or Health Officer, or refuses to give such information as may be required, or gives false particulars, shall be guilty of an offence against this Ordinance and shall be punishable accordingly. Harbour Master and Health Officer to be allowed on board at once.

(3.) Subject to the provisions of section 27 of this Ordinance, every such master shall take up the berth pointed out by the Harbour Master, or by any person sent on board by him for that purpose, and shall moor his ship there properly, and shall not move to take up any other berth, without his permission, except in case of necessity, to be decided by the Harbour Master, and in default shall be liable to a penalty not exceeding one hundred dollars; and he shall remove his vessel to any new berth when required so to do by the Harbour Master, and in default shall be liable to a penalty not exceeding twenty dollars for every hour that the vessel shall remain in her old berth, after notice to remove under the hand of the Harbour Master, shall have been given on board of her. Ships to be moored where ordered and not removed therefrom without permission. (Ibid.)

It shall also be lawful for the Harbour Master to require all ships to anchor or secure in such place as he may direct, or to prohibit their anchoring or securing in any particular place.

(4.) Every such master shall, within twenty-four hours after arrival within the waters of this Colony, enter his ship at the Harbour Master's office, and in the case of a British or Colonial ship, or of a ship which shall not be represented by a Consular officer, shall deposit there the ship's articles, list of passengers, ship's register, clearance from last port, and true copy of manifest if required. In the case of a foreign ship represented by a Consular officer, the said papers shall be lodged by the master at the proper Consulate. Any master offending against the provisions of this sub-section shall be liable to a penalty not exceeding two hundred dollars. Ships to be entered within 24 hours. (Ibid.)

(5.) Every such master shall immediately strike spars, clear hawse, or shift berth, and generally follow such directions, as having regard to the state of the weather, the condition of the port, or any other circumstances, the Harbour Master may deem it necessary to give with a view to the safety of the shipping and the proper regulation thereof; and any master wilfully disobeying or neglecting this regulation shall be liable to a penalty not exceeding two hundred dollars. All directions of the Harbour Master to be followed. (Ibid., and 11 of 1843, sec. 8.)

(6.) Every such master about to proceed to sea shall, where practicable, hoist a "Blue Peter" eighteen hours before time of intended departure, and shall give notice thereof and, if required, shall state the nature of the intended voyage, and the general description of the cargo to the Harbour Master who, if there is no reasonable objection, will furnish a port clearance, return the ship's papers and attest the manifest, if necessary; and any master having obtained such clearance and not sailing within thirty-six hours thereafter shall report to the Harbour Master his reason for not sailing, and shall re-deposit the ship's papers if required. Any master wilfully neglecting or disobeying this regulation, or wilfully giving false information, or going to sea without having obtained a port clearance, shall be liable to a penalty not exceeding two hundred and fifty dollars. "Blue Peter" to be hoisted and port clearance to be obtained before departure.

*Quarantine.*

22.—(1.) The Governor in Council may from time to time make such regulations as the Governor in Council may deem necessary for maintaining and enforcing an effectual quarantine in the ports and waters of the Colony, and for the setting apart of suitable places in available situa- Governor in Council may make quarantine regulations.

tions for Quarantine Stations, and providing for the detention and seclusion in such places of persons, whether actually suffering from disease or not, arriving on board vessels subjected to quarantine, and for the payment to the Government of any costs charged or incurred for the medical attendance and maintenance of any person removed to any hospital or other place :

Provided that unless and until other regulations are made, the regulations in table L of the schedule to this Ordinance shall apply.

Penalty for breach of quarantine regulations; and powers of Police to arrest. &c. (Ord. 26 of 1891, s. c. 25.)

(2.) Any person offending against any such regulations except regulation No. 17 of the said Table L shall be liable on summary conviction before a Police Magistrate to a penalty not exceeding two thousand dollars, or to imprisonment with or without hard labour for any term not exceeding twelve months, or at the discretion of the Police Magistrate to both penalty and imprisonment, and the Captain Superintendent of Police, and any officers that he may appoint for the purpose of enforcing quarantine, shall have the same powers to prevent the commission of breaches of such regulations and to arrest, recapture, or detain offenders against them as may be used by any person for the prevention of any felony, or the arrest, recapture, or detention of a felon.

Recovery of costs.

(3.) All costs charged or incurred under regulation No. 17 of the said Table L may be recovered in the Summary Jurisdiction of the Supreme Court at the suit of the Colonial Treasurer.

#### *Fairways.*

Fairways to be kept clear. (No. 26 of 1891)

**23.** No vessel of any description shall be allowed to anchor within any fairway which shall be set apart by the Harbour Master for the passage of vessels, and the master, or other person in charge of any boat or other vessel dropping anchor in, or otherwise obstructing such fairway, shall for each offence be liable to a penalty not exceeding fifty dollars, and in default of payment to imprisonment with or without hard labour not exceeding one month.

#### *Safety of Ships and Prevention of Accidents.*

Lights on junks. (Ord. 26 of 1891.)

**24.**—(1.) Every junk, when under weigh within the waters of the Colony, shall, from sunset to sunrise, cause to be exhibited a bright white light, visible all round, at a height not less than 20 feet above the hull, and for each omission or neglect so to do the master or person for the time being in charge, shall be liable to a penalty not exceeding one hundred dollars.

Ships to exhibit light at night. [Ibid, sec. 27 (1) and Article 11 of Collision Regulations.]

(2.) Every ship, hulk, junk or other vessel, (not being a boat propelled by oars) being at anchor or at moorings or alongside of any wharf in the waters of the Colony, shall from sunset to sunrise, if under 150 feet in length, carry forward where it can best be seen, but at a height not exceeding 20 feet above the hull, a bright white light, visible all round the horizon at a distance of at least one mile, and, if of 150 feet or upwards in length, shall carry such light at a height not less than 20 and not exceeding 40 feet above the hull, and in addition, a similar light at or near the stern, at such a height that it shall not be less than 15 feet lower than the forward light, and in default, the master or owner shall be liable to a penalty not exceeding one hundred dollars.

Precaution in case of fire or disturbance. (No. 26 of 1891.)

(3.) In the case of Police assistance being required on board any ship, owing to an outbreak of fire, or to a riot or disturbance which the master and his officers are unable to quell, if by day, the signal flag S of the Commercial Code shall be hoisted, and, if by night, three lights in a vertical line, the highest and lowest red and the middle light white; the day signal may be supplemented by the signal NM "I am on fire," or PC "Want assistance—Mutiny," and the night-signal by a "Flare-up" every minute in the case of fire, or "Blue lights" in the case of disturbance. A continuous sounding with any fog signal apparatus may, in addition, be adopted to attract attention in either case.

Governor in Council may make regulations. (Ibid.)

(4.) The Governor in Council may from time to time make rules, regulations or orders for the protection, management and navigation of the waters of the Colony, for the better and more effectual keeping of order therein, and the prevention of any nuisance in the same :

Provided that unless and until other rules are made rescinded or varied the rules in table M of the schedule to this Ordinance shall apply.

*Offences in the Waters of the Colony.*

25.—(1.) In the following cases:—

- (a.) If any person shall unlawfully cut, damage, or <sup>Damaging</sup> destroy any of the ropes, cables, cordage, tackle, <sup>furniture of</sup> headfasts, or any other furniture of or belonging to <sup>ship.</sup> any vessel lying in the waters of the Colony, with intent to steal or otherwise unlawfully obtain the same or any part thereof;
- (b.) If any person for the purpose of preventing seizure <sup>Throwing into</sup> or discovery of any materials, furniture, stores, or <sup>water goods</sup> merchandise belonging to or having been part of <sup>unlawfully</sup> the cargo of any vessel lying in the waters of the <sup>obtained.</sup> Colony, or of any other articles unlawfully obtained from any such vessel, shall wilfully let fall or throw into the waters aforesaid, or in any other manner convey away from any vessel, wharf, quay, or landing place, any such article, or if any person shall be accessory to any such offence;
- (c.) If any person shall cast or deposit any dead body, <sup>Obstruction of</sup> ballast, rubbish, or other substance, into the waters <sup>harbour by</sup> of the Colony, or shall neglect within a reasonable <sup>rubbish, &c.</sup> time to remove any sunken vessel or other obstruction in the said harbour belonging to him or in his charge or keeping;
- (d.) If any person not being in Her Majesty's service <sup>Boarding</sup> and not being duly authorised by law for the purpose, <sup>ship without</sup> goes on board any ship within the waters of the <sup>permission.</sup> Colony, without the permission of the master or officer in charge;
- (e.) If any person not being in Her Majesty's service <sup>Making fast</sup> shall make fast to or cause to be made fast to a ship <sup>to ship under</sup> under way within the waters of this Colony, any <sup>way.</sup> boat, or other vessel, without the sanction of the master or officer in charge of such ship;
- (f.) If any person in charge of any boat plying for hire shall receive or land passengers after 8 p.m. and before gun-fire in the morning except at such wharf or wharves as may be from time to time specified by regulations which the Governor in Council is hereby empowered to make or except at any private wharf with the consent of the owner thereof;

Such person shall be liable to a penalty not exceeding fifty dollars, or to imprisonment for any term not exceeding two months with or without hard labour.

Any constable may take into custody any person offending against sub-section (1.) (b.) of this section, and may seize and detain any boat in which such person shall be found or out of which any article shall be let fall, thrown, or conveyed away.

It shall be lawful for the master or other person in charge of any ship to take into custody and deliver up forthwith to any constable any person offending against sub-section (1.) (d.) of this section.

Unless and until other regulations are made, the regulations in Table N of the schedule to this Ordinance shall be the regulations referred to in sub-section (1.) (f.) of this section.

(2.) In the following cases:—

- (a.) If any steam launch, junk, or other vessel shall be <sup>Obstruction of</sup> found alongside of any public wharf or landing-<sup>wharves, im-</sup> place (unless while taking on board or landing <sup>proper moor-</sup> passengers or cargo), or lying off the same so as to <sup>ing, &c.</sup> prevent the free access of other vessels thereto.
- (b.) If any lighter, junk, or boat shall be moored or at anchor at a distance of less than one hundred yards from low water mark of such part of the Colony as may be declared by regulation to be made by the Governor in Council, between the hours of nine o'clock at night and gun-fire in the morning: (Provided that nothing herein contained shall be construed to extend to any lighter, junk, or boat moored or at anchor alongside of any private wharf with the consent of the owner thereof);

the owner, master, or other person in charge of such steam-launch, lighter, junk, boat, or other vessel, shall be liable to a penalty not exceeding fifty dollars, or to imprisonment for any term not exceeding two months with or without hard labour.

(3.) Except as is hereinbefore provided by sub-section 3 <sup>Fire-arms not</sup> of section 24, or except in the case of ships of war, no can- <sup>to be used</sup> non, gun, fire-arm, or firework of any description shall be <sup>except in</sup> discharged without the sanction of the Harbour Master <sup>certain cases.</sup> (Ibid.)

within such portions of the waters of the Colony, as the Governor may, from time to time, by regulations prescribe, from any ship or boat, under a penalty not exceeding two hundred dollars:

Provided that unless and until other regulations are made, the regulations in table O of the schedule to this Ordinance shall apply.

*Removal of Obstructions.*

Harbour  
Master may  
remove  
obstructions,  
&c.  
(Ord. 26 of  
1891.)

26. The Harbour Master may, by written notice, require any person to remove within a reasonable time, to be specified in such notice, any obstruction, whether floating, submerged, or sunk, in the waters of the Colony, caused by such person or belonging to him or in his charge or keeping; and if such person fail to remove the obstruction within the specified time, the Harbour Master shall cause the obstruction to be removed, and may recover the expenses of removal from the person named in the notice; or, if no such person can be found, the obstruction when removed by the Harbour Master may be sold to defray the expense of such removal.

*Moorings and Buoys.*

Government  
moorings.  
(No. 26 of  
1891.)

27.—(1.) It shall be lawful for the Harbour Master to place in the waters of the Colony such Government moorings and buoys as may be approved by the Governor, and to allow the use thereof upon such terms and conditions and for such fees as the Governor in Council may direct.

Private  
moorings.

(2.) No person shall keep or place moorings or buoys in the waters of the Colony except with the sanction of the Harbour Master and except upon the conditions contained in table (Oa) of the schedule hereto, or such other conditions as may be prescribed by the Governor in Council under sub-section 6 of this section. Such moorings and buoys shall be of such nature and construction as the Harbour Master shall approve.

Hulks, &c.

(3.) No person shall moor or anchor hulks or vessels of like description within the waters of the Colony, without the sanction of the Harbour Master and except upon such conditions and subject to the payment of such fees as the Governor in Council may direct.

Use of moor-  
ings.

(4.) Moorings and buoys sanctioned by the Harbour Master under sub-section 2, shall not be made use of by any ship other than the ships of the person to whom such sanction has been granted, except with the consent of such person, or by the direction of the Harbour Master; and the master of any ship using any such moorings and buoys without such consent, or direction, shall be liable to a penalty of twenty dollars per day for every day or part of a day during which he shall so use such moorings and buoys after he has been requested to remove therefrom.

Fees for hulks.

(5.) Until the Governor shall otherwise direct the fees under sub-section 3 for hulks and vessels of like description shall be the same as for lighters in table (U) of the schedule hereto.

Rules.

(6.) The Governor in Council shall have power to make rules regulating the terms, conditions and fees for any of the purposes mentioned in this section, and to alter or revoke the conditions contained in table (Oa).

*Powers of Police.*

Boarding of  
vessels.

28. (1.)—It shall be lawful for the Captain Superintendent, or any officer of Police not below the rank of Inspector, and the Harbour Master, or Assistant Harbour Master, to enter at all times, with such constables as he shall think necessary, as well by night as by day, into and upon every ship, boat, junk or other vessel (not being a ship of war, or vessel having the status of a ship of war) in the waters of the Colony, and into every part of such ship, boat, junk or other vessel, for the purpose of inspection and of directing the conduct of any member of the Police Force who may be stationed on board, and of inspecting and observing the conduct of all other persons who shall be employed on board in or about lading or unlading, as the case may be, and for the purpose of taking all such measures as may be necessary for providing against fire or other accidents, and preserving peace and good order on board, and for the effectual prevention or detection of any felonies or misdemeanours.

Arrest on  
board of  
offenders.

(2.) It shall be lawful for the Captain Superintendent or other officer of Police, not below the rank of sergeant, having just cause to suspect that any felony or misdemeanor has been or is about to be committed in the waters of

the Colony, to enter at all times, as well by night as by day, into and upon any ship, boat, junk, or other vessel, (except ships of war or vessels having the status of ships of war) and to take into custody all persons suspected of being concerned in such felonies or misdemeanors, and to take charge of any property suspected of having been stolen or unlawfully obtained.

(3.) Where under this section authority is given to any Authority to officer to enter upon any ship, boat, junk, or other vessel, stop. such officer may require the master or person in charge to stop such ship, boat, junk, or other vessel to enable him to make such entry. Any master or person in charge refusing or wilfully neglecting to comply with such requirement, shall be liable to a penalty not exceeding two hundred dollars.

PART VII.

LIGHTHOUSES, BUOYS, OR BEACONS.

29.—(1.) In the construction of this Part, the term Interpretation "lighthouses" shall, in addition to the ordinary meaning of clause. the word, include lightships and all floating and other lights (Ord. 26 of 1891.) exhibited for the guidance of ships; and the terms "buoys and beacons" shall include all other marks and signs of the sea.

(2.) It shall be lawful for the Governor to erect and Power to erect maintain within the Colony such lighthouses, buoys, or lighthouses, beacons for the guidance of ships, and to lay erect and &c. maintain such cables, wires and other necessary apparatus (Ibid.) for the purpose of telegraphic or other communication in connection therewith or for any other purpose as the Governor in Council shall think necessary.

(3.) It shall be lawful for the Governor, from time to time, with the assent of the Legislative Council, to raise Power to raise necessary funds by public loan. by way of public loan, upon the security of the general revenues of the Colony, such sums of money as may be necessary for the purposes aforesaid, and every loan so raised shall be a charge upon the said Colonial revenue. (Ibid.)

(4.) It shall be lawful for the Governor, in the meanwhile, Power to with such assent as aforesaid, to order the payment, by way advance funds of temporary advance, out of any monies for the time being out of the in the Colonial Treasury, of such sums of money arising Colonial Treasury. from the general revenues of the Colony, as may be required (Ibid.) for the purposes aforesaid: Provided always that all sums of money so advanced out of the general revenue of the Colony shall be repaid into the Treasury out of the sums which may be raised by way of loan under the provisions in that behalf hereinbefore contained.

*Light or other Dues.*

30.—(1.) The owner, or agent, or master of every ship Master or which enters the waters of the Colony, shall pay such dues agent to pay as may, from time to time, be fixed by order of the dues. Governor pursuant to resolution of the Legislative Council, (Ibid, sec. 33.) to such officer as the Governor shall, from time to time, appoint to collect the same, and the same shall be paid by such officer into the Colonial Treasury:

Provided that unless and until such Order is made, the dues in table P to this Ordinance shall be payable.

All British and Foreign ships of war shall be exempt from the payment of the said dues.

(2.) It shall be lawful for the Governor, by Order in Governor to Council— allow certain exemptions.

(a.) To fix or alter the times, places, and modes at and in which the dues receivable are payable; (Ibid.)

(b.) To exempt any ships, or classes of ships, from such payment, and to annex any terms or conditions to such exemptions;

(c.) To substitute any other dues, or classes of dues, whether by way of annual payment or otherwise, in respect of any ships, or classes of ships.

(3.) Tables of all dues, and a copy of regulations for Tables of due to be exhibited up at the office of the Harbour Master. (Ibid.)

(4.) A receipt for the said dues shall be given by the person Ship not to be appointed to collect the same to every person paying in the cleared with-same, and the Harbour Master shall not grant a clearance out production to any ship, unless the receipt for the same is produced to dues. him. (Ibid.)

(5.) If the owner, or agent, or master of any ship fails, Power of dis- on demand of the authorised collector, to pay the said dues tress for in respect thereof, it shall be lawful for such collector, dues. (Ibid.) in addition to any other remedy which he is entitled to

use, to enter upon such ship and distrain the goods, guns, tackle, or any other things of or belonging to, or on board such ship, and to detain such distress until the said dues are paid; and if payment of the same is not made within the period of three days next ensuing such distress, the collector may, at any time during the continuance of such non-payment, cause the distress to be appraised by two sufficient persons, and thereupon sell the same, and apply the proceeds in payment of the dues due, together with reasonable expenses incurred by him under this section, paying the surplus (if any) on demand to the said owner, or agent, or master.

Ship's burden to be ascertained by measurement in certain cases. (Ibid.)

(6.) In order to ascertain the burden of any ship liable to pay dues under this section, the person authorised to collect such dues may require the owner, or master, to produce the register of such ship for the inspection of such person, and, upon the refusal or neglect of such owner or master to produce such register, or to satisfy the person authorised to collect such dues as to what is the true burden of the ship, it shall be lawful for such person to cause such ship to be measured at the expense of the owner or master thereof, and such expense shall be recoverable in the same manner as dues payable under this section; and such measurement shall be deemed to be the real burden of the ship, and may be treated as such for all the purposes of this section.

Penalties. (Ibid.)

(7.) The master of any ship who shall depart or attempt to depart from any Port or place in this Colony leaving unpaid the dues required to be paid under the provisions of this section, or, who shall refuse to have his ship measured to ascertain her burden in tons, or who shall obstruct any person in the duties of his office, shall be liable to a penalty not exceeding two hundred dollars.

*Damage to Lights, Buoys and Beacons, Electric Cables, &c.*

Penalty for injuring lights, &c. (Ibid, sec. 31.)

31.—(1.) If any person wilfully or negligently commits any of the following offences, that is to say:—

- (a.) Injures any lighthouse, or the lights exhibited therein, or any buoy or beacon, or any electric cables, wires or other apparatus either in connexion therewith or otherwise;
- (b.) Removes, alters, injures, or destroys any lightship, buoy, or beacon, or any cables, wires, or other apparatus either in connexion therewith or otherwise;
- (c.) Rides by, makes fast to, or runs foul of, any lightship, buoy or beacon;

He shall, in addition to the expenses of making good any damage so occasioned, incur a penalty not exceeding two hundred and fifty dollars.

(2.) The Governor in Council may from time to time make regulations necessary for the protection of any telegraph cables or wires either in connexion with any lighthouse, lightship, buoy or beacon, or otherwise.

*Gap Rock Lighthouse.*

Sections 29, 30 and 31 to apply to Gap Rock Lighthouse.

32. The powers and provisions contained in sections 29, 30 and 31 of this Ordinance in respect of lighthouses, buoys, beacons, electric cables, wires or other apparatus in connexion therewith, and dues, within the Colony, shall equally apply to the lighthouse upon an island commonly known as The Gap Rock, situate about twenty-eight miles from the Colony, within the dominions of the Emperor of China, and any cables, wires and other apparatus for the purpose of telegraphic or other communication in connexion therewith.

*Prevention of False Lights.*

Harbour Master may prohibit false lights. (No. 26 of 1891, sec. 26.)

33.—(1.) Whenever any fire or light is burnt or exhibited at such place, or in such manner, as to be liable to be mistaken for a light proceeding from a lighthouse, it shall be lawful for the Harbour Master to serve a notice upon the owner of the place where the fire or light is burnt or exhibited, or on the person having charge of such fire or light, either personally, or by delivery at the place of abode of such owner or person, or by affixing the same in some conspicuous spot near to such fire or light, and by such notice to direct such owner or person, within a reasonable time to be therein specified, to take effectual means for the extinguishing or effectually screening such existing light; and for the preventing for the future any similar fire or

light; and any owner or person disobeying such notice, shall be deemed guilty of a common nuisance, and, in addition to any other penalties or liabilities of any kind thereby incurred, shall be liable to a penalty not exceeding five hundred dollars or to six months' imprisonment with or without hard labour.

(2.) If any owner or person served with such notice, as aforesaid, neglects for a period of twenty-four hours to extinguish, or effectually screen, the light or fire therein mentioned, it shall be lawful for the Harbour Master, by his servants or workmen, to enter into the place wherein the same may be, and forthwith to extinguish such fire or light doing no unnecessary damage; and all expenses incurred by the Harbour Master in such extinction may be recovered from such person or owner as aforesaid.

If not obeyed, he may abate such lights. (Ibid.)

PART VIII.

IMPORTATION AND STORAGE OF EXPLOSIVES.

34.—(1.) The Governor may provide, at the expense of the Colony, all necessary vessels and buildings for the storage of gunpowder, and other explosives.

Vessels and buildings for storage of gunpowder.

(2.) Such vessels or buildings shall, for the purposes of this section, be termed "The Government Gunpowder Depôt," and shall be under the control and management of the Harbour Master, subject to such orders as may, from time to time, be received from the Governor; and such vessels or buildings shall be fitted and manned in such manner as the Harbour Master, with the approval of the Governor, shall deem expedient.

Government Gunpowder Depôt.

(3.) It shall not be lawful for the master of any vessel without the permission of the Harbour Master, to anchor such vessel within five hundred yards of any Government Gunpowder Depôt.

No vessel to anchor within five hundred yards.

(4.) The master, or agent, or consignee of every vessel arriving in this Colony, having on board thereof as cargo any quantity of gunpowder or other explosives, shall, immediately upon arrival, and before the discharge from the ship of any of such gunpowder, or other explosives, furnish the Harbour Master with a copy of the manifest of the same, the marks of all the packages, and the names of the consignees if he shall know the same.

Harbour Master to be furnished with particulars of explosives arriving in the Colony.

(5.) The master of every such vessel shall, upon arrival, take the same to the Harbour Anchorage or to the place which shall be pointed out to him by the Harbour Master, and the said vessel shall not be removed therefrom without the permission of the Harbour Master.

Master to take vessel to specified place.

(6.) The master of every vessel having on board as cargo gunpowder, or other explosives, and whilst engaged in the transshipment of the same, shall exhibit a red flag at the highest masthead.

When red flag to be exhibited.

(7.) It shall not be lawful for the master of any vessel having on board as cargo gunpowder or other explosives to anchor within five hundred yards of any other vessel except by permission of the Harbour Master.

Vessel not to anchor within 500 yards of any other vessel.

(8.) The master of every vessel about to take on board any quantity of gunpowder or other explosives shall give notice to the Harbour Master, and shall at once take the said vessel into the Gunpowder Anchorage or into such other anchorage as the Harbour Master may deem expedient, and shall not remove therefrom except for the purpose of proceeding on his voyage or for some other sufficient cause to be approved by the Harbour Master.

Mode of proceeding when explosives are to be exported.

(9.) No gunpowder or other explosives shall be shipped, landed, or transhipped, within the waters of the Colony, between the hours of 6 P.M. and 6 A.M., from October to March inclusive, nor between the hours of 7 P.M. and 5 A.M., from April to September inclusive, without the written permission of the Harbour Master.

No gunpowder to be transported at night. (Ibid.)

(10.) It shall not be lawful for any person, without the permission in writing of the Governor, to keep, except at the Government Gunpowder Depôt, for any time, however short, any quantity of gunpowder exceeding 20 lbs. or any number of safety cartridges exceeding 2,000, or any quantity of other explosives, not coming within the provisions of The Dangerous Goods Ordinance, 1873, or any Ordinance amending or substituted for the same.

Limit of storage without written permission.

(11.) Where any Magistrate has reasonable grounds for believing that any gunpowder or other explosive is kept on board any vessel, or in any house or place, in contravention

Search warrant may be granted.

- of this section, he may grant a warrant to any Police Officer to enter the same, and thereupon such officer may so enter and if necessary break into the premises and search the same.
- Governor in Council empowered to frame rules for carrying out provisions of chapter and to fix charges. (Ibid.) (12.) The Governor in Council is hereby empowered to make rules and regulations for the proper carrying out of the provisions of this section, and to fix and vary, from time to time, the sums chargeable for the storage of gunpowder, safety cartridges, or other explosives, and every violation or neglect of any such rules or regulations shall render the party so offending liable to the penalties imposed by subsection 14 of this section for offences against any provisions thereof:
- Sums how to be paid and, if not paid, how to be recovered. (Ibid.) Provided that unless and until other rules are made, the rules and scale of charges in tables Q and R respectively of the schedule to this Ordinance shall apply.
- (13.) The sums charged in respect of the storage of such gunpowder or other substances shall be paid monthly by the party in whose name the same is stored, and in the event of non-payment within twenty-one days after the money shall have become due and payable, it shall be lawful for the Governor to direct the said gunpowder or other explosives to be sold in order to defray the expense of storage, and the proceeds thereof, after deducting all Government charges and the expenses of sale, shall be paid to the party who shall prove himself entitled thereto to the satisfaction of the Governor.
- Trial of offences under this section. (Ibid.) (14.) Every person who shall violate or refuse, or fail to comply with the provisions of this section shall be liable to a penalty not exceeding three hundred dollars, or imprisonment for any period not exceeding six months.
- Ordinance No. 8 of 1873 not affected. (15.) Nothing in this section shall be deemed to invalidate the provisions of The Dangerous Goods Ordinance, 1873, (No. 8 of 1873) or any Ordinance amending or substituted for the same, or any Regulations or Bye-laws thereunder.
- Ships of war and Government stores excepted. (Ibid.) (16.) Nothing in this section contained shall apply to Her Majesty's ships of war or to the ships of war of any foreign nation, or to hired armed vessels in Her Majesty's service or in the service of any foreign nation, or to any Government stores.

## PART IX.

## STEAM-SHIPS NOT EXCEEDING SIXTY TONS, AND RIVER STEAMERS.

*Steam-Ships not exceeding 60 tons.*

- Steam-ships under 60 tons not to ply for hire without licence. (No. 26 of 1891, sec. 7.) 35.—(1.) It shall not be lawful for any steam-ship not exceeding sixty tons burden to ply for hire within the waters of the Colony, or to any place outside the waters of the Colony, unless she has obtained a licence as hereinafter provided, and in case any such steam-ship shall be so employed as aforesaid without such licence, the owner, master, or person in charge thereof shall be liable to a penalty not exceeding five hundred dollars: Provided that if such steamship has obtained a Certificate of Imperial or Colonial Registry under the provisions of The Merchant Shipping Act, 1894, or of section 3 of this Ordinance, a licence shall not be required unless it is intended that she shall carry passengers for hire.
- Harbour Master may grant licence. (Ibid.) (2.) It shall be lawful for the Harbour Master to grant to the owner of any steam-ship not exceeding 60 tons, a licence authorizing such steam-ship to ply for hire and carry passengers during such period and subject to such conditions as are named in the licence and to such regulations as are for the time being in force under this section: Provided that no such licence shall be granted unless the intended licensee shall enter into a bond together with one or more sureties resident in the Colony, and to be approved of by the Harbour Master, conditioned in any sum not exceeding one thousand five hundred dollars for the observance of the conditions of such licence: Provided also that in the case of a Colonial ship registered under section 3 of this Ordinance, the said bond shall not be required if the registered owner is a person qualified to be the owner of a British ship under the terms of section 1 of The Merchant Shipping Act, 1894.
- Regulations. (3.) The regulations contained in table E of the schedule hereunto annexed shall continue in force until altered or repealed as hereinafter provided.
- Alteration or repeal of regulations. (4.) The Governor in Council may, from time to time, alter, amend, or repeal the said regulations or any of them, and may make other regulations as he deems requisite.



(5.) If any steam-ship licensed under this section carries within the waters of the Colony more passengers than her licence allows, the owner or master thereof shall be liable to a penalty not exceeding two hundred and fifty dollars. Penalty for carrying passengers in excess. (Ibid.)

(6.) If any unlicensed steam-ship not exceeding sixty tons burden, carries, within the waters of the Colony, more passengers, in proportion to her size, than she would be licensed to carry under the regulations for the time being in force under this section, the master thereof shall be liable to a penalty not exceeding one hundred dollars. Penalty for unlicensed steamer carrying passengers in excess. (Ibid.)

(7.) If any steam-ship not exceeding 60 tons, whether engineer each holding either a certificate of qualification recognised by the Board of Trade, or a certificate of competency from the Harbour Master of Hongkong as provided by table E, the owner or master thereof shall be liable to a penalty not exceeding one hundred dollars or imprisonment with or without hard labour for a period not exceeding three months. Penalty for plying without a certified master or engineer. (Ibid.)

(8.) If any person places an undue weight or pressure on the safety valve of any steam-ship, he shall be liable to a penalty not exceeding one hundred dollars or imprisonment with or without hard labour for a period not exceeding three months. Pressure on safety valve. (No. 26 of 1891, sec. 7.)

(9.) Every steam-ship, not exceeding 60 tons burden whether licensed or not, shall, when under way in the waters of the Colony between sunset and sunrise, exhibit a green light on the starboard side and a red light on the port side, and a bright light in the fore part of the ship at a height above the deck not less than 6 feet, and if the breadth of the ship exceeds 6 feet, then at a height above the deck not less than such breadth, so however that the light need not be carried at a greater height above the deck than 10 feet. These lights shall be constructed fixed and fitted as prescribed from time to time by the Regulations for Preventing Collisions at Sea made by Her Majesty's Order in Council; and every such steam-ship shall, when at anchor, carry forward at a height not exceeding 20 feet above the deck, a bright light visible all round at a distance of at least one mile. Every such steam-ship shall also be provided with an efficient steam whistle or siren and an efficient bell. Steamers to exhibit lights. (Ibid.)

(10.) The licence granted by the Harbour Master to any steam-ship under this section may be cancelled if at any time the Government Marine Surveyor reports to the Harbour Master that from any cause the said ship is unfit for the service for which she is intended, or in the event of the security given under sub-section 2 becoming invalid. of licence.

The owner of any such steam-ship, who shall refuse or neglect to give up the licence of the said ship after having been informed by the Harbour Master that the same has been cancelled, shall be liable to a penalty not exceeding one hundred dollars. It shall be lawful for the Harbour Master or Government Marine Surveyor at any time to go on board any steam-ship licensed under this section for the purpose of inspecting the same. Refusal to give up licence.

(11.) The master of every steam-ship not exceeding 60 tons shall, within eighteen hours after arrival at any port of the Colony, report such arrival at the Harbour Master's office or at a "Harbour Master's station," and shall furnish the particulars hereinafter mentioned, which shall be entered in a register kept for the purpose, that is to say:—

- (a.) Name and capacity of ship;
- (b.) The name, address and description of the owner or owners and of the master;
- (c.) The name, address and description of every consignee or agent, if any, of the ship and cargo in the Colony;
- (d.) The description of the cargo on board, and number of the crew;
- (e.) The place from which the ship sailed on her voyage to the Colony, and the date of her departure from such place, and of her arrival in the Colony.

(12.) Upon compliance with the provisions of the last sub-section, the master of every such ship shall receive an "anchorage pass," and shall forthwith pay a fee of 25 cents for the same, and in default thereof shall be liable to a penalty not exceeding ten dollars. Report of arrival and particulars to be furnished. Anchorage pass.

(13.) No steam-ship not exceeding 60 tons shall leave the waters of the Colony without a clearance or a special permit, unless the safety of the vessel (through stress of weather) shall render it necessary, and in such case, she shall return to her former anchorage when such necessity shall have ceased. Ships not to remove from anchorage without clearance or special permit.

Night clearances.	(14.) No such steam-ship shall leave any port in the waters of the Colony between the hours of 6 p.m. and 6 a.m. from October to March inclusive, nor between the hours of 7 p.m. and 5 a.m. from April to September inclusive, without a special permit or a special clearance to be called a "night clearance" for which a fee of \$1 shall be paid.
Notice of departure.	(15.) The master of every such steam-ship about to leave the waters of the Colony, shall give notice to the Harbour Master of such intended departure, and of the nature of the proposed voyage, together with the general character of cargo, and if there is no reasonable objection he will thereupon be furnished with a "clearance" and shall pay a fee of 25 cents for the same: Provided always that in case such steam-ship shall not leave her anchorage within twenty-four hours thereafter, the master shall report the same to the Harbour Master, and the reason thereof, and shall, if so required to do, return the said clearance.
"Special permit."	(16.) The Harbour Master may, from time to time on payment of a fee of 25 cents, grant to any master of a steam-ship not exceeding 60 tons a permit to be called a "special permit," which shall be a sufficient warrant or authority for the doing of any act mentioned in such permit.
Penalty for infraction of sub-s. 11, 13, 14 or 15.	(17.) Every master of a steam-ship not exceeding 60 tons who shall refuse or fail to comply with the provisions of sub-sections 11, 13, 14 or 15, or shall knowingly give untrue particulars concerning the information which he is thereby required to furnish, shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment with or without hard labour for any period not exceeding three months.
Improper use of licence.	(18.) Every person who shall use any licence, clearance, permit or other document granted under the provisions of this section in respect of any steam-ship other than the one therein mentioned shall be liable to a penalty not exceeding two hundred dollars or to imprisonment with or without hard labour for any term not exceeding three months.
Orders of Harbour Master.	(19.) Every master or other person in charge of any steam-ship not exceeding 60 tons, who shall within the waters of the Colony disobey any lawful orders which the Harbour Master may see fit to give, shall be liable to a penalty not exceeding one hundred dollars.
Offences against regulations.	(20.) Any person offending against the provisions of this section, or against any of the regulations in force for the time being under this section shall, where no penalty is specified, be liable to a penalty not exceeding fifty dollars, or to imprisonment for any term not exceeding one month with or without hard labour.
Certain ships exempted.	(21.) Sub-sections (11), (12), (13), (14), (15), and (17) shall not apply in the case of any steam-ship not exceeding 60 tons on occasions when such steam-ship is being used solely for purposes of pleasure.
Boilers to be surveyed Unlicensed ships.	(22.) The owners of all steam-ships not exceeding 60 tons not licensed under this section, but being in the waters of the Colony, shall cause the boilers of such steam-ships to be surveyed before use, and thenceforth to be surveyed annually, by the Government Marine Surveyor, the Assistant Marine Surveyor, or some person authorised in that behalf by the Governor, and the requirements of such surveyor shall be complied with, and thereupon a certificate to that effect shall be given by such surveyor and shall be produced to the Harbour Master without unnecessary delay.
Use of un-surveyed ship.	(23.) The owner, master or person in charge of any such unlicensed steam-ship using the same before obtaining such certificate of survey as mentioned in the preceding sub-section shall be liable to a penalty not exceeding two hundred and fifty dollars.
Fees for surveys.	(24.) The owner shall pay into the Treasury a fee of ten dollars for each survey and certificate thereof made and given by the Government Marine Surveyor or Assistant Marine Surveyor.
Application of section.	(25.) The provisions of this section shall not apply to steam-launches belonging to Her Majesty or to any Foreign Government. Such launches, however, as well as all other steam-ships when within the waters of the Colony shall comply with the Regulations for Preventing Collisions at Sea made from time to time by Her Majesty's Order in Council.

*River Steamers.*

**36.**—(1) It shall be lawful for the Governor in Council to grant a Special Licence to any River steamer specifying the number of passengers she may lawfully carry. Such number shall be subject to such conditions as the Governor in Council may from time to time direct by any

Special licences may be granted to river steamers. (No. 26 of 1891, sec. 8.)

regulations to be made by him for this purpose, and until such regulations are made and so far as the same shall not extend, the regulations contained in table F in the schedule hereto shall apply.

(2.) Such special licence shall continue in force during the period in which the River steamer holding the same shall be regularly employed in such capacity; but such special licence may be revoked by the Governor in Council upon receiving a declaration in writing from any Government surveyor that the River steamer holding the same has become unfit to carry the number of passengers authorised by such licence, or upon such River steamer either ceasing to be regularly employed as such, or being employed otherwise.

(3.) The owner or master of any River steamer leaving or entering the waters of the Colony with passengers on board in excess of the number authorised by the special licence shall be liable to a penalty not exceeding two hundred and fifty dollars, and in addition to a penalty not exceeding five dollars for every passenger on board in excess of the number authorised by the special licence.

PART X.

JUNKS AND SMALL BOATS.

*Junks.*

37.—(1.) In the construction of this Part, the term "Licensed Junk" shall mean a junk, licensed under sections 13 or 14 of this section and shall include any other vessel licensed under sub-section 15.

The term "Master" shall include any person for the time being in command or charge of any junk.

(2.) Branch stations of the Harbour Master's office shall be maintained at such places in the Colony as the Governor may, from time to time, determine, which shall be under the superintendence and control of the Harbour Master, and shall be called "Harbour Master's Stations."

(3.) The Harbour Master shall, with the approval of the Governor, by regulation to be published in *The Gazette* appoint suitable anchorages in the waters of the Colony to be called "Anchorage for Junks."

Unless and until the limits of such anchorages shall be altered by the Harbour Master with the approval of the Governor, the limits of anchorages in table S shall be in force.

(4.) No unlicensed junk shall (except from stress of weather) anchor at any place within the waters of the Colony other than at an "anchorage for junks."

(5.) Every unlicensed junk arriving at any port of the Colony shall immediately proceed to and take up its berth within the limits of one of the "anchorage for junks."

(6.) The master of every junk, whether licensed or not, shall, within eighteen hours after arrival at any Port of the Colony, report such arrival at the Harbour Master's office or at a "Harbour Master's station," and shall, if licensed, deposit the licence and, if not licensed, furnish the particulars hereinafter mentioned, which shall be entered in a register kept for the purpose, that is to say:—

(a.) Name and capacity of junk (in piculs).

(b.) The name, address and description of the owner or owners and of the master.

(c.) The name and address of every consignee or agent, if any, of the junk and cargo in the Colony.

(d.) The description of the cargo on board, and number of the crew.

(e.) The place from which the junk sailed on her voyage to the Colony, and the date of her departure from such place, and of her arrival in the Colony.

(f.) Whether carrying any and what guns, arms and ammunition.

(7.) Upon compliance with the provisions of the last sub-section, the master shall receive an "anchorage pass," and shall forthwith pay the prescribed fee for the same, and in default thereof shall be liable to a penalty not exceeding ten dollars.

(8.) No licensed junk shall leave any port in the Colony and no other junk shall leave any anchorage for junks without a clearance or a special permit, unless the safety of the vessel (through stress of weather) shall render it necessary, and in such case, she shall return to her former anchorage when such necessity for leaving it shall have ceased.

No junk to leave at night. (Ibid, and see No. 22 of 1891.) (9.) No junk, whether licensed or not, shall leave her anchorage or leave or attempt to leave any port in the Colony between the hours of 6 P.M. and 6 A.M. from October to March inclusive, nor between the hours of 7 P.M. and 5 A.M. from April to September inclusive, except in the case of a licensed fishing junk which has obtained a permit from the Harbour Master.

Flag to be hoisted before departure. Clearance. (10.) The master of every junk, whether licensed or not about to leave her anchorage, at any port in the Colony, shall, where practicable, eighteen hours before the time of the intended departure of such junk, hoist at the highest mast-head such flag or signal as shall, from time to time, be specified by the Harbour Master, and also shall give notice of such intended departure and the nature of the proposed voyage, together with the general character of cargo, and particulars of any arms, ammunition and other such articles on board at the Harbour Master's office or station, as the case may be, at which the anchorage pass of such junk shall have been granted, and he will thereupon, if there is no reasonable objection and upon payment of the prescribed fee, be furnished with a clearance in exchange for the anchorage pass of such junk, and if a licensed junk, the licence thereof will be returned to him: Provided always that in case such junk shall not leave her anchorage within twenty-four hours thereafter, the master shall report the same at the Harbour Master's office or station, as the case may be, and the reason thereof, and shall, if so required to do, return the said clearance, and if a licensed junk, also re-deposit the licence thereof.

"Special permit." (Ibid.) (11.) The Harbour Master or the officer for the time being in charge of any Harbour Master's station may from time to time, upon payment of the prescribed fee, grant to any master of a junk a permit to be called a "special permit," which shall be a sufficient warrant or authority for the doing of any act mentioned in such permit.

Penalty for unlawfully using a licence, pass, clearance, or special permit. (Ibid.) (12.) No licence, anchorage pass, clearance or special permit shall be used in respect of any junk other than the junk therein specified, or for any purpose or for any period of time other than the one therein mentioned, and every master of a junk who shall knowingly use or attempt to use any licence, anchorage pass, clearance or special permit which shall not have been lawfully obtained, shall be imprisoned with hard labour for any term not exceeding twelve calendar months, and every junk in respect of which a licence, anchorage pass, clearance, or special permit shall have been used or attempted to be used in violation of this sub-section may, either with or without the cargo thereof, and whether the master shall have been brought to trial or not, at the discretion of the Court, be forfeited to the Crown.

Trading licences. (13.) It shall be lawful for the Harbour Master, in such cases as he shall think fit, and upon payment of the prescribed fee, to grant to the owner of any junk, a trading licence authorising such junk, to ply between this Colony and other ports or places out of the Colony, during such period and subject to such conditions as the Harbour Master, with the approval of the Governor, may determine, and which conditions shall be endorsed on or contained in such licence; and such junk, having obtained a trading licence, the master thereof shall cause the number of said licence to be painted in black figures twenty inches in length (to the satisfaction of the Harbour Master) on a white ground on each bow and on the stern: Provided that no such licence shall be granted unless the intended licensee shall enter into a bond together with one or more sureties resident in the Colony, and to be approved of by the Harbour Master, conditioned in any such sum not exceeding one thousand five hundred dollars as the Harbour Master may require for the observance of the conditions of such licence.

Fishing licences. (Ibid.) (14.) It shall be lawful for the Harbour Master, in such cases as he shall think fit, and upon payment of the prescribed fee to grant to the owner of any junk a fishing licence authorizing such junk to be used solely as a fishing junk for such period and subject to such conditions as the Harbour Master, with the approval of the Governor, may determine, and which conditions shall be endorsed upon or contained in such licence. And such junk having obtained a fishing licence, the master thereof shall cause the number of the said licence to be painted in white figures (to the satisfaction of the Harbour Master) twenty inches in length on a black ground on each bow, and on the stern, and every person guilty of a breach of any such conditions or of the provisions of this sub-section shall be liable to a penalty not

exceeding one hundred dollars or in default to imprisonment not exceeding one month with or without hard labour in addition to any forfeitures thereby imposed.

(15.) It shall also be lawful for the Harbour Master to grant to any vessel other than a "Junk" a licence under the provisions of sub-sections 13 or 14 in such cases as it shall appear to him that the vessel referred to is to be employed in the same manner as a "Junk," and such vessel being so licensed shall, so long as the said licence is in force, be considered for all purposes of this Ordinance to be a licensed junk. For any such licences the same fee shall be paid as for a junk.

(16.) Any junk or vessel employed for fishing purposes and being within the waters of the Colony shall, unless licensed as aforesaid, be subject to the provisions in this section contained as to the Entry and Clearance of Junks.

(17.) It shall be lawful for the Harbour Master to order all junks, lighters, boats, and other vessels of any description whatever to anchor or secure in such place as he may direct, or to prohibit their anchoring or securing in any particular place, or to order them to remove to any other place.

(18.) It shall be lawful for the Harbour Master to give such orders to all or any junks, or other vessels, for the proper discipline of the harbour and for the prevention of disorder or confusion, or otherwise as he may, in his discretion, think fit.

(19.) Every master of any junk or other vessel, whether licensed or not who shall, when within the waters of the Colony, disobey any lawful orders which the Harbour Master may see fit to give, shall be liable to a penalty not exceeding one hundred dollars.

(20.) Every master of a junk, who brings into the Colony any person who, in the opinion of the Magistrate before which the charge is tried, has come to the Colony for the purposes of mendicancy, or any person suffering from leprosy or any infectious or contagious disease, or who removes any such person from one part of the Colony to another, shall be liable to a penalty not exceeding ten dollars for each offence, unless in the case of any person suffering from any infectious or contagious disease, such master can shew to the satisfaction of the Magistrate that he had no reasonable means of knowing that such person was so suffering.

(21.) It shall be lawful for the Harbour Master, or any person deputed thereto by him, or for any officer or constable of the Police force, at any time to stop and board any junk within the waters of the Colony and demand the production of any anchorage pass, clearance, special permit, or licence, and in case by reason of the non-production of any of such documents, or for any other reason, there shall be ground to believe or suspect that any provision of the law has been violated by the master of such junk, or in case the document produced shall appear from the date thereof, or from any other cause, to have been unlawfully obtained, or to be unlawfully used, to arrest such junk and her cargo and the master of such junk, and deliver them into the custody of the Police.

(22.) Every junk, the master of which shall be charged with having violated the provisions of this section, may be forthwith arrested and detained unless bail to the satisfaction of a Magistrate is given, until the said master shall either have been acquitted of the offence charged, or, if found guilty, shall have paid the penalty inflicted upon him, in case he shall fail to pay, within ten days, any penalty which may be inflicted upon him, the same may be recovered by the sale of such junk, and the balance, if any, of the net proceeds thereof, after deducting therefrom the expenses of such sale and the amount of such penalty as aforesaid, shall be paid to the owner or owners of the junk, if claimed within twelve calendar months from the date of sale, and, if not claimed within that period, shall be forfeited to the Crown: Provided that in case it shall be brought to the knowledge of the Magistrate that there is in the Colony any consignee or agent of such junk no sale thereof shall be made in pursuance of this sub-section until three days' previous notice thereof shall have been given in writing to such consignee or agent.

(23.) Every junk forfeited or sold under the provisions of this section shall be transferred to the purchaser thereof, at his expense, by a bill of sale from the Harbour Master, and such bill of sale shall confer upon such purchaser, his ex-

cutors, administrators and assigns, an absolute title to such junk.

Trial of offences under this section. (Ibid.)

(24.) No junk or cargo liable to forfeiture, under the provisions of this section, shall be so forfeited, unless the offence in respect of which such junk or cargo is liable to forfeiture, shall be tried by two Stipendiary Magistrates sitting together, who shall have power, in their discretion, to extend the period limited by law for an appeal from their decision to the Supreme Court, either before or after the expiration thereof.

Governor in Council empowered to frame rules for carrying out provisions of this chapter. (Ibid.)

(25.) The Governor in Council is hereby empowered to make such rules and regulations as to him shall seem fit for the proper carrying out of the provisions of this section, and also from time to time to fix and vary the fees payable by junks, and to prescribe the forms of all licences, passes, permits, and clearances under this section, and the conditions of issuing the same, and to provide adequate means for preventing by force, when necessary, any junk from leaving the waters of the Colony, or any port thereof, or any anchorage for junks, in violation of any provision of this section.

Unless and until other fees are fixed by the Governor in Council, the fees mentioned in table T in the schedule hereto shall be deemed to be the prescribed fees.

Penalty for infraction of sub-sections 4 and 5. (Ibid.)

(26.) Every master of a junk who shall violate or refuse or fail to comply with the provisions of sub-sections 4 and 5 of this section shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment with or without hard labour for any period not exceeding one month.

Penalty for infraction of sub-s. 6 and 10. (Ibid.)

(27.) Every master of a junk who shall refuse or fail to comply with the provisions of sub-sections 6 and 10 of this section, or shall knowingly give untrue particulars concerning the information which he is thereby required to furnish, shall be liable to a penalty not exceeding two hundred dollars, or imprisonment with or without hard labour for any period not exceeding three months.

Penalty for infraction of provisions of sub-sections 8 and 9. (Ibid.)

(28.) Every master of a junk violating the provisions of sub-sections 8 or 9 of this section shall be liable to a penalty not exceeding two hundred dollars, or imprisonment with or without hard labour for any period not exceeding six calendar months, and such junk and her cargo may, in the discretion of the Magistrates, be forfeited to the Crown. And it shall be lawful for any sergeant of Police to arrest within the waters of the Colony any junk or other Chinese craft leaving or attempting to leave her anchorage, or which he has good reason to believe had left her anchorage or any port of the Colony between the hours aforesaid.

#### *Boats, Lighters, Hulks, &c.*

Governor in Council to make regulations for licensing, &c., boats, &c.: (No. 26 of 1891, sec. 39.)

33. It shall be lawful for the Governor in Council to make and publish regulations—

- (a.) For the licensing, due management, control and regulation, within the waters of the Colony, of all boats or other vessels, including cargo-boats, lighters, sampans, hulks, and vessels of similar description other than market boats and junks;
- (b.) For the licensing, registration and regulation of cargo-boatmen and lightermen;
- (c.) For fixing the scale of fees payable for such licenses;
- (d.) For fixing the scale of fares to be charged in respect of such boats or vessels;
- (e.) For the regulation and management of all boats, sampans, or other vessels, used as dwelling places within the waters of the Colony and not plying for hire;
- (f.) For the registration or licensing of such last mentioned vessels and of the people dwelling in the same:

Provided that unless and until other regulations are made, the regulations and fees contained in table U of the schedule to this Ordinance and the forms therein contained shall apply.

Punishment for drowning passengers in overcrowded boats. (No. 26 of 1891, sec. 39.)

2. In case any greater number of persons or passengers shall be taken or carried in any boat or other vessel aforesaid within the waters of the Colony, than are respectively allowed to be carried therein by the regulations in table U or by any regulations hereafter made by the Governor in Council, and any one or more of such persons or passengers shall be drowned in consequence thereof, every person who shall be in charge of such boat, or other vessel, shall be guilty of a misdemeanour, and may be

punished therefor without prejudice to any civil remedy and in addition to any penalty provided for under the aforesaid Regulations.

PART XI.

GENERAL.

*Prosecution of Offences and Procedure.*

39.—(1.) So much of the various provisions of The Merchant Shipping Act, 1894, and other Acts amending the same, not being inconsistent with the provisions of this Ordinance and in force in England, as relates to wages and remedies for the recovery thereof; to leaving seamen abroad; to the provisions, health and accommodation of seamen; to the power of seamen to make complaints; to the protection of seamen from imposition; to discipline; to official logs, and to crimes committed abroad, shall apply “mutatis mutandis,” and so far as the same can be extended, to all ships registered in this Colony, when such ships are within the jurisdiction of this Government and to the owners, masters and crews of such ships.

Application of certain parts of Merchant Shipping Act. (No. 26 of 1891, sec. 42.)

(2.)—(a.) Every offence declared by The Merchant Shipping Act, 1894, or by this Ordinance, to be a misdemeanour may, if tried in this Colony, be tried by the Supreme Court in the same manner as other misdemeanours are tried, and may also, unless otherwise expressly provided instead of being prosecuted before the Supreme Court, be prosecuted summarily in accordance with the procedure provided by The Magistrates Ordinance, 1890, or any Ordinance amending the same, but if so prosecuted shall be punishable by the Magistrate with imprisonment only for a term not exceeding six months with or without hard labour, or with a fine not exceeding \$1,000.

Trial in this Colony of misdemeanours and offences under Merchant Shipping Act. (Ibid.)

(b.) Every offence made punishable by The Merchant Shipping Act, 1894, by imprisonment for any period not exceeding six months with or without hard labour or by a fine not exceeding £100 may be prosecuted summarily before any Stipendiary Magistrate and may be punished by imprisonment not exceeding six months with or without hard labour or by fine not exceeding \$1,000.

(c.) The provisions of The Magistrates Ordinance, 1890, with regard to appeal shall apply to all summary convictions under this section.

(3.) All offences against this Ordinance, or any orders, regulations, rules or conditions made thereunder, except when otherwise provided, may be heard and determined by any Stipendiary Magistrate, and all penalties and forfeitures imposed and declared by and expenses recoverable under this Ordinance, or any order, regulation, rule or condition made thereunder, except when otherwise provided, may be recovered and enforced in a summary manner, and the Marine Magistrate shall, in relation to all such offences, penalties, forfeitures and expenses, have the like powers and authority as are given to or reposed in a Police Magistrate under the provisions of The Magistrates Ordinance, 1890, in respect of offences triable on summary conviction.

Trial of offences and recovery of penalties and expenses, &c., under this Ordinance.

(4.) Where no penalty is specially attached by this Ordinance to the breach or infringement of any provision contained in this Ordinance or in any orders, rules, regulations or conditions, made or to be made hereunder, the same shall be punishable by a penalty not exceeding two hundred dollars, and in default of payment thereof, imprisonment with or without hard labour not exceeding three months.

Any breach of this Ordinance punishable by fine, &c. (No. 26 of 1891.)

(5.)—(a.) Where any document requires, for the purpose of any provision of this Ordinance, to be served on the master of a ship, the same shall be served where there is no master and the ship is in the Colony, on the owner or one of the owners of the ship, or, if there is no owner, on the agent of the ship in the Colony, or, where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

Service of documents. (Ibid.)

(b.) Any such document may be served by delivering a copy thereof personally to the person to be served or by leaving the same at his last place of abode, or in the case of a master by leaving it for him on board the ship with the person being or appearing to be in command of such ship.

(c.) Any person who obstructs the service of any document on the master of a ship shall be liable to a penalty not exceeding fifty dollars, and if the owner, agent, or master

- of the ship is a party or privy to such obstruction he shall be guilty of a misdemeanour.
- Power to detain ship. M.S.A. 692(3). (6.) Where under this Ordinance it is enacted that under certain conditions a ship shall not leave the waters of the Colony it shall be lawful for the Harbour Master under such conditions to detain the ship until he is satisfied that the provisions of the law have been fulfilled.
- Penalty for taking detained ship to sea. (7.) Where under this Ordinance a ship is authorised or ordered to be detained, if the ship after such detention, or after service on the master of any notice of or order for such detention, proceeds, or attempts to proceed, to sea before it is released by competent authority, the master of the ship, and also the owner or agent and any person who sends the ship to sea, if such owner, or agent, or person be party or privy to the offence, shall be liable to a penalty not exceeding five hundred dollars.
- Taking officer authorised to detain ship, to sea. (8.) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any surveyor or officer appointed by the Governor, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also be liable to a penalty not exceeding five hundred dollars, or, if the offence is not prosecuted in a summary manner, not exceeding fifty dollars for every day until the officer or surveyor returns, or until such time as would enable him, after leaving the ship, to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.
- Proof, &c. of exemption. (9.) Any exception, exemption, proviso, excuse, or qualification, in relation to any offence under The Merchant Shipping Act, 1894, or this Ordinance, whether it does or does not accompany in the same section the description of the offence, may be proved by the defendant, but need not be specified or negatived in any information or complaint, and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.
- Forgery. (10.) Whosoever, with intent to defraud, shall forge, or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any certificate, ticket, document, matter, or thing named in this Ordinance, or any regulation made thereunder, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Supreme Court, to be imprisoned with or without hard labour for any term not exceeding seven years.

#### *Rules and Regulations.*

- General power to the Governor or in Council to make regulations. 40.—(1.) In addition to the powers hereinbefore given, it shall be lawful for the Governor in Council, from time to time, to make rules and regulations for the better and more effectual carrying out of the provisions of this Ordinance.
- And to impose penalties. (2.) In any rules, regulations, or conditions under this Ordinance, it shall be lawful for the Governor in Council to impose penalties for the breach thereof, but so nevertheless that except for breach of Quarantine Regulations the penalty for the breach thereof shall not exceed two hundred dollars or six months' imprisonment with or without hard labour.
- Publication of rules. (3.) All rules and regulations, conditions and fees hereafter made, and all revocations, alterations or additions thereof, or of the tables hereto shall be published in *The Gazette*.
- Effect of publication. (4.) Upon the publication of any rules or regulations, conditions or fees, or any revocation, alteration or addition thereto, or to the tables hereto in *The Gazette* they shall, after the date of such publication, or at any time mentioned therein, take effect as if they were enacted by the Legislature of this Colony.

#### *Remuneration, Fees and Costs.*

- Remuneration of certain persons. 41.—(1.) There may be paid out of the Colonial Revenue to any officer or person appointed under this Ordinance or to any member of a Marine Court, Examination Board or Court of Survey, or to any Assessor, such remuneration (if any) as this Ordinance directs, or, in so far as this Ordinance does not extend, as the Governor from time to time directs.
- Costs, &c. (2.) There may be paid out of Colonial Revenue all costs and compensation payable by the Governor or Government in pursuance of this Ordinance.



(3.) Unless and until other fees are prescribed by the Governor in Council the fees specified in tables marked B, C, E, H, I, J, O, P, R, T, and U of the schedule hereto are hereby declared to be payable to the collector appointed by the Governor as the lawful fees to be paid for the discharge of the respective duties therein specified, and the same and all other fees payable under this Ordinance, or any regulation made thereunder, may be recovered in a summary manner before any Stipendiary Magistrate.

Fees payable under this Ordinance and under M. S. A. 1894.

(4.) All fees and all costs and expenss recovered under this Ordinance shall be paid into the Colonial Treasury.

Fees to be paid into the Treasury.

*Abstract of Ordinance.*

42. An abstract of such portions of this Ordinance as the Governor may approve shall be delivered to the master of every vessel upon her entering the waters of the Colony; and if, before obtaining clearance, the master do not return such abstract to the Harbour Master, he shall pay a fee of one dollar for the same.

Abstract of Ordinance to be given to masters.

*Exemption of Ships of War.*

43. This Ordinance shall not, except where specially provided, apply to Her Majesty's ships of war, or to the ships of war of any Foreign nation.

Exemption of ships of war.

*Repealing Clause.*

44. The Ordinances hereunder specified and all orders, rules and regulations made by the Governor or Governor in Council thereunder are hereby repealed: Provided that any officer appointed in pursuance of any such enactments shall be deemed to have been appointed under this Ordinance, and any orders, rules or regulations made by the Governor or the Governor in Council in pursuance of any such enactment shall be deemed to remain in force unless and until other orders, rules or regulations inconsistent with or superseding the same shall be made under this Ordinance, or unless other provisions are made by this Ordinance.

Repealing clause.

- Ordinance No. 26 of 1891.
- „ No. 9 of 1892.
- „ No. 21 of 1895.

*Suspending Clause.*

45. This Ordinance shall not come into operation unless and until the Governor notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation.

Suspending Clause.

SCHEDULE TO THIS ORDINANCE.

TABLE A.  
(See sec. 13.)

*Rules relating to Life-saving Appliances, &c.*

For the purpose of these rules, ships shall be arranged into the following classes:—

- Class I.*—Sea-going ships having passengers certificates under sec. 10 of this Ordinance.
- Class II.*—Sea-going ships not certified to carry passengers.
- Class III.*—River steamers under sec. 36 of this Ordinance.

*Class I.*

*Rules and table for sea-going ships having passenger certificates under section 10 of this Ordinance.*

- (a.) Ships of this class shall carry boats placed under davits fit and ready for use and having proper appliances for getting them into the water, in number and capacity not less than prescribed in the following table. The boats shall be equipped in the manner required by, and shall be of the description defined, in the general rules appended hereto.
- (b.) Masters or owners of ships of this class claiming to carry fewer boats than are given in the following table must declare before the Harbour Master at the time of clearance that the boats actually placed under davits are sufficient to accommodate all persons on board allowing 10 cubic feet of boat capacity for each adult person or "statute adult."

Table for Class I.

Gross Tonnage.	Minimum number of boats to be placed under davits.	Total minimum cubic contents of boats to be placed under davits. L × B × D × 6.
10,000 and upwards, .....	16	5,500
9,000 " .....	14	5,250
8,500 and under 9,000, .....	14	5,100
8,000 " 8,500, .....	14	5,000
7,750 " 8,000, .....	12	4,700
7,500 " 7,750, .....	12	4,600
7,250 " 7,500, .....	12	4,500
7,000 " 7,250, .....	12	4,400
6,750 " 7,000, .....	12	4,300
6,500 " 6,750, .....	12	4,200
6,250 " 6,500, .....	12	4,100
6,000 " 6,250, .....	12	4,000
5,750 " 6,000, .....	10	3,700
5,500 " 5,750, .....	10	3,600
5,250 " 5,500, .....	10	3,500
5,000 " 5,250, .....	10	3,400
4,750 " 5,000, .....	10	3,300
4,500 " 4,750, .....	8	2,900
4,250 " 4,500, .....	8	2,900
4,000 " 4,250, .....	8	2,800
3,750 " 4,000, .....	8	2,700
3,500 " 3,750, .....	8	2,600
3,250 " 3,500, .....	8	2,500
3,000 " 3,250, .....	8	2,400
2,750 " 3,000, .....	6	2,100
2,500 " 2,750, .....	6	2,050
2,250 " 2,500, .....	6	2,000
2,000 " 2,250, .....	6	1,900
1,750 " 2,000, .....	6	1,800
1,500 " 1,750, .....	6	1,700
1,250 " 1,500, .....	6	1,500
1,000 " 1,250, .....	4	1,200
900 " 1,000, .....	4	1,000
800 " 900, .....	4	900
700 " 800, .....	4	800
600 " 700, .....	3	700
500 " 600, .....	3	600
400 " 500, .....	2	400
300 " 400, .....	2	350
200 " 300, .....	2	300
100 " 200, .....	2	250

**NOTE.**—Where in ships already fitted the required cubic contents of boats placed under davits is provided although by a smaller number of boats than the minimum required by this table, such ships shall be regarded as complying with the rules as to boats to be carried under davits.

- (c.) Not less than half the number of boats placed under davits shall be boats of sec. A or sec. B of rule 1 of the general rules.
- (d.) The remaining boats may also be of such description or may, in the option of the shipowners (or master), conform to sec. C or sec. D: provided that not more than two boats shall be of sec. D.
- (e.) If the boats placed under davits in accordance with the foregoing table (A) do not furnish sufficient accommodation for all persons on board then additional wood, metal, collapsible or other boats of approved description (whether placed under davits or otherwise) or approved life-rafts shall be carried, one of these boats may be a steam-launch; but in that case the space occupied by the engines and boiler is not to be included in the estimated cubic capacity of the boat. Subject to the provision contained in paragraph (g) of these rules such additional boats or rafts shall be of at least such carrying capacity that they and the boats required to be placed under davits by table (A) provide together in the aggregate in vessels of 5,000 tons gross and upwards, three-fourths, and in vessels of less than 5,000 tons gross, one-half more than the minimum cubic contents required by column 3 of that table, and for this purpose three cubic feet of air case in the life-raft is to be estimated as ten cubic feet of internal capacity: Provided always that the rafts will accommodate all the persons for which they are to be certified under the rules and also have 3 cubic feet of air case for each person. All such additional boats or rafts shall be placed as conveniently for being available as the ship's arrangements admits of, having regard to the avoidance of undue incumbrance of the ship's deck, and the safety of the ship for her voyage.
- (f.) When ships are divided into efficient water-tight compartments, so that with any two of them in free communication with the sea, the ship will remain afloat in moderate weather, they shall only be required to carry additional boats or life-rafts of one-half of the capacity required by para. (b.) of these rules.
- (g.) In addition to the life-saving appliances before mentioned, ships of this class shall carry not less than one approved life-buoy, (rule 11 (a.) or 11 (b.) of general rules), for every boat placed under davits. They shall also carry approved life-belts, (rule 10), or other similar approved articles of equal buoyancy suitable for being worn on the person so that there may be at least one for each person on board the ship: Provided that no ship of this class shall be required to carry more boats or rafts than will furnish sufficient accommodation for all persons on board.

*Class II.**Rules for sea-going ships not certified to carry passengers.*

- (a.) Ships of this class shall carry on each side at least so many and such boats of wood or metal placed under davits (of which one on one side shall be a boat of sec. A or sec. B and on the other side shall be a boat of sec. A, or sec. B, or sec. C of rule I of the general rules) that the boats on each side of the ship shall be sufficient to accommodate all persons on board. They shall have proper appliances for getting the boats into the water.
- (b.) They shall carry approved life-belts as required for ships of class I.
- (c.) They shall carry not less than six approved life-buoys, (rule 11 (a.) or 11 (b.), of general rules).

*Class III.**Rules for steam-ships having special licenses as river steamers under sec. 36 of this Ordinance.*

- (a.) Ships of this class shall, according to their tonnage, carry boats placed under davits as required by the Table for ships in class I.
- (b.) If the boats placed under davits in accordance with the above requirements do not furnish sufficient accommodation for all persons on board then additional boats or approved life-rafts shall be supplied as for ships of class I.
- (c.) Provided that if (having regard to the avoidance of undue incumbrance of the ship's deck and to the safety of the ship for her voyage) it is not practicable for a ship of this class to carry additional approved boats or approved life-rafts as required for ships of class I, the deficiency so caused may be made up by the supply of an equivalent number of approved buoyant deck seats or other approved buoyant deck fittings to the satisfaction of the Government Marine Surveyor.
- (d.) At least one approved life buoy [rule 11 (a.) or 11 (b.) of general rules] shall also be provided for each boat of wood or metal carried by the ship, but in no case shall less than six approved life-buoys be provided.

*General Rules.**(1.)—Boats.*

*Note.*—All boats shall be properly constructed and equipped as provided by these rules, and all boats and other life-saving appliances are to be kept ready for use to the satisfaction of the Government Marine Surveyor.

*Section (A.)*—A boat of this section shall be a life-boat properly constructed of wood or metal having, for every ten cubic feet of her capacity computed as in rule 2, at least one and a half cubic feet of strong and serviceable enclosed air-tight compartments, such that water cannot find its way into them.

*Section (B.)*—A boat of this section shall be a life-boat properly constructed of wood or metal having inside and outside buoyancy apparatus together equal in efficiency to the buoyancy apparatus provided for a boat of section A. At least one half of the buoyancy apparatus must be attached to the outside of the boat.

*Section (C.)*—A boat of this section shall be a life-boat properly constructed of wood or metal having some buoyancy apparatus attached to the inside and/or outside of the boat equal in efficiency to one half the buoyancy apparatus provided for a boat of section A or section B. At least one half of the buoyancy apparatus must be attached to the outside of the boat.

*Section (D.)*—A boat of this section shall be a properly constructed boat of wood or metal.

*(2.)—Cubic Capacity.*

Measure the length and breadth outside and the depth inside multiply them together and by .6; the product is the capacity of the boat in cubic feet. Thus a boat 28 feet long, 8 feet 6 inches broad and 3 feet 6 inches deep will be regarded as having a capacity of  $28 \times 8.5 \times 3.5 \times .6 = 499.8$  or 500 cubic feet. If the oars are pulled in rowlocks, the bottom of the rowlock is to be considered the gunwale of the boat for ascertaining her depth.

*(3.)—Number of persons for boats of Section A.*

The number of persons a boat of section A shall be deemed fit to carry shall be the number of cubic feet (ascertained as in rule 2), divided by 10. The number of persons a boat of sections B, C, or D shall be deemed fit to carry shall be the number of cubic feet, (ascertained as in rule 2), divided by 8. The space in the boat shall be sufficient for the seating of the persons carried in it and for the proper use of the oars.

*(4.)—Appliances for lowering Boats.*

Appliances for getting a boat into the water must fulfil the following conditions:—Means are to be provided for speedily detaching the boats from the lower blocks of the davit tackles: the boats placed under davits are to be attached to the davit tackles and kept ready for service, the davits are to be strong enough and so spaced that the boats can be swung out with facility; the points of attachment of the boats to the davits are to be sufficiently away from the ends of the boats to ensure their being easily swung clear of the davits; the boats chocks are to be such as can be expeditiously removed; the davits, falls, blocks, eye bolts, rings, and the whole of the tackling are to be of sufficient strength; the boats falls are to be long enough to lower the boat into the water with safety when the vessel is light; the life lines fitted to the davits are to be long enough to reach the water when the vessel is light; and hooks are not to be attached to the lower tackle blocks.

*(5.)—Equipments for boats and for life-rafts.*

In order to be properly equipped each boat shall be provided as follows:—

- (a.) With the full (single banked) complement of oars, and two spare oars.

- (b.) With two plugs for each plug hole attached with lanyards or chains, and one set and a half of thole pins or crutches attached to the boat by sound lanyards.
- (c.) With a sea anchor, a baler, a rudder and tiller or yoke and yoke lines, a painter of sufficient length and a boat hook. The rudder and baler to be kept attached to the boat by sufficiently long lanyards and kept ready for use.
- (d.) A vessel to be kept filled with fresh water shall be provided for each boat.
- (e.) Life-rafts shall be fully provided with a suitable equipment.
- (6.)—*Additional Equipments for boats of sections A and B.*

In order to be properly equipped each boat of sections A and B. in addition to being provided with all the requisites laid down in rule 5, shall be equipped as follows. (But not more than four boats in any one ship require to have this outfit):—

- (a.) With two hatchets or tomahawks, one to be kept in each end of the boat and to be attached to the boat by a lanyard.
- (b.) With a mast or masts and with at least one good sail and proper gear for each.
- (c.) With a line in loops run round the outside of the boat and securely made fast.
- (d.) With an efficient compass.
- (e.) With one gallon of vegetable or animal oil in a vessel of approved pattern for distributing it in the water in rough weather.
- (f.) With a lantern trimmed with oil in its receiver sufficient to burn eight hours.

(7.)—*Number of Persons for Life-rafts.*

The number of persons that any approved life-raft for use at sea shall be deemed to be capable of carrying shall be determined with reference to each separate pattern approved by the Government Marine Surveyor:

Provided always that for every person so carried there shall be at least 3 cubic feet of strong and serviceable enclosed air-tight compartments such that water cannot find its way into them. Any approved life-raft of other construction may be used provided that it has equivalent buoyancy to that hereinbefore described. Every such approved life-raft shall be marked in such a way as to plainly indicate the number of adult persons it can carry.

(8.)—*Buoyant Apparatus.*

Approved buoyant apparatus shall be deemed sufficient for a number of persons to be ascertained by dividing the number of pounds of iron which it is capable of supporting in fresh water by 32. Such buoyant apparatus shall not require to be inflated before use, shall be of approved construction and marked in such a way as plainly to indicate the number of persons for whom it is sufficient.

(9.)—*Life-belts.*

An approved life-belt shall mean a belt which does not require to be inflated before use and which is capable at least of floating in the water for 24 hours with 15 lbs. of iron suspended from it.

(10.)—*Life-buoys.*

An approved life-buoy shall mean either—

- (a.) A life-buoy built of solid cork and fitted with life lines and loops securely seized to the life-buoy and capable of floating in the water for at least 24 hours with 32 lbs. of iron suspended from it: or
- (b.) A strong life-buoy of any other approved pattern and material provided that it is capable of floating in the water for at least 24 hours with 32 lbs. of iron suspended from it, and provided also that it is not stuffed with rushes, cork shavings, or loose granulated cork, or other loose material and does not require inflation before use.

(11.)—*Position of Life-belts and Life-buoys.*

All life-buoys and life-belts shall be so placed as to be readily accessible to the persons on board and so that their position may be known to those for whom they are intended.

TABLE B.

Table of Fees under section 41.

	Amount of Fees
Effecting an Imperial register and granting certificate thereof,...	\$ 15
Effecting a Colonial register and granting certificate thereof,...	15
Copy from Register Book, .....	5
For every declaration made in any of the forms specified in the second part of the first schedule to The Merchant Shipping Act, 1894, or under section 3 of this Ordinance, .....	2
Endorsing a memorandum of change of master upon certificate of Imperial or Colonial registry, .....	1
Endorsing a memorandum of change of ownership upon certificate of Imperial registry, .....	2
Certificate of sale or mortgage, .....	2
Recording a mortgage of a ship, or shares in a ship, .....	5
Recording the transfer of a mortgage of a ship, or shares in a ship, .....	5
Recording the discharge of a mortgage of a ship, or shares in a ship, .....	5
Endorsement on register of change in rig or tonnage, .....	2
Recording the sale of a ship, or shares in a ship, .....	5
For every alteration in agreements with seamen, .....	1
For certifying a desertion, .....	1
For attesting a seaman's will, .....	Nil.
For examining provisors or water (to be paid by the party failing to support his case), .....	5
For renewing Colonial register under section 3, sub-section 14, .....	5
For inspection of Register Book, .....	1

TABLE C.

Scales of Fees under section 10, sub-section 6, and section 41.

(1.)—*Surveys of Steam-ships for Passenger Certificates.*

Tons (Register).	Fee.	Tons (Register).	Fee.
	\$		\$
100 and under, .....	25	1,200 & under 1,500, ..	74
Over 100 & not exceeding 300,...	35	1,500 „ 1,800, ..	86
Over 300 and under 900, .....	50	1,800 „ 2,100, ..	98
900 and under 1,200, .....	62	2,100 „ 2,400, ..	110

\$12 for every additional 300 tons.

The above scale is for twelve months. For six months six-twelfths of the fee will be charged, for nine months nine-twelfths, and so on, at the rate of one-twelfth for each month; but no fee is to be less in amount than three-twelfths. In all cases of new steam-ships, or of steam-ships coming under survey for a passenger certificate for the first time a full twelve months' fee must be paid, notwithstanding that a certificate for twelve months may not be required, and in no case of an incomplete declaration will less than three-twelfths be charged.

The fee paid in accordance with the foregoing scale covers any number of visits that a surveyor may require to make before he is able to grant his declaration, as well as the inspection of the lights and fog signals, and of the marking of the vessel, which inspection must be made by the surveyor before he can grant his declaration. The fee does not, however, apply to, or include, any inspection of lights, fog signals, or marking made subsequently to the granting of the declaration.

The above fee does not cover any service under the Chinese Passengers' Acts, or measurement for tonnage.

(2.)—*Survey of Ship, under Chinese Passengers' Acts.*

Surveys made within Office hours.	Fee.
Ordinary survey of the ship and of her equipments, accommodation, distilling apparatus, (if any) stores, light, ventilation, and sanitary arrangements, .....	20
Special survey, .....	25
Do. entailing unusual attention, .....	30

A special survey is to be deemed to be a survey requiring more than two visits by a Government Surveyor or Surveyors, or a survey in cases in which from age or any other circumstances there are reasonable grounds for doubting the seaworthiness of the vessel. Where the case requires unusual attention and occupies an unusual amount of the surveyor's time the higher fee of \$30 and upwards will be charged, according to the special circumstances of the case and the number of visits made.

Where a declaration has been granted for a steam-ship under sub-section 8 of section 10 of this Ordinance, the survey under the Chinese Passengers' Acts will be made on payment of half the usual fee mentioned above. The fee paid in accordance with the above scale covers the inspection of the lights and fog signals, and the marking of the vessel, made at the time of survey under the Chinese Passengers' Acts. It does not, however, apply to, or include, any inspection of lights, fog signals, or marking, made subsequently to such survey.

The fee for survey under the Chinese Passengers' Acts does not cover any survey of a steam-ship for a passenger certificate under this Ordinance, or measurement for tonnage, or inspection of crew spaces.

Travelling expenses (if any) and subsistence expenses (if any) due according to the scale authorised by the Governor will be charged in addition to the fees.

(3.)—*Measurement of Tonnage.*

Tons (Gross Register).	Fee.	Tons (Gross Register).	Fee.
	\$		\$
Under 50, .....	7	1,200 to 2,000, .....	35
50 to 100, .....	10	2,000 to 3,000, .....	40
100 to 200, .....	15	3,000 to 4,000, .....	45
200 to 500, .....	20	4,000 to 5,000, .....	50
500 to 800, .....	25	5,000 and upwards, .....	55
800 to 1,200, .....	30		

(4.)—*Inspection of the Berthing or Sleeping Accommodation of the Crew.*

The fee to be paid on application for inspection is \$3.

A further fee of \$3 will be charged if more than one visit by the surveyor is necessary.

The fees for inspection of crew spaces will not be charged if the inspection is made when the vessel is measured for tonnage, but if a second or third visit is necessary for crew spaces alone a fee of \$3 for each visit will be charged.

(5.)—*Inspection of Lights and Fog Signals.*

The fee to be paid on application for inspection is \$3.

A further fee of \$3 will be charged if more than one visit by the surveyor is necessary.

(6.)—*Inspection of the Marking of Vessels.*

The fee for a first visit is \$3, and is to cover all expenses except where application is made by owner, when expenses are also to be charged. For any subsequent visit, expenses are to be charged, but no further fee.

(7.)—*Inspection of Tracings or Drawings.*

The fee to be paid when tracing is submitted for inspection is \$25. This fee will not be charged when the full fee for survey under the Merchant Shipping or Chinese Passengers' Act has been paid.

(8.)—*Survey of Seaworthiness for Change of Name when directed to be made.*

Fees will be charged in accordance with the scale for a twelve-months' passenger certificate. (See Scale No. 1, above.)

(9.)—*Recording Change of Name and endorsing Carving Note.*

Fee to be charged when no survey of seaworthiness is made is \$10.

(10.)—*Survey for Re-registry under section 54 of The Merchant Shipping Act, 1894.*

Fee will be charged on the same scale as for change of name. This fee includes the inspection of crew spaces and lights, but does not include measurement for tonnage.

(11.)—*Survey of a Vessel before transfer to a Foreign Flag.*

The fee to be charged in cases of survey before transfer to the flag of any other country shall be \$25.

(12.)—*Minor Inspections, Alteration of Rig, Port of Registry, &c.*

A fee of \$5 is to be charged in all cases of minor inspections (e.g., alteration of rig, port of registry, description of engines, &c.).

(13.)—*For Re-measurement of Passenger Accommodation in any ship the passenger certificate of which is unexpired.*

A fee of \$10.

(14.)—*For Surveys of ship's bottoms only.*

Half the fee for survey of steam-ships for passenger certificates.

(15.)—*Survey of Boilers.*

\$25.

(16.)—*Approving and certifying position of Load-line.*

\$10.

(17.)—*Overtime fees for service of Government Marine Surveyors.*

Week days,—from 8 a.m. to 10 a.m. and 4 p.m. to 6 p.m., ... \$5 per hour.

6 a.m. to 8 a.m. and 6 p.m. to 8 p.m., ... \$10 per hour.

before 6 a.m. and after 8 p.m., ..... \$20 per hour.

On Sundays and public holidays, ... \$20 per hour.

A service occupying less than one hour will be charged as one hour. For service exceeding one hour a quarter of the fee will be charged for each quarter of an hour and any expenses incurred will be charged in addition.

*N.B.*—When an incomplete declaration is given one half of the survey fee in table C will be charged.

## TABLE D.

[*Sec Sec. 10 s.s. 8 a (5).*]

Spaces to be allotted to passengers in ships not within The Chinese Passengers Act, 1855.

Between the 15th of October, and the 31st of May, inclusive :—

1. The space to be provided on the between decks shall be for the lower between decks 12 superficial and 84 cubic feet of space for each passenger; and in the upper between decks there shall be 9 superficial and 54 cubic feet for each passenger.
2. On the upper or weather deck there shall be provided 4 superficial feet of deck space for exercise for the crew and for every passenger accommodated in the between decks; and if it shall be intended to carry passengers on the remaining spaces of the said weather deck then 12 superficial feet of such remaining space shall be provided for each such upper deck passenger.

Between the 1st of June, and the 14th of October, inclusive :—

3. The space to be provided in the between decks shall be in accordance with the first paragraph of this table, but no ship shall carry upper deck passengers except as hereinafter provided, unless she is furnished with a deck house or other permanent protection against the weather for the number of passengers such structure will accommodate at 12 superficial feet and 72 cubic feet per adult passenger.

*Generally.*

Deck passengers may be carried between Hongkong and Swatow during both seasons.

Passengers are not to be carried on more than two decks on any one voyage.

The superficial area of a deck shall mean the area of the deck itself exclusive of skylights, hatchways and other encumbrances.

## TABLE E.

*Regulations for Steam-ships not exceeding 60 tons.*

(*See section 3, sub-section 12, and section 35, s.s. 3.*)

1. The owner of any Colonial ship or other steam-ship not exceeding sixty tons burden desirous of obtaining a licence under section 35 of this Ordinance shall cause the said vessel to be surveyed by a Government Surveyor.

2. The certificate of the Government Surveyor shall contain statements of the following particulars :—

*Hull.*

(a.) That the hull, length breadth depth  
= = =  
tons, is sufficient for the service intended, and in good condition.

(b.) The number of passengers which the vessel is fit to carry being, as follows :—

1. For vessels plying within the harbour limits or between any ports or places in the Island of Hongkong, at the rate of seven superficial feet of the upper or weather deck and of the deck immediately below the upper deck for each passenger and member of the crew.
2. For vessels plying to places within the "Local Trade Limits" at the rate of ten superficial feet of the upper or weather deck and of the deck immediately below the upper deck for each passenger and member of the crew.
3. For vessels plying to places outside the "Local Trade Limits" at the rate of two passengers for every three tons of the vessel's tonnage.

- (e.) That the master possesses a certificate of qualification recognised by the Board of Trade, or a certificate of competency from the Harbour Master of Hongkong.
- (d.) That provision is on board for the shelter of deck passengers, and that there are not less than two approved life-buoys on board.
- (e.) That the vessel if carrying passengers outside the harbour limits has at least one boat in such a position that she can readily be got into the water, and in addition approved buoyant apparatus or approved life-belts, and approved life buoys, at least sufficient with the boats to keep afloat all persons carried on board (at least four approved life-buoys shall be carried).
- (f.) That the vessel is properly fitted with bow and mast-head lights and also a riding light, in accordance with sub-section (9) of section 35.
- (g.) That the vessel is properly found with anchors and chains.
- (h.) That the crew is sufficient for the requirements of the vessel.
- (i.) The time for which the said hull and equipments will be sufficient.

*Machinery and Boiler.*

- (a.) That the machinery and boiler of the vessel are sufficient for the service intended, and in good condition, and that the safety valve is so constructed as to be out of the control of the engineer when the steam is up, and is not loaded beyond the pressure permitted by the surveyor's certificate.
- (b.) The time for which such boiler and machinery will be sufficient.
- (c.) That the engineer of the vessel possesses a certificate of qualification recognised by the Board of Trade or a certificate of competency from the Harbour Master of Hongkong.

3. On the receipt of the certificate, the Harbour Master will cause a licence to be issued to the owner empowering the therein described vessel to ply for hire as therein mentioned for a period not exceeding twelve months.

4. Every vessel licensed under these Regulations shall have her name in English and Chinese legibly painted on her stern and on each bow together with the number of passengers she is licensed to carry.

5. A fee of \$15 dollars for each certificate shall be payable to the Government.

6. The fees to be paid for the licence shall be according to the following scale:—

Vessels under 10 tons,.....	\$10 per annum.
10 tons to 20 tons, .....	\$20 "
20 " to 30 " .....	\$30 "
30 " to 40 " .....	\$40 "
40 " to 50 " .....	\$50 "
50 " to 60 " .....	\$60 "

The above scale is for 12 months.

For six months six-twelfths of the fee will be charged, for nine months nine-twelfths and so on at the rate of one-twelfth for each month. But no fee is to be less in amount than three-twelfths.

7. If the space measured for passenger accommodation is at any time occupied by cargo then one passenger is to be deducted for every 7 superficial feet of space so occupied.

8. Dangerous goods of every description and in whatever quantity shall not be carried at the same time as passengers.

9. A fee of two dollars and a half for the examination of any person for the post of master or engineer of a steam-ship not exceeding 60 tons shall be payable to the Harbour Master for the Government, and such master or engineer shall, if he obtains a certificate, produce three copies of a photograph of himself, one to be attached to his certificate of competency, one to be attached to the licence of any vessel to which he may belong or hereafter belong and one for record in the Harbour Office; and when a master or engineer is transferred from one steam-launch to another steam-launch, he shall produce a photograph of himself to be attached to the licence of the vessel to which he is to be transferred.

10. The certificate granted by the Harbour Master to any person for the post of master or engineer of a steam-ship not exceeding 60 tons may be suspended or cancelled by the Harbour Master, if it shall be proved to his satisfaction, after due enquiry held by him, that the said master or engineer has been guilty of incompetency or negligence in the performance of his duty as master or engineer. It may also be cancelled by order of the Governor if he is satisfied that the holder is, from any cause, not a fit and proper person to be in possession of the said certificate.

11. The owner of every licensed steam-ship not exceeding 60 tons shall cause the licence to be framed and exhibited in a conspicuous part of the cabin, so as to be legible to all persons on board the said vessel.

12. If the owner of a licensed steam-ship not exceeding 60 tons wishes to employ his vessel outside the waters of the Colony, for purposes other than that for which the licence was granted, the licence shall be delivered to the Harbour Master to be retained by him during the period of such employment.

**TABLE F.**

*Scale of Measurements, to which River steamers trading between Hongkong and Canton, Macao, or the West River are to be subject, under section 36.*

- 1. On lower deck, one passenger for each six superficial feet.
- 2. On upper deck and cabins, one passenger for each nine superficial feet.
- 3. The above number to be further regulated by the surveyor's judgment as to whether the vessel is stable enough for the measurement number of passengers.
- 4. A sufficient number of life-boats, rafts and life-buoys, approved by the Government Marine Surveyor, to be supplied.
- 5. No passengers to be carried on more than two decks.

6. On the lower passenger deck, one passenger to be deducted for each six square feet occupied by cattle or cargo; and on the upper passenger deck, one passenger to be deducted for each nine feet occupied by cattle or cargo.

TABLE G.

*General Rules for formal investigations into Shipping Casualties or inquiries into misconduct or incompetency on the part of Officers, under section 19.*

1. Whenever it is intended to appoint a Marine Court under section 19 to make investigation respecting any shipping casualty, or to inquire into any charge of misconduct or incompetency on the part of any master, mate or engineer, the Marine Magistrate shall cause a preliminary notice in form No. 1 in the appendix to be served on the master of the ship or on the person whose conduct or competency is in question.

2. When the Governor has issued a warrant to form a Marine Court to investigate into a shipping casualty or to inquire into any charge of incompetency or misconduct, the Stipendiary Magistrate, appointed as the Presiding Member of the Court, shall, in the case of a shipping casualty, cause a notice to be served on the master, and upon the certificated officers of the ship who were on board at the time of the happening of the casualty, in the form No. 2 in the appendix, and in case of a charge of misconduct or incompetency on the person whose conduct or competency is in question in the form No. 3 and in either case in form No. 4 upon such witnesses as it is considered necessary to call to elucidate the facts of the case.

3. If the master or other person, on whom a preliminary notice has been served, fails to attend before the Marine Court, the Court, in addition to any other power, may proceed to hear and adjudicate upon the case in his absence.

4. When the master himself applies for an investigation into a casualty, and the Governor has issued a warrant thereon, the Stipendiary Magistrate shall cause a notice to be served on the certificated officers, who were on board at the time of the casualty.

5. The Stipendiary Magistrate may cause a notice to be served upon any other person who appears to have been in any way responsible for the casualty; and any person having any interest in the investigation shall, on showing the nature of his interest, have a right to appear.

6. The proceedings at the investigation into a shipping casualty shall commence with the examination of the master, officers, and any other person whether on board the ship or not at the happening of the casualty, and who can give material evidence in regard thereto.

7. The proceedings at an inquiry into any charge of misconduct or incompetency shall commence with the examination of the several witness who speak to the charges and the conduct of the person charged, after these have been cross-examined by the person charged, re-examined by the prosecutor and examined by the Court, the person charged may call his own witnesses who may be examined, cross-examined and re-examined in a similar manner. If the person charged has not already given evidence, he is then allowed an opportunity of offering any explanation which may be either verbal or in writing.

8. The certificate of the master or of any officer shall not be cancelled unless the master or officer has had the opportunity of making a defence, and for that purpose he may produce any witnesses whom he may wish to examine.

9. The Presiding Member of the Court may adjourn the Court from time to time, and from place to place, as may be most convenient.

10. The judgment of the Court shall be given at the end of the proceedings.

APPENDIX.

*No. 1.—Preliminary Notice of a Marine Court.*

To

of

Take notice that, by virtue of the provisions of section 19 of Ordinance No. of , it is intended to appoint a Marine Court to

The Court will assemble at the Harbour Office on a day to be subsequently appointed and of which due notice will be given to you.

Dated at Hongkong, this day of 189 .

*Marine Magistrate.*

*N.B.*—If the person on whom this notice is served fails to attend before the Marine Court, the Court may proceed to hear and adjudicate upon the case in his absence.

*No. 2.—Notice of holding a Marine Court.*

To

master, mate,

engineer or owner of the British steam [or sailing] ship of

In pursuance of the provisions of section 19 of The Merchant Shipping Consolidation Ordinance, I hereby give you notice that the Governor has ordered a Marine Court to be held to make investigations into and subjoined hereto is a copy of the report [or statement of the case], upon which the said investigation has been ordered. I further give you notice to produce to the Court your certificate, the log books of the vessel, and any documents relevant to this case which may be in your possession.

The Court will assemble at the Harbour Office the

at A.M.

Dated at Victoria, Hongkong, this

day

of

189 .

*Stipendiary Magistrate and  
President of the Court.*



No. 3.—*Summons to Accused.*

To \_\_\_\_\_ of \_\_\_\_\_  
 Whereas a charge of \_\_\_\_\_ has  
 been brought against you by \_\_\_\_\_  
 And whereas the Governor has appointed a Marine Court to inquire  
 into such charge  
 These are therefore to require you personally to be and appear on  
 the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock  
 in the forenoon at the Harbour Office before the said Court to answer  
 the said charge bringing with you your certificate as  
 Dated at Victoria, Hongkong, this \_\_\_\_\_ day  
 of \_\_\_\_\_ 1899 .

*Stipendiary Magistrate and  
 President of the Court.*

No. 4.—*Summons to a Witness.*

To \_\_\_\_\_ of \_\_\_\_\_  
 Whereas a Marine Court has been appointed to  
 and it appears that you are likely to be able to give material evid-  
 ence to the said Court  
 These are therefore to summon you to be and appear before the said  
 Marine Court on the \_\_\_\_\_ day of \_\_\_\_\_ 1899  
 at \_\_\_\_\_ o'clock in the forenoon at the Harbour Office to testify  
 what you shall know concerning the matter.  
 Dated at Victoria, Hongkong, this \_\_\_\_\_ day  
 of \_\_\_\_\_ 1899 .

*Stipendiary Magistrate and  
 President of the Court.*

TABLE H.

*General Rules for Courts of Survey. Section 20.*

1. Where the owner or master of a ship, hereinafter called the appellant, desires to appeal to the Court of Survey, he shall file at the office of the Harbour Master a notice in the form No. 1 in appendix.
2. Immediately upon the filing of the notice of appeal, the Harbour Master shall inform the Governor, and if the ship is a foreign ship, the Harbour Master shall give notice to the Consular Officer for the State to which the ship belongs, and such Consular Officer may nominate one person to act as a member of the Court of Survey whose name shall be submitted to the Governor at the same time.
3. When the Governor has issued his warrant constituting the Court, the person appointed to be President of the Court, hereinafter referred to as the president, shall summon the Court in the form No. 2 in the appendix.
4. If the survey has been made on the complaint of any person, hereinafter called the complainant, the president shall send to him notice of the time and place appointed for the hearing.
5. Previous to the hearing, the Governor shall forward to the president, to be produced as evidence at the hearing, an official copy of the report of the surveyor.
6. The Court shall, if practicable, be summoned to hear the appeal on a day not later than fourteen days from the filing of the notice of appeal.
7. The Governor and the appellant shall be parties to the proceedings.
8. Any other person may, by permission of the President of the Court, be made a party to the proceedings.
9. At the hearing, the person representing the Governor shall first call his witnesses and, having done so, shall state in writing what order he requires the Court to make.
10. The complainant, if he has appeared, shall then call his witnesses, and having done so, shall state in writing what order he requires the Court to make.
11. The appellant shall then call his witnesses, and having done so, shall state in writing what order he requires the Court to make.
12. After the appellant has examined all his witnesses, the person representing the Governor and the complainant may, on cause shown to the satisfaction of the Court, call further witnesses in reply.
13. After all the witnesses have been examined, the Court shall first hear the appellant, then the complainant (if any), and afterwards the person representing the Governor.
14. The President may adjourn the Court from time to time and from place to place, as may be most convenient.
15. The President shall deliver the decision of the Court in writing; and the same may be sent or delivered to the respective parties, and it shall not be necessary to hold a Court merely for the purpose of giving the decision.
16. As soon as possible after the Court has come to its decision, the Court shall issue an order for the release or detention (either finally or on condition) of the vessel in the form No. 3 in appendix.
17. The president shall report to the Governor in the form No. 4 in appendix.
18. The fees, a table whereof is in appendix A, shall be demanded and taken in any proceedings before a court of survey.

APPENDIX.

No. 1.—*Notice of Appeal.*

In the matter of the ship  
 To the Harbour Master of Hongkong.  
 Take notice that I, [name and address] the master [or managing  
 owner or owner of \_\_\_\_\_ shares] of the ship  
 of the port of \_\_\_\_\_ do appeal—  
 (1.) From the report of  
 the Surveyor appointed by the Governor to survey the said  
 ship; or

(2.) From a declaration given by Government Marine Surveyor [or from the refusal of Government Marine Surveyor to give a declaration], under the provisions of sub-section 8 of section 10 of The Merchant Shipping Consolidation Ordinance, or

(3.) From the refusal of the Emigration Officer [or as the case may be] to give a certificate of clearance under The Chinese Passengers' Act, 1855; or

The address at which all notices and documents may be served by post or otherwise on me is

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 189 .

(To be signed by the appellant.)

No. 2.—Summons to Court.

The Court of Survey for Hongkong.  
In the matter of an appeal by \_\_\_\_\_ the Surveyor  
from the report of \_\_\_\_\_ appointed by the Governor to survey the  
[or as the case may be].

In pursuance of The Merchant Shipping Consolidation Ordinance I hereby summon you to attend as on this appeal, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon.

Dated at Victoria, Hongkong, this \_\_\_\_\_ day of \_\_\_\_\_ 189 .

Stipendiary Magistrate and President of the Court.

I will attend as summoned. (Signature of person summoned.)

No. 3.—Order of Court for Release or Detention of Ship.

The Court of Survey for Hongkong.  
In the matter of an appeal by \_\_\_\_\_ the surveyor  
from the report of \_\_\_\_\_ appointed by the Governor to survey the  
[or as the case may be].

We \_\_\_\_\_ do order the said ship to be released or detained (finally or conditionally upon \_\_\_\_\_).

Given under our hands at Victoria, Hongkong, this \_\_\_\_\_ day of \_\_\_\_\_ 189 .

Members of the Court of Survey.

No. 4.—Report of Members of Court of Survey.

The Court of Survey for Hongkong.  
In the matter of an appeal by \_\_\_\_\_ the surveyor  
from the report of \_\_\_\_\_ appointed by the Governor to survey the  
[or as the case may be].

We \_\_\_\_\_ do report that, having heard this appeal, we did order the said ship to be released or detained [finally or conditionally upon \_\_\_\_\_] for the reasons set forth in the annexed statement.

We are also of opinion that the costs of this appeal should be paid by the appellant [or by the Government]; or that all parties shall pay their own costs.

Dated at Victoria, Hongkong, this \_\_\_\_\_ day of \_\_\_\_\_ 189 .

Members of the Court of Survey.

(A.)—Table of Fees.

On filing notice of appeal, for every 50 tons of the gross registered tonnage of the ship, .....	\$5.00
On filing every affidavit, .....	1.00
On entering appearance, .....	5.00
On every subpoena, .....	1.00
On every statement of the order required to be made by the Court, .....	5.00
On the production and swearing of every witness, .....	1.00
On every consent by the parties to refer the question of costs, or of costs and damages, to the Court, to be paid by each party, .....	5.00
On every hearing, for each day, to be paid by each party, the amount thereof to be at the discretion of the members of the Court,.....from	10.00 to \$50.00
On every order whether for the release or detention of the ship or for payment of costs, or costs and damages, to be paid by the party taking out the order, .....	5.00
On every office copy of the judgment or report, or of notes of the evidence, or of any of the proceedings in the appeal, per folio of 72 words, .....	0.25

TABLE I.

Fees to be charged at the Mercantile Marine Office in pursuance of section 5.

1. ENGAGEMENT OR DISCHARGE OF CREWS.

In ships under 100 tons, .....	\$ 5
100 to 400 tons, .....	10
400 to 700 tons, .....	15
700 to 1,000 tons, .....	20
and so on for ships of larger tonnage adding for every 300 tons or part of 300 tons, five dollars.	

2. ENGAGEMENT OR DISCHARGE OF SEAMEN.

Separately 80 cents each.

*Overtime fee, when Engagement or discharge takes place on board ships.*

From 8 A.M. to 10 A.M. and 4 P.M. to 6 P.M.....	\$ 5 per hour.
From 6 A.M. to 8 A.M. and 6 P.M. to 8 P.M.,.....	10 "
Before 6 A.M. and after 8 P.M.,.....	20 "

Any portion of an hour shall count as one hour.

TABLE J.

*Section 5.*

*Sums to be deducted from Wages by way of partial reimbursement of fees paid in accordance with table I.*

1. In respect of engagements and discharges of crews, upon each engagement and each discharge.

From wages of any mate, purser, engineer, surgeon, carpenter or steward, .....50 cents.

All others, except apprentices, .....40 cents.

2. In respect of engagements and discharges separately, upon each engagement and each discharge.

From wages of any mate, purser, engineer, surgeon, carpenter or steward, .....50 cents.

All others, except apprentices, .....40 cents.

TABLE K.

*Rules for the government of Licensed Boarding-houses for Seamen, (s. 6).*

1. Over the principal door of each house shall be affixed a board containing in letters, at least 3 inches in length, painted white in a black ground, "Licensed Boarding-house" for (number of Seamen, Manila men or Lascars) and at the foot thereof shall be inserted the name, in full, of the keeper of the house, and no other writing, sign, painting or mark shall be posted on the premises.

2. The house shall be substantially built and kept in good repair, well ventilated and have a proper system of drainage, the drains not to be in direct communication with the public sewers, but effectively disconnected and trapped.

3. There shall be adequate kitchen accommodation with proper means for the removal of smoke.

4. The space allotted to each boarder shall be in the bed rooms not less than 400 cubic feet of space, and a notice shall be put up in each sleeping room showing the number of persons the room is capable of accommodating; there shall also be provided a general room of sufficient size in which the boarders may sit and mess.

5. A separate room is to be appropriated for the chests, hammocks, &c., of the boarders.

6. Proper washing rooms, and adequate privy, urinal, and ash-bin accommodation are to be provided, the floors of the house and out-houses are to be swept clean frequently during the day and thoroughly washed every Saturday; all inside walls and partitions are to be colour-washed once in every six months, viz., on or about the 1st of January and the 1st of July.

7. All filth and refuse matter shall be regularly removed daily.

8. There shall be no communication between a boarding-house and the adjoining houses.

9. No master shall receive into his boarding-house any seaman who does not first produce his discharge from his last ship, duly countersigned or stamped by the Harbour Master or some person deputed by him, or who does not produce the Harbour Master's written sanction for his admission into a boarding-house, and no more boarders are to be lodged in the house than the number allowed by the licence.

10. Every boarding master shall keep a book in which he shall enter the names of all boarders in his house on the day of their reception therein, and he shall also enter in the same book an account of all monies received from boarders and all charges incurred by them, and if a boarder shall so require he shall be furnished, every Saturday night, with a memorandum of the amount in which he is indebted to the boarding master or of the amount belonging to him still in the hands of the said master.

11. Before a boarder is discharged, he shall, if he so requires, receive from the master of the boarding-house a full and true statement of his account for board, lodging and other expenses, and the boarder, if satisfied as to the correctness of the said statement, shall sign his name thereon in proof thereof. The boarding master shall take this book to the Harbour Master or his deputy for inspection every Monday at noon.

12. No spirituous liquor shall be supplied or procured by the master or his servants to or for any person on the premises; boarders requiring such liquor must purchase it themselves from a public house.

13. The master shall not allow any prostitute on the premises.

14. Boarding-houses shall be closed every night at 11 o'clock.

15. No gambling shall be allowed in any boarding-house, and every master shall do his utmost to prevent noisy conduct on the part of the boarders or others frequenting the house; in the event of his not being able to preserve order, he shall give intimation thereof to the nearest constable or at a Police Station.

16. In the event of any boarder being sick, the master is immediately to procure the assistance of a duly qualified medical practitioner and report the case immediately to the Principal Civil Medical Officer and the names of sick men are to be inserted in the column of remarks in the weekly list.

17. The master of a boarding-house shall, every Monday morning, send to the Government Shipping Office a list copied from his book of all the seamen boarding in his house on that day and of those boarders who have left during the previous week, showing how these have been disposed of.

18. No boarding master shall discharge a boarder from his house without the sanction of the Harbour Master, unless such boarder is provided with suitable employment.

19. Every boarding-house shall be open at all times for the inspection of any Justice of the Peace or the Harbour Master or his deputy or of any inspector of Police, or by any member of the Sanitary Board as well as to the visits of the Principal Civil Medical Officer.

20. A copy of these rules shall be kept posted in a conspicuous place in the general sitting room.

21. Any infraction of any of these rules shall render the offender liable to a fine of twenty-five dollars and for a second offence to deprivation of his licence in addition.

22. Boarders are hereby informed that the only fees for which they are liable are a Government fee of 40 cents for discharge and 40 cents for shipping, and one dollar boarding-house fee which is to include the commission for cashing an advance note.

23. When seamen have signed fresh articles of agreement no deductions other than those for debts legally due are to be made from their advances.

24. Seamen's clothing or bedding are not to be detained as a lien for debt.

25. Any boarder dissatisfied with his account shall be at liberty to lay the same before the Harbour Master who will decide if the charges are reasonable or otherwise.

26. Boarding-house keepers will ship only the men belonging to their respective houses. Should they on any occasion not have enough boarders to complete the number required to ship they can apply to any other boarding-house to supply the deficiency, but the men so supplied are to be shipped by the House in which they are boarding and not by the keeper who has the order for the crew and only one shipping fee shall be charged.

27. The weekly charge sanctioned by the Harbour Master for board and lodging is:—

In boarding-houses for Europeans and Americans,.....\$8.00  
 In other boarding-houses, such amount as may be approved by the Harbour Master, .....

TABLE K (a).

Information to be supplied under section 21.

- Name of vessel and flag
- Port of registry
- Commanded by
- Register Tonnage
- Nature and Tonnage of Cargo on board
- No. of Crew
- Rig and Horse Power
- No. of Guns
- Name of Owners
- Ports of departure and date of leaving } Original Port  
 } Last Port
- Consignees or Agents,—Mcsstrs.
- Passengers,— } Cabin , E. Deck  
 } Chinese :— Men, Women, Boys, Girls,=
- Any Infectious or Contagious Disease on board
- Any Births, Deaths or Accidents on the voyage
- Any Explosives on board
- Any Mails on board.
- Any Casualty on the voyage
- Weather
- Any Derelicts, Sunken Wrecks, Ice, &c. passed during the voyage.
- Harbour Regulations supplied

TABLE L.

QUARANTINE REGULATIONS.

Under section 22.

1. In these regulations the term "Health Officer" means the Health Officer of the Port or any other medical officer duly authorised to act for, or assist him or in charge of any place set apart for the detention and seclusion of persons actually suffering from disease; the term "Vessels" includes steamers, sailing vessels, junks, and lorchas, and British and Foreign ships of war, as well as merchant vessels of all kinds; the term "port or place at which any infectious or contagious disease prevailed" means a port or place proclaimed to be such by order of the Governor in Council published in *The Gazette* from the date of such proclamation. The words "infectious or contagious disease" shall, for the purposes of these regulations, mean cholera, choleraic diarrhoea, small-pox, typhus fever, yellow fever, bubonic plague, and such other epidemic disease as the Health Officer may consider to imperil the safety of the passengers or crew.

2. Every vessel arriving in the waters of this Colony—

(a.) From any port or place at which any infectious or contagious disease prevailed at the time of such vessel's departure therefrom; or

(b.) Having at the time of arrival, or having had, during the voyage, any case of any infectious or contagious disease on board, shall immediately, on entering the waters of the Colony, fly the quarantine flag, and shall keep the same flying, and shall be deemed to be in quarantine until released therefrom by express written order of the Health Officer who shall, in every case, board and examine all the passengers and crew of such vessel. But with the written consent of the Health Officer any such ship which is on a voyage to any other place may be allowed to proceed on such voyage or to tranship her passengers for the purpose of completing such voyage: Provided that no communication has been held with the shore except as permitted by these regulations.

The quarantine flag shall be a flag of yellow colour (letter Q in International Code of Signals) hoisted at the highest mast-head forward.

No such vessel shall enter the waters of the Colony before 6 A.M. or after 7 P.M.

3. Every vessel in quarantine shall proceed to the quarantine anchorage, and shall not remove therefrom, except from stress of weather, until released from quarantine by order of the Health Officer. No vessel having to leave the quarantine anchorage from stress of weather shall communicate with the shore, or with any ship, and such vessel shall return to the quarantine anchorage immediately such stress of weather has subsided: Provided that in case of stress of weather involving probable actual danger to the vessel, the vessel may remove for a time, but shall be deemed nevertheless for all purposes to be in quarantine, and subject to all other regulations applicable to such vessels.

4. The quarantine anchorage shall be within the following boundaries, and the master of every vessel shall remove his vessel to any part of the quarantine anchorage as and when required by the Harbour Master:—

“Western Boundary.”—A line drawn from the west side of Stone Cutters’ Island to west side of Green Island (on Admiralty Chart marked as harbour boundary).

“Southern Boundary.”—That part of a line having the Naval Coal Sheds at Kaulung bearing E. by S., commencing where it meets the eastern boundary, and terminating where it meets the western boundary.

“Eastern Boundary.”—A south line drawn from a white mark on south side of Stone Cutters’ Island until it reaches the southern boundary.

“Northern Boundary.”—Five fathom line of soundings.

5. The master or other person having the control of any vessel in quarantine shall give the Health Officer or Boarding Officer such information about the vessel and the voyage and the health of the crew and passengers and otherwise as the Health Officer or Boarding Officer may require, and shall answer truly and fully all questions put to him by the Health Officer or Boarding Officer.

6. When any vessel is in quarantine—

(a.) If, in the opinion of the Health Officer, any persons on board are suffering from any infectious or contagious disease they shall be removed to the hospital ship “Hygeia” or be otherwise disposed of under his directions.

(b.) Where, in the opinion of the Health Officer, there are any cases he suspects to be cases of infectious or contagious disease on board, the persons so suspected shall be detained on board, or otherwise disposed of, under observation, for a period not exceeding 48 hours from the time that the Health Officer completes his examination of the passengers and crew.

(c.) When the examination of the passengers and crew by the Health Officer has been completed, all who appear to him to be free from any infectious or contagious disease may be allowed to land at once.

7. After the passengers and crew have been dealt with as in section 6 the vessel may be released from quarantine by the express written order of the Health Officer, after such precautions by way of burning clothing and fumigating or otherwise, as he may direct, have been carried out.

8. If any vessel in the waters of this Colony is known to have any case of any infectious or contagious disease on board, or is a vessel which, in the opinion of the Health Officer, ought according to these regulations to be in quarantine, the Health Officer may order such vessel into quarantine, and the master or person in charge of such vessel shall thereupon hoist the quarantine flag upon such vessel and remove the vessel to the quarantine anchorage, and all the regulations applicable in relation to vessels in quarantine shall apply to such vessel.

9. In case of a death happening on board any vessel in quarantine, or ordered into quarantine, or on board the “Hygeia,” the body shall be disposed in such manner as may be ordered by the Health Officer; and the master of the vessel shall carry out such orders as the Health Officer may give him in relation to the disposal of the body.

10. When any vessel is in quarantine, no person shall leave the vessel, or hold communication from the vessel with the shore, or with any other vessel or boat, or take or send any person or thing whatever out of the vessel, until the express written permission of the Health Officer has been communicated to the master or other person having the control of the vessel, and such precautions as the Health Officer may require have been observed.

11. When any vessel is in quarantine, no person other than the Health Officer or persons in his boat shall approach within 30 yards of such vessel, or hold any communication with such vessel or with any person on board of it, or receive, or take any person or thing whatever directly or indirectly from the vessel or from any person on board of it, without having first received the express written permission of the Health Officer, and observing such precautions as the Health Officer may require.

12. No person placed on board the “Hygeia” shall leave the same or hold communication with any vessel or boat, or take or send any person or thing whatever out of the “Hygeia” without having first received the express written permission of the Health Officer, or Medical Officer in charge and observing such precautions as the Health Officer may require.

13. No person other than the Health Officer, or Medical Officer in charge, or person expressly deputed by them, shall go on board or approach within 30 yards thereof, or hold communication with the “Hygeia” or with any person in it, or receive or take anything whatever directly or indirectly from the “Hygeia” or from any person in it without having first received the express written permission of the Health Officer, or Medical Officer in charge, and observing such precautions as such Officer may require.

14. The Captain Superintendent of Police, and any officers that he may appoint for the purpose of enforcing quarantine, may order any person leaving or coming from any vessel that is in quarantine or from the “Hygeia,” or taking or sending any person or thing whatever from any such vessel, to remain in or return to and to return such persons or things to such vessel or the “Hygeia,” and may by such necessary force as the case requires compel any person neglecting or refusing to observe such order to obey the same.

15. The above regulations shall not in any way interfere with the internal management of any of Her Majesty's ships, or of Foreign ships of war, or with their freedom to proceed to sea, whenever the officer in command may deem such course requisite.

16. Where any breach of any of the above regulations is committed, all the persons assisting in any way in the commission of such breach and the master or other person having the control of any vessel or boat on board of which such breach has been committed, or which has been in any way engaged in the commission of such breach shall be severally answerable for such breach, and shall be deemed guilty of the same.

17. Any costs, charged or incurred by the Government for the medical attendance and maintenance of any person, whether on the ship's articles or not, who is removed to the "Hygeia" or any other hospital or place under sub-sections (a) or (b) of regulation No. 6 shall be paid to the Government by the agents of the vessel, from which such person is removed whether such vessel continues in quarantine or not.

#### TABLE M.

*Fairway, &c. Regulations, (section 24).*

##### I.—FAIRWAYS.

1. There shall be three Fairways through the harbour, for the passage of vessels of over 60 tons burden, and such Fairways shall be named as follows:—

The "Southern," the "Central," and the "Northern Fairways."

2. The "Southern Fairway" commences off the Gas Works, and terminates 400 feet west of the Canton Steamboat wharf. The north side of the "Southern Fairway" is occupied by junks, and the south side by vessels moored at the Praya or the wharves extending therefrom.

3. The "Central Fairway" commences off the Sailors' Home and is marked by two buoys, painted in red and white horizontal stripes and carrying red lights at night. This fairway is defined by two lines of mooring buoys running in an E.S.Easterly direction.

4. The northern side of the "Northern Fairway" is defined by a line drawn between the south point of Chung Hue and Kowloon Point on a S. 66° E. bearing. The southern boundary has the Breakwater in Causeway Bay, open of Kellett's Island bearing S. 78° E.

5. Vessels of over 60 tons burden proceeding through either of the Fairways, shall fly a pennant at the highest mast-head forward as follows:—

Whilst in the "Southern Fairway" a "Red" Pennant (F).

Whilst in the "Central Fairway" a "White" Pennant (C).

Whilst in the "Northern Fairway" a "Blue" Pennant (D).

6. All vessels irrespective of size shall, whether in a Fairway or not, observe the Collision Regulations as laid down by Her Majesty's Orders in Council, issued from time to time under the provisions of The Merchant Shipping Act, and no vessel whatever shall anchor in any of the Fairways.

##### II.—MAN-OF-WAR ANCHORAGE.

*North side of the City of Victoria.*

7. "Western Boundary."—West corner of the City Hall in line with buoy painted chequered black and white.

"Northern Boundary."—From the buoy towards North Point of Hongkong until it meets the eastern boundary.

"Eastern Boundary."—A line drawn from a gully to the southward of St. Francis's church to the gable-end of that church until it meets the northern boundary.

*West side of the Kaulung Peninsula.*

8. "Northern Boundary."—A line running west from a point 2½ cables north of the north side of the Naval Depot till it meets western boundary.

"Western Boundary."—Flagstaff at Naval Yard, Victoria, bearing S. ¼ E.

"Southern Boundary."—A line 500 feet south of "Victor Emanuel" buoy running east and west, meeting western boundary at about 3½ cables from the shore.

Nothing is to prevent ships proceeding to and from any wharves, that are, or may be erected on the west side of the Kaulung Peninsula, provided such ships, if anchoring, give swinging room to vessels at the Admiralty buoys.

##### III.—STEAM-WHISTLES.

10. No steam-ship when at anchor near, or lying off the Praya, or when moored to, or waiting at any wharf or landing-place, shall use the steam whistle, nor shall such steam-ship when under weigh use the steam whistle unless for the purpose of giving necessary notice of her approach towards any other vessel.

11. No steam-ship when entering or leaving the harbour, or when at anchor therein, shall use her steam-whistle except for the purpose of navigation and to avoid collision. The use of such steam-whistle for any other purpose is hereby prohibited.

12. Any infringement of regulations 10 or 11 will subject the master or owner of the offending ship to a penalty not exceeding \$100, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding 3 months.

##### IV.—DRUMS, GONGS AND FIREWORKS.

13. No person shall, on board of any junk or other Chinese vessel or boat, without a permit from the Registrar General, beat any drum, or gong, discharge, kindle, or let off any firework, or attempt to do so in the waters of the Colony between the hours of 10 P.M. and 6 A.M., under a penalty not exceeding fifty dollars, or imprisonment with or without hard labour for a period not exceeding six weeks.

TABLE N.

*Regulations referred to in sub-sections (1) and (2) of section 25.*

1. The following are specified as "wharves" in respect of which the provisions of sub-section (1) *f.* of section 25 of The Merchant Shipping Consolidation Ordinance, 1898, shall apply, viz.:—

*In Victoria.*

French Street Wharf.  
Sailors' Home Steps.  
Wing Lok Street Steps.  
Harbour Master's Wharf.  
Pottinger Street Wharf.  
Pedder's Wharf.  
Murray Pier.  
Arsenal Street Steps.  
Jardine Steps.

*At Kowloon.*

Yaumati Police Station Wharf.  
Tsimshatsui Wharf.  
Hungghom Wharf.

2. The following is declared to be a "part of the Colony" in respect of which the provisions of sub-section (2) *b.* of section 25 of the said Ordinance shall apply, viz.:—

The shore on the north side of the town of Victoria, from opposite the Gas Works at Shek-tong-tsui to opposite the canal at Bowrington and the shore at Kowloon from Kowloon Point to Yaumati Police Station.

TABLE O.

*Regulations as to discharge of fire-arms.*

*(Sub-section (3) of section 25.)*

The portions of the waters of the Colony within which it is prohibited to discharge fire-arms, as provided by sub-section 3 of section 25 of The Merchant Shipping Consolidation Ordinance, 1898, are as follows:—

- (*a.*) That portion having for its eastern boundary a line drawn across the centre of the Li-ü-mün Pass; and for its western boundary, a line drawn from the west end of Hongkong to the west end of Green Island, thence in a straight line to the west end of Stone Cutters' Island, continued to the mainland.
- (*b.*) That portion lying within a line drawn from the west end of Hongkong to Waterfall Bay thence to south end of Taitám Peninsula, continued to Cape d'Aguilar and Cape Collinson, terminating at south-east corner of the Li-ü-mün Pass.

Mail steamers may fire a gun if arriving within the above limits between 9 P.M. and 6 A.M.

TABLE O (a).

*Private moorings and buoys. (Section 27.)*

1. A monthly rental of \$5 shall be payable half-yearly in advance for each buoy and the moorings thereof sanctioned by the Harbour Master; No fees shall be chargeable on buoys and moorings used solely for warping purposes, provided such buoys and moorings shall not, under any pretence whatever, be used for any other purpose than warping.

2. All moorings and buoys shall be kept and maintained in good condition and in proper position by the owners thereof and at their own expense.

3. It shall be lawful for the Harbour Master from time to time to inspect and require repairs if necessary to be effected to any moorings and buoys and to require the same if necessary to be relaid and removed.

4. It shall be lawful for the owner of any moorings and buoy so sanctioned as aforesaid from time to time to permit other vessels to make use of the same upon such terms as he may think fit.

TABLE P.

*Light or other dues. (Section 30.)*

1. All ships which enter the waters of the Colony except British and foreign ships of war, and except such other ships as are hereby exempted in whole or part, shall pay the following dues, viz.:—

One cent per ton.

2. Such dues shall be paid either at the time of entry or at the time of clearance.

3. All steamers, plying only between Hongkong and Canton or Macao, or the West River, which enter the waters of the Colony by day and all Chinese junks, are hereby exempted from the payment of such dues.

4. All steamers, plying only between Hongkong and Canton or Macao or the West River, which enter the waters of the Colony by night, shall pay one-third of a cent per ton.

TABLE Q.

*Rules for the Storage of Gunpowder and Explosives in the Government Gunpowder Dépôt. (s. 34.)*

1. The officers and men belonging to a Government Gunpowder Dépôt, and to every vessel receiving, or discharging explosives into or out of such Dépôt, shall, unless cause be shewn to the satisfaction of the Harbour Master, be at such dépôt and on board such vessel.

2. During the time that explosives are being received or discharged, no person shall, in a dépôt or on board of any vessel receiving or discharging the same, or engaged in transshipment thereof, have or use any charcoal or other combustible matter or any fire or naked light.

3. During such time as aforesaid, no person shall smoke in a depôt or on board of any vessel receiving or discharging explosives or engaged in transshipment thereof, nor shall any person in a depôt or on board of any such vessel be employed about any work other than, and except the receipt, discharge or transshipment aforesaid.

4. During the time any explosives are waterborne in the waters of the Colony on board of any boat, lighter or vessel, either for the purpose of, or in the course of, carriage, landing, shipment, transshipment or movement from one place to another, or otherwise, they shall be protected either by being stowed under hatches, or by being covered with serviceable tarpaulins, and no fires or naked lights shall be made or used on board any such boat, lighter or vessel unless the said explosives are stowed under hatches, and the said boat, lighter, or vessel shall display a Red Flag, and, unless intending to leave the waters of the Colony, shall proceed without delay or interruption or anchoring to her destination.

5. The cargo of every such vessel shall, on her arrival at the depôt, be immediately discharged by the owners or consignees of such cargo and shall be then delivered into the depôt, and if the owner or consignee of such cargo shall fail in so doing, it shall be lawful for the Harbour Master or his deputy to have the same discharged and delivered into the depôt at the expense of the said owner or consignee.

6. When explosives are being received into or discharged out of the Government Gunpowder Depôt, the owner or consignee of the same shall attend at the depôt, or shall send a responsible representative instead, and any question which may arise as to the number or weight of cases or kegs received at or delivered out of the depôt shall be decided at the time by such owner or his representative, and the officer in charge of the depôt, who shall if necessary refer the same to the Harbour Master.

7. No person shall, without the consent in writing of the Harbour Master first had and obtained, open any package in a Government Gunpowder Depôt.

8. With reference to sub-section 10 of section 34 of this Ordinance prohibiting the storage of more than 20 lbs. of gunpowder on land, it is hereby directed that such gunpowder shall not be kept in any package other than one composed of zinc, copper, or brass, and that the said package shall be placed in a safe and convenient position beyond the reach of fire, or accident from lights, &c.

TABLE R.

*Scale of Charges for the Storage of Gunpowder and safety Cartridges in the Government Depôts, (s. 34).*

Packages containing 25 lbs. and less of loose gunpowder,	7 cents.	} A month or fraction of a month.
Do. do. 25 lbs. and less of gunpowder in tins,.....	10 "	
Do. do. more than 25 lbs. and less than 50 lbs. of loose gunpowder,.....	14 "	
Do. do. more than 25 lbs. and less than 50 lbs. of gunpowder in tins, ...	16 "	
Do. do. 50 lbs. and less than 75 lbs. of loose gunpowder, .....	20 "	
Do. do. 50 lbs. and less than 75 lbs. of gunpowder in tins,.....	22 "	
Do. do. 75 lbs. and less than 100 lbs. of loose gunpowder, .....	26 "	
Do. do. 75 lbs. and less than 100 lbs. of gunpowder in tins,.....	28 "	

and so on, increasing 6 cents per package for each 25 lbs. of gunpowder, up to and in excess of 100 lbs., according as the gunpowder may be loose or in tins.

Packages containing safety cartridges to be charged per 25 lbs. weight, 6 cents a month, and fraction of a month. Packages of detonators 9 cents per 25 lbs. weight.

The weight of the various packages will be determined at the time of storing, and no alteration will be allowed after they have been received into the magazine.

*Scale of Charges for the Storage of other Explosives, (s. 34).*

Nitro glycerine, or glonoine oil, gun cotton, fulminating mercury, dynamite, lithofracteur, Horsleys' patent blasting powder, &c., &c.

Cases of above containing 25 lbs. and less,.....	16 cents.	} A month or fraction of a month.
Cases containing more than 25 lbs. and less than 50 lbs., .....	24 "	
Cases containing 50 lbs. and less than 75 lbs., ..	40 "	
Cases containing 75 lbs. and less than 100 lbs.,.....	52 "	

and so on, increasing 12 cents per package for each 25 lbs. weight.

The weight of the various packages will be determined at the time of storing, and no alteration will be allowed after they have been received into the magazine.

The Government will not be responsible for damage by explosion, or by insufficient or improper packing.

TABLE S.

*" Anchorage for Junks." Under sub-section 3, section 37.*

I.—*Between the Southern limit of the Central Fairway and a line 200 yards from the Praya Wall.*

The eastern end, 400 feet west of the Canton Steam-boat wharf.  
The Western end, a line drawn in continuation of Queen's Street.

II.—*Between the Southern limit of the Central Fairway and a line drawn in a W.  $\frac{1}{2}$  S. direction passing 200 yards off the end of the China Merchants Wharf.*

The eastern end, a line drawn in continuation of Queen Street.  
The western end, as far as the Harbour Master shall think fit.



III.—*Yau-mái.*

Southern boundary, a line bearing S. 79° W. from 40 feet north of Police jetty.

Northern boundary, a line drawn seaward from a clump of boulders on British Kowloon on with a staff with disc on it bearing S. 83° W.

Between 9 P.M. and daylight gun-fire a clear passage of 60 yards from the shore shall be kept.

IV.—*Other Harbour Master's Stations.*

As the Harbour Master shall direct.

TABLE T.

Table of Fees for Junks (s. 37).

	Trading licence.	Fishing licence.
For vessel under 25 piculs, a year, .....	\$0.50	
For vessels under 500 piculs burden, a year,...	\$10.00	\$1.00
For vessels under 500 piculs burden, a month or fraction of a month, .....	\$ 1.00	\$0.20
For vessels of 500 piculs and less than 1,000 piculs burden, a year, .....	\$15.00	\$3.00
For vessels of 500 piculs and less than 1,000 piculs burden, a month or fraction of a month, .....	\$ 1.50	\$0.40
For vessels of and above 1,000 piculs burden, a year, .....	\$20.00	\$5.00
For vessels of and above 1,000 piculs burden, a month or fraction of a month, .....	\$ 2.00	\$0.50
Anchorage pass, each, .....	\$0.25	
Special permit, " .....	\$0.25	
Day clearance, " .....	\$0.25	
Duplicate licence, .....	One tenth of the original fee in no case exceeding \$1.	

TABLE U.

Regulations for the licensing, management, and control of Boats, &c. (section 38).

*General.*

1. All boats referred to in these regulations must be duly licensed as therein directed. No person shall engage or let out for hire any boat unless it has been licensed, according to these regulations.
2. Every person in charge of a licensed boat must show his licence when required to do so by any officer of the Police, Registrar General's, or Harbour Departments, or by the employer of such boat, each of whom is hereby empowered to board and examine such boat.
3. All boats may be stopped and searched by the Police.
4. Every boat shall go alongside a wharf when ordered to do so by a Police Constable, and shall, when conveying passengers, be carefully steered, and travel with reasonable expedition.
5. The Registrar General is authorised to refuse a licence, or, if a licence has been granted, to withdraw the same and cause it to be forfeited, in respect of any boat which has been reported to him by the Police not to be as regards repairs and cleanliness in a state fit for public use; or for any misconduct on the part of the licensee, or any of the crew of the boat.
6. The licensee or owner of every boat will be held responsible for any breach of these regulations, and for any misconduct on the part of himself or of the crew of his boat.
7. No boat shall lie or ply for hire within 300 feet of any ship of war without the written permission of the Harbour Master or of the officer in command of such ship-of-war.
8. All boats or vessels licensed under these regulations on quitting and entering any Port within the waters of the Colony (except when actually employed in the conveyance of pleasure parties or in tow of a steam-launch or other vessel so employed) shall comply with the provisions of this Ordinance relating to junk anchorage passes and clearances.
9. Any breach of these regulations shall be punishable with a penalty not exceeding 100 dollars, or, in default of payment, with imprisonment not exceeding 3 months, with or without hard labour.

*Cargo boats.*

10. Cargo boat licences shall be issued by the Registrar General on production of a certificate from the Harbour Master or his deputy, stating the particulars required by Form A. hereto annexed. A fee of one dollar shall be payable to the Harbour Master for this certificate. The applicant shall furnish the Registrar General with his photograph and shall also give such security for his appearance when required as the Registrar General may demand. Each licence shall be numbered, and shall not be transferable.
11. Each licence shall state the length, breadth, depth, and dead-weight capacity of the boat, together with the scale of fares, and shall be valid for one year only, from the 1st April.
12. Every boat for which a licence has been granted shall carry on each bow and on its stern, legibly painted upon wood, the number of its licence in figures 2½ inches in height, and no other number. Such number shall not be concealed, and such boat shall, between sunset and sunrise, exhibit a light, visible all round, not less than two feet above the gunwale.
13. No boat shall have a false bottom, or any other secret compartment for the concealment of goods or persons.
14. No licensee shall refuse to let his boat, except for some reasonable cause.
15. Cargo-boats will only be allowed to carry such passengers as may be in charge of goods or baggage for the conveyance of which the boat is hired or used, or who may be required or may have been required to assist in loading or unloading.

16. The following licence fees shall be charged :—

1st Class Boat,....800 piculs capacity and upwards,...	\$20.00
2nd Do., under 800 and not less than 450 piculs capacity,.....	\$10.00
3rd Do., under 450 and not less than 100 piculs capacity,.....	\$ 5.00
4th Do., under 100 piculs capacity,.....	\$ 3.00

17. The following table indicates the maximum scale of hire for cargo-boats :—

	<i>Per day or night of 12 hours.</i>	<i>Per load.</i>
First class boat,.....	\$10.00	\$5.00
Second „ „ .....	\$ 5.00	\$3.00
Third „ „ .....	\$ 3.00	\$2.00
Fourth „ „ .....	\$ 1.50	\$1.00

*Lighters.*

18. Lighter licences shall be issued by the Registrar General on production of a certificate from the Harbour Master or his deputy, stating the particulars required by Form A. hereto annexed. A fee of one dollar shall be payable to the Harbour Master for this certificate. The applicant shall give such security for his appearance when required as the Registrar General may demand. Each licence shall be numbered, and shall not be transferable.

19. Each licence shall state the length, breadth, depth and dead-weight capacity of the lighter, and shall be valid for one year only, from the 1st April.

20. Every lighter for which a licence has been granted shall carry on each bow and on its stern, legibly painted, the number of its licence in figures 2½ inches in height, and no other number. Such number shall not be concealed, and such lighter shall, between sunset and sunrise, exhibit a bright white light, visible all round, at the place where it can be best seen, but at a height not exceeding 20 feet above the hull. And if of 150 feet or upwards in length shall exhibit two such lights, one at the bow and the other at the stern, the former being not less than 20 and not more than 40 feet above the hull, and the latter not less than 15 feet lower than the former.

21. No lighter shall have a false bottom, or any other secret compartment for the concealment of goods or persons.

22. Lighters will only be allowed to carry such passengers as may be in charge of goods or baggage for the conveyance of which the lighter is engaged or used, or who may be required or may have been required to assist in loading or unloading.

23. The following licence fees shall be charged :—

1st class lighter, 6,000 piculs capacity and upwards,...	\$35.00
2nd „ under 6,000 and not less than 4,000 piculs capacity,.....	\$30.00
3rd „ under 4,000 and not less than 2,000 piculs capacity,.....	\$25.00
4th „ under 2,000 piculs capacity,.....	\$20.00

*Rowing Boats plying for hire for Passengers only.*

24. Licences shall be issued by the Registrar General on production of a certificate from an Inspector of Police, stating the particulars required by form B. annexed. The applicant must furnish such security for his appearance when required, or for the production of the boat, as the Registrar General may demand. Each licence shall be numbered, and shall not be transferable.

25. No boat shall carry more than the number of passengers for which it is licensed.

26. Licences shall state the length and breadth of the boat, together with scale of fares, and shall be valid for one year only, from the 1st July.

27. Every licensed boat shall carry on each bow and on the stern, legibly painted upon wood, the number of its licence in figures at least 2 inches in height, and no other number, and such number shall not be concealed. Such boat shall, between sunset and sunrise, exhibit a light at the bow, visible all round; and shall also keep a lighted lantern with the licence number either painted on the glass or cut in on the frame in figures at least 2 inches in height, to be produced when demanded.

28. No person in charge of a boat shall demand more than the fare provided by these rules, nor shall he refuse to take a passenger, except for some reasonable cause, anywhere between the North point of Hongkong and Hunguom point on the east; Belcher's Bay and west point of Stone Cutters' Island on the west; Saamshutpó and west point of Stone Cutters' Island on the north.

29. The person in charge of the boat shall show the scale of fares to anyone demanding to see it.

30. The following licence fees shall be charged in respect of boat licences :—

For 1st class boats measuring upwards of 40 feet in length,.....	\$10.00
For 2nd class boats measuring from 30 to 40 feet in length,.....	\$ 7.00
For 3rd class boats measuring from 20 to 30 feet in length,.....	\$ 5.00
For 4th class boats measuring from 12 to 20 feet in length,.....	\$ 3.00
For 5th class boats measuring less than 12 feet in length,.....	\$ 1.00
Village boats,.....	\$ 0.50

31. The following table indicates the maximum scale of hire for rowing boats.

*Per day of 12 hours.*

For 1st class boats,.....	\$2.00
For 2nd class boats,.....	\$1.50
For all other boats,.....	\$1.00

*Per hour with two passengers.*

All boats, .....20 cents.  
 Half an hour... .....10 "  
 For each extra passenger 5 cents for half-an-hour, 10 cents per hour.  
 Between sunset and sunrise 5 cents extra per passenger.

*Cinder Boats, Bum Boats, Hawkers' Boats, and Marine-dealers' Boats.*

32. Licences shall be issued by the Registrar General on production of a certificate from an inspector of Police, stating the particulars required by form C, annexed. The applicant must furnish such security for his appearance when required, or for the production of the boat, as the Registrar General may demand. Each licence shall be numbered, and shall not be transferable.

33. Licences shall state the length and breadth of the boat, and shall be valid for one year only, from the 1st July.

34. Every licensed boat shall carry on each bow and on the stern, legibly painted upon wood, the number of its licence in figures at least 2 inches in height, and no other number, and such number shall not be concealed. Such boat shall, between sunset and sunrise, exhibit a light at the bow, visible all round; and shall also keep a lighted lantern with the licence number either painted on the glass or cut in on the frame in figures at least 2 inches in height to be produced when demanded.

35. The following licence fees shall be charged:—

For 1st class boats measuring upwards of 43 feet in length.....	\$5.00
For 2nd " " from 30 to 40 feet in length,	\$3.00
For 3rd " " from 20 to 30 feet in length,	\$2.00
For 4th " " from 12 to 20 feet in length,	\$1.00
For 5th " " less than 12 feet in length.....	\$0.50

*Water Boats.*

36. Licences for water boats shall be issued by the Registrar General upon the production of a certificate from an inspector of Police, stating the particulars required by form C, annexed and certifying that the said boat is fit and proper to be used as a water boat. The applicant must furnish such security for his appearance when required or for the production of the boat as the Registrar General may require.

37. The licence fees to be charged for water boats shall be the same as provided in regulation 30.

*Fish-drying Hulks.*

38. Licences shall be issued by the Registrar General on production of a certificate from an inspector of Police, stating the particulars required by form D, annexed. The applicant must furnish such security for his appearance when required as the Registrar General may demand. Each licence shall be numbered and shall not be transferable.

39. Each licence shall state the length, breadth, depth and dead-weight capacity of the hulk, and shall be valid for one year only, from the 1st July.

40. Every licensed hulk shall carry on each bow and on the stern, legibly painted upon wood the number of its licence in figures 2½ inches in height, and such number shall not be concealed. Such hulk shall, between sunset and sunrise, exhibit a light at the bow, visible all round.

41. The following licence fees shall be charged:—

1st class hulk 2,000 piculs capacity and upwards,.....	\$20.00
2nd " " under 2,000 and not less than 1,000 piculs capacity,.....	\$15.00
3rd " " under 1,000 piculs capacity, .....	\$10.00

*All other boats or vessels of any description and used for any purpose not specified in the above named regulations, (Nos. 10 to 37 inclusive) except bonâ fide pleasure boats.*

42. Licences shall be issued by the Registrar General on production of a certificate from the Harbour Master or his deputy, stating the particulars required by form E, annexed. A fee of one dollar shall be payable to the Harbour Master for this certificate. The applicant shall give such security for his appearance when required as the Registrar General may demand. Each licence shall be numbered, and shall not be transferable.

43. Each licence shall state the length, breadth, depth and dead-weight capacity of the boat, and shall be valid for one year only, from the 1st April.

44. Every licensed boat shall carry on each bow and on the stern, legibly painted upon wood, the number of its licence in figures at least 2½ inches in height, and no other number, and such number shall not be concealed. Such boat shall, between sunset and sunrise, exhibit a light at the bow, visible all round not less than two feet above the gunwale.

45. The following licence fees shall be charged:—

1st class boat 800 piculs capacity and upwards,.....	\$20.00
2nd " " under 800 and not less than 450 piculs capacity, .....	\$10.00
3rd " " under 450 and not less than 100 piculs capacity, .....	\$ 5.00
4th " " under 100 piculs capacity, .....	\$ 3.00

46. Whenever any certificate or licence required by these regulations has been lost or destroyed, a duplicate thereof may be granted by the proper officer if he is satisfied of such loss or destruction upon payment of one tenth of the original fee in no case exceeding \$1.00.

**Form A.**  
**UNDER RULE 18.**

No. \_\_\_\_\_ Class \_\_\_\_\_  
 Victoria, 189 .  
 Certified that I have examined the \* owned by applicant for a licence, and that I find the boat is in all respects fit and proper to be employed in the transmission of cargo.

Length	Breadth	Capacity	Piculs.	Number and Ages of Persons on Board.			
				Males.		Females.	
				Over 12.	Under 12.	Over 12.	Under 12.

Fee \$1. \* State whether cargo-boat or lighter.  
*Inspector of Cargo-boats.*

**Form B.**  
**UNDER RULE 24.**

No. \_\_\_\_\_ Class \_\_\_\_\_  
 Victoria, 189 .  
 Certified that I have examined the passenger-boat owned by applicant for a licence, and that I find the boat is in all respects fit and proper to be employed in the conveyance of passengers.

Length	Breadth	Number and Ages of Persons on Board.			
		Males.		Females.	
		Over 12.	Under 12.	Over 12.	Under 12.

*Inspector of Police.*

**Form C.**  
**UNDER RULES 32 to 36.**

No. \_\_\_\_\_ Class \_\_\_\_\_  
 Victoria, 189 .  
 Certified that I have examined the\* boat owned by applicant for a licence, and that I find the boat is in all respects fit and proper to be used in that capacity.

Length	Breadth	Number and Ages of Persons on Board.			
		Males.		Females.	
		Over 12.	Under 12.	Over 12.	Under 12.

\* State whether bum boat, etc.

*Inspector of Police.*

**Form D.**  
**UNDER RULE 38.**

No. \_\_\_\_\_ Class \_\_\_\_\_  
 189 .  
 Certified that I have examined the fish-drying hulk owned by applicant for a licence, and that I find the boat is in all respects fit and proper to be employed in that capacity.

Length	Breadth	Capacity	Piculs.	Number and Ages of Persons on Board.			
				Males.		Females.	
				Over 12.	Under 12.	Over 12.	Under 12.

*Inspector of Police.*

Form E.  
UNDER RULE 42.

No. Class. Victoria, 189 .

Certified that I have examined the boat owned by applicant for a licence, and that I find the boat is in all respects fit and proper to be employed in the conveyance of dead-weight capacity. piculs

Length	Breadth	Capacity Piculs.	Number and Ages of Persons on Board.			
			Males.		Females.	
			Over 12.	Under 12.	Over 12.	Under 12.

Fee \$1.

Inspector of Cargo boats.

*Objects and Reasons.*

The principal reason for the Ordinance is—

To bring our law which is based on Imperial law into line with the Merchant Shipping Act, 1894.

Advantage has been taken to adopt certain amendments which the working of the present Ordinance and the requirements of the Port seemed to make necessary also to re-arrange the sections on the lines of the Imperial Act for convenience and uniformity.

Interpretation clause.—The terms "Vessel," "Junk," and "Lorcha" have been added. "The Waters of the Colony" has been amended to meet the possible requirements of the extended territory. "Local Trade Limits" and "Harbour Limits" have been slightly amended.

Section 3,—which provides for the issue of Colonial Registers, has been amplified, in view of the possible requirements of the inland-waters trade with China. Sub-section 11 of this section is new and has been introduced for the purpose of making the master of the ship amenable to British law.

Section 4—is principally a re-arrangement of sections 15 and part of 16 with amendments in (2), (3), (4) and (7) and additional provisions providing for the issue of duplicate certificates in case of loss, the production of certificates when shipping, and the punishment of forgery when detected.

Section 5—is a re-arrangement of sections 16 and 22 with a small addition from Merchant Shipping Act respecting Agreements and a more clear provision against the promiscuous discharge of seamen who may subsequently become chargeable to the Colony.

Section 6—is the old section 17 amended in sub-section (1) so as not to apply in the case of Chinese seamen.

Section 7—is the old section 23.

Section 8—is a re-arrangement from sections 18, 19 and 21, with slight additions chiefly from the Merchant Shipping Act, 1894.

Section 9—is the old section 20 brought into line with the Merchant Shipping Act with regard to offences against discipline, and amendments with reference to its application to seamen from Foreign ships.

Section 10—is a re-arrangement of sections 5 and 14 of the old Ordinance. The wording is made more clear while the gist remains.

Section 11—is a portion of the old section 5.

Section 12—is section 6 with some amendments which have been found necessary.

Section 13—is the old section 4 with verbal alterations on lines of Merchant Shipping Act.

Section 14—is the old section 40 but enters more into detail; it also exempts certain classes of vessels from its provisions and follows the Imperial Act.

Section 15--is the former section 12 with a clause added providing for precaution in the carriage of passengers in ships carrying dangerous goods.

Section 16--is the old 41.

Section 17--is the old sections 9 and 11.

Section 18.--The old 10.

Section 19--is practically the old 13; it is more detailed, and brought up to the Imperial Act.

Section 20--is that portion of the old 13 which applied to courts of survey.

Section 21--is the old 24 with slight verbal amendments and additions in sub-section (6).

Section 22.--The old 25 with an additional sub-section providing for the recovery of costs incurred by the Government.

Section 23.--The old 26.

Section 24--is 27 of the old Ordinance brought up to date as regards lights to be carried by vessels and an amendment in the provisions relating to signals for Police assistance.

Section 25--is 28 re-arranged.

Section 26--is the old 29.

Section 27.--The former 30 with slight addition.

Section 28--is the old 31 re-drafted and an additional sub-section giving authority to require vessels to stop in certain cases.

Section 29--is the old 32.

Section 30--is the old 33 amended to apply to any dues and a verbal alteration in sub-section 7.

Section 31--is the old 34.

Section 32--is the old 35.

Section 33--is the old 36.

Section 34--is the old 37 with slight amendments chiefly in (1), (8), (11).

Section 35--is the old 7 with amendments with verbal alterations in (1), (2), (9), (11), (13), (14), (15), (21).

Section 36--is the old 8 omitting sub-section (4).

Section 37--is the old 38 without material alteration.

Section 38--is the old 39 without material alteration.

Section 39--is the old 43 and part of 42 brought up to date, re-arranged and with one clause (6) added.

Section 40--is portion of the old 42 without material alteration.

Section 41--do. do. do.

Section 42--is the old 45 without material alteration.

Section 43.--New section exempting ships of war from provisions of Ordinance.

Section 44--is the old 46 re-drafted.

Section 45--is the old 47 re-drafted.

The preface affixed to the Bill shows the general arrangement of the Ordinance, and also contains a Table comparing the present Bill with Ordinance 26 of 1891 and the Imperial Act of 1894.

HENRY E. POLLOCK,  
*Acting Attorney General.*

## A BILL

ENTITLED

## An Ordinance to consolidate and amend the Laws relating to Criminal Procedure in the Supreme Court.

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

1. This Ordinance may be cited for all purposes as the Short title. Criminal Procedure Ordinance, 1898.

2. In this Ordinance, unless the context otherwise requires,— Interpretation of terms. Drafted.

“The Court” means the Supreme Court of the Colony acting in the exercise of its criminal jurisdiction:

“A Judge” or “the Judge” means a Judge of the Court:

“The Registrar” means the Registrar of the Court and includes a Deputy Registrar:

“The Bailiff” means the Bailiff of the Court and includes any deputy of the Bailiff:

“Indictment” includes any criminal information triable by a jury:

“Keeper of the Prison” means the Superintendent of Victoria Gaol and includes the superintendent or other chief officer of any other prison, by whatever name he may be called:

“Property” includes goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with reference to which any offence may be committed.

3. Unless the contrary is expressly provided by or is to be implied from any statute relating to such proceedings, the provisions of this Ordinance shall extend and apply to all proceedings which may be taken after the commencement of this Ordinance in respect of indictable offences, whether such offences are constituted before, or at the time of, or after the commencement of this Ordinance. Application of the Ordinance. B. G. Ordinance, s. 4.

## PART I.

## BUSINESS OF THE COURT.

4. The Registrar of the Court shall *ex officio* be “Master of the Crown Office” within this Colony. Master of Crown Office. No. 2 of 1869, s. 11.

5.—(1.) The ordinary sessions for the despatch of the business of the Court shall commence on the eighteenth day of every month, or, if the eighteenth day is a *dies non*, then on the lawful day next following: Provided always that the Chief Justice may, upon due notice thereof being given, from time to time change the day so appointed. Ordinary and special sessions of the Court in its criminal jurisdiction. No. 3 of 1867, s. 2.

(2.) The Chief Justice may direct a special session of the Court to be held, in addition to the ordinary sessions, whenever it may appear to him necessary or expedient to do so, and such special session shall be held accordingly.

6. The Keeper of the Prison shall, by himself or his deputy, be in attendance at each session of the Court, and shall bring each prisoner awaiting trial before the Court when his case is called for trial, and during the continuance of the trial shall have him under his charge and custody, and from time to time remand him to prison, by permission or order of the Court, during the progress of the trial or on any adjournment thereof. Bringing of prisoners before the Court for trial. B. G. Ordinance, s. 11.

7.—(1.) The Keeper of the Prison shall, by himself or his deputy, on the first day of every session of the Court, deliver in open Court to the presiding Judge a correct list of all persons in his custody upon any charge of an indictable offence who have not been then tried, or upon whom sentence has not been then passed, or who have been committed in default of sureties to keep the peace or otherwise, distinguishing, as accurately as may be, their names, ages, and sexes, with the dates of their respective commitments, and the authority under which they were respectively committed. Bringing of certain classes of prisoners before the Court for delivery. B. G. Ordinance, s. 14.

(2.) The Keeper shall also, by himself or his deputy, bring and produce in open Court, on such days and times of such session as the Court may direct, all such persons in his custody as aforesaid as the Court may direct him so to bring and produce.

Assistance to be given by Police.

B. G. Ordinance, s. 11. (2.)

Prisoners entitled to be discharged.

B. G. Ordinance, s. 16.

Procedure of the Court in matters not provided for.

B. G. Ordinance, s. 17. See also No. 11 of 1873, s. 9.

8. The Police shall afford such assistance as may be necessary to enable the Keeper of the Prison to comply with the requirements of the last two preceding sections.

9. At the conclusion of every session of the Court, the Court shall discharge all prisoners not under sentence remaining in any Prison who, by the law of this Colony for the time being in force, and, in default of such provisions and so far as the same may not extend, by the law of England for the time being in force, would be then entitled to their discharge upon gaol delivery, and also all other accused persons committed for trial at such session and remaining untried who, by the said law, would be entitled to such discharge; and the Court may also discharge all prisoners remaining in any Prison in default of sureties to keep the peace who, in the opinion of the Court, ought to be so discharged.

10. Subject to the provisions of this Ordinance and of any other statute for the time being in force, the practice and procedure of the Court shall be, as nearly as possible, the same as the practice and procedure for the time being in force in criminal causes and matters in the High Court of Justice and the Courts of Assize in England.

## PART II.

### PROCEEDINGS PRELIMINARY TO TRIAL.

Transmission of documents relating to case.

B. G. Ordinance, s. 70.

11.—(1.) The following documents shall, as soon as may be after the committal of the accused person, be transmitted by the Magistrate to the Attorney General, that is to say, the information, the warrant of apprehension, if any, the depositions of the witnesses, the documentary exhibits thereto, the statement of the accused person, and the record of his examination, if any, and the recognizances entered into.

(2.) A certified copy of all such documents shall, either at the same time or as soon as possible thereafter, be transmitted by the Magistrate to the Registrar for the use of the Court.

(3.) All exhibits, other than documentary exhibits, shall, unless the Magistrate otherwise directs, be taken charge of by the Police, and shall be produced by them at the trial.

(4.) The transmission of documents provided for by this section shall be in substitution for the transmission thereof to the Registrar as at present provided by law.

#### *Referring back of Case.*

Power to the Attorney General to refer back case to be dealt with summarily.

B. G. Ordinance, s. 73. See No. 2 of 1869, s. 9.

12. If, after the receipt of the documents relating to the case, the Attorney General is of opinion that the accused person should not have been committed for trial but that the case should have been dealt with summarily, the Attorney General may, if he thinks fit, at any time after such receipt, refer back such documents to the Magistrate with directions to deal with the case accordingly, and with such other directions as he may think proper.

Power to the Attorney General to refer back case for further inquiry.

B. G. Ordinance, s. 73. See No. 2 of 1869, s. 9.

13.—(1.) At any time after the receipt of the documents relating to the case and before the trial of the accused person, the Attorney General may, if he thinks fit, refer back such documents to the Magistrate with directions to re-open the inquiry for the purpose of taking evidence or further evidence on a certain point or points to be specified, and with such other directions as he may think proper.

(2.) Subject to any express directions which may be given by the Attorney General, the effect of any such reference back to the Magistrate shall be that the inquiry shall be re-opened and dealt with in all respects as if the accused person had not been committed for trial.

Power to the Attorney General to refer back case for committal.

B. G. Ordinance, s. 67.

14.—(1.) In any case where the Magistrate discharges an accused person on the ground that the evidence does not justify his committal for trial, the Attorney General may require the Magistrate to send to him the depositions taken in the case or a copy thereof, and any other documents or things connected with the case which the Attorney General may think fit.

(2.) If, after the receipt of such documents and things, the Attorney General is of opinion that the accused person should have been committed for trial, the Attorney General may, if he thinks fit, refer back such documents and things to the Magistrate with directions to deal with the case accordingly, and with such other directions as he may think proper.



15.—(1.) Any direction given by the Attorney General under either of the last three preceding sections shall be in writing signed by him, and shall be complied with by the Magistrate. Further provisions as to referring back of case. B. G. Ordinance, s. 74.

(2.) The Attorney General may at any time add to, alter, or revoke any such direction.

(3.) A copy of any such directions shall be forthwith transmitted by the Attorney General to the Registrar, and shall be filed by the Registrar with the copy of the documents in the case, if any, transmitted to him by the Magistrate.

(4.) When the Attorney General directs that a case shall be dealt with summarily under section 12, or that an inquiry shall be re-opened under section 13, the following provisions shall have effect, that is to say,—

(a.) Where the accused person is in custody, the Magistrate may, by an order in writing under his hand, direct the Keeper of the Prison to convey him or cause him to be conveyed to the place where such proceedings are to be held for the purpose of being dealt with as the Magistrate may direct;

(b.) Where the accused person is on bail, the Magistrate shall issue a summons for his attendance at the time and place when and where such proceedings are to be held; and

(c.) Thereafter the proceedings shall be continued under the provisions of Part III or of Part IV of the Magistrates Ordinance, 1890, as the case may be. No. 10 of 1890.

*Bail.*

16. The Court or a Judge may at any time, on the application of any accused person, order such person, whether he has been committed for trial or not, to be admitted to bail, and the recognizance of bail may, if the order so directs, be taken before any Magistrate or Justice of the Peace. Power to the Court or Judge to bail accused person. B. G. Ordinance, s. 81.

*Institution of Proceedings.*

17. On receipt of the documents relating to the case, the Attorney General, if he sees fit to institute criminal proceedings, shall institute such proceedings in the Court against the accused person as to him may seem legal and proper. Institution of proceedings by the Attorney General. B. G. Ordinance, s. 110.

18. The Attorney General shall not be bound to prosecute an accused person in any case in which he may be of opinion that the interests of public justice do not require his interference. Right of the Attorney General not to prosecute. B. G. Ordinance, s. 111.

*Indictment.*

19.—(1.) Every indictment shall be signed by the Attorney General, and shall bear date on the day when it is signed. Signing and form of indictment. No. 2 of 1869, ss. 3 and 5.

(2.) Every indictment may be in the form contained in the First Schedule to this Ordinance, with such additions and modifications as may be necessary to adapt it to the circumstances of the particular case. First Schedule: Form No. 1.

20.—(1.) Any number of counts for any offences whatever may be joined in the same indictment, and shall be sufficiently distinguished: Provided that to a count charging murder no count charging any offence other than murder shall be joined. Joinder of counts and proceedings thereon. B. G. Ordinance, s. 101. See No. 3 of 1865, s. 7.

(2.) Where there are more counts than one in an indictment, each count may be treated as a separate indictment.

(3.) If the Court thinks it conducive to the ends of justice to do so, it may direct that the accused person shall be tried upon any one or more of such counts separately. Such order may be made either before or in the course of the trial, and, if it is made in the course of the trial, the jury shall be discharged from giving a verdict upon the counts on which the trial is not to proceed. The counts in the indictment which are not then tried shall be proceeded upon in all respects as if they had been contained in a separate indictment: Provided that, unless there are special reasons for so doing, no order shall be made preventing the trial at the same time of any number of distinct charges of larceny, or of embezzlement, or of larceny and embezzlement, not exceeding five, alleged to have been committed within six months from the first to the last of such offences, whether against the same person or not.

(4.) If one sentence is passed upon any verdict of guilty on an indictment containing more counts than one, the sentence shall be good if any of the counts upon which such verdict has been returned would have justified such sentence.

**Allegation in case of offence committed on high seas or in foreign parts.** **21** In any indictment for an offence committed on the high seas or in foreign parts an allegation that the person injured was, at the time of the offence charged, in the peace of the Queen shall be a sufficient allegation of the jurisdiction of the Court to hear and determine the case.

No. 3 of 1865,  
s. 8.

**Averment as to money or bank note.** **22.** In any indictment in which it is necessary to make an averment as to any money or any note of the Bank of England or of any other bank, it shall be sufficient to describe such money or bank note simply as money without specifying any particular coin or bank note; and such allegation, so far as regards the description of the property, shall be sustained by proof of any amount of coin or of any bank note, although the particular species of coin of which such amount was composed, or the particular nature of the bank note, is not proved, and, in cases of embezzling or obtaining money or bank notes by false pretences, by proof that the accused person embezzled or obtained any piece of coin or any bank note, or any portion of the value thereof, although such piece of coin or bank note may have been delivered to him in order that some part of the value thereof should be returned to the person delivering the same, or to any other person, and such part has been returned accordingly.

No. 2 of 1859,  
s. 4.

**Description of instrument in indictment.** **23.**—(1.) In any indictment for stealing, embezzling, destroying, or concealing, or for obtaining by false pretences, any instrument, it shall be sufficient to describe such instrument by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy or facsimile of the whole or any part thereof, or otherwise describing the same or the value thereof.

14 & 15 Vict.  
c. 100, ss. 5 and 7.

(2.) In all other cases where it is necessary to make an averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print, or figures, it shall be sufficient to describe such instrument by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy or facsimile of the whole or any part thereof.

**Indictment for perjury.** **24.** In any indictment for perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation, declaration, affidavit, deposition, petition, answer, notice, certificate, or other writing, it shall be sufficient to set forth the substance of the offence with which the accused person is charged and by what court or before whom the oath, affirmation, declaration, affidavit, deposition, petition, answer, notice, certificate, or other writing was taken, made, signed, or subscribed, without setting forth the petition, answer, information, indictment, declaration, or any part of any proceeding, and without setting forth the commission or authority of the court or person before which or whom such offence was committed.

14 & 15 Vict.  
c. 100, s. 20.

**Indictment for subornation of perjury.** **25.** In any indictment for subornation of perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing, or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly to take, make, sign, or subscribe any oath, affirmation, declaration, affidavit, deposition, petition, answer, notice, certificate, or other writing, it shall be sufficient, wherever such perjury or other offence aforesaid has been actually committed, to allege the offence of the person who actually committed such perjury or other offence in the manner hereinbefore mentioned, and then to allege that the accused person unlawfully, wilfully, and corruptly did cause and procure the said person to commit the said offence, in manner and form aforesaid; and wherever such perjury or other offence aforesaid has not been actually committed, it shall be sufficient to set forth the substance of the offence with which the accused person is charged without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

14 & 15 Vict.  
c. 100, s. 21.

**Charge of previous conviction.** **26.** In any count charging the accused person with having been previously convicted, it shall be sufficient to state that the accused person was, at a certain time and place, convicted of an offence punishable on summary conviction or of a felony or misdemeanor, as the case may be, without further describing the offence.

R. G. Ordinance, s. 102.

27. No indictment shall be held insufficient for want of the averment of any matter unnecessary to be proved, or for that any person mentioned in the indictment is designated by a name of office or other descriptive appellation instead of his proper name, or for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, or for stating the time imperfectly, or for stating the offence to have been committed on a day subsequent to that of the indictment, or on an impossible day, or on a day that never happened, or for want of any statement of the value or price of any matter or thing, or the amount of damage, injury, or spoil, in any case where the value or price, or the amount of damage, injury, or spoil, is not of the essence of the offence.

General provision as to matters not necessary to be alleged, etc.  
No. 5 of 1872, s. 2.

28. It shall be lawful for the Judge to order further particulars of any charge to be delivered, in any case in which he deems it expedient to do so.

Power to order further particulars.  
No. 3 of 1865, s. 6.

*Filing and Service of Indictment.*

29. Every indictment, when so signed as aforesaid, shall be brought to the Office of the Registrar and shall be filed by him in the Court.

Filing of indictment.  
No. 3 of 1865, s. 9.

30.—(1.) The Registrar shall endorse on or annex to every indictment and every copy thereof delivered for service a notice of trial, and such notice shall specify the particular session at which the accused person will be brought to trial on the indictment and the date of the commencement thereof.

Endorsement of notice of trial.  
No. 3 of 1865, s. 10.

(2.) The notice may be in the form contained in the First Schedule to this Ordinance or as near thereto as circumstances will admit.

First Schedule: Form No. 2.

31. The Registrar shall deliver or cause to be delivered to the Bailiff a copy of the indictment, with the notice of trial endorsed on the same or annexed thereto; and, if there are more accused persons than one, then as many copies as there are persons.

Delivery of copy for service.  
No. 3 of 1865, s. 11.

32.—(1.) The Bailiff shall, as soon as may be after having received any copy of the indictment and notice of trial, deliver to the accused person the said copy and notice.

Service of copy.  
No. 3 of 1865, s. 12.

(2.) In any case where the accused person cannot be found, the Bailiff shall leave the said copy and notice with some one of his household for him at his dwelling-house, or with some one of his clerks for him at his counting house or place of business, and, if none such can be found, shall affix the said copy and notice to the outer or principal door of his dwelling-house.

(3.) The Bailiff shall, at the time of service, explain to the accused person, or to the person, if any, with whom the said copy and notice are left, the nature and exigency thereof.

33. The Bailiff shall forthwith transmit to the Registrar a return in writing, signed by him, of the time and mode of service of the said copy and notice.

Return of service.  
No. 3 of 1865, s. 14.

*Plea.*

34. In any plea of autrefois convict or autrefois acquit it shall be sufficient for the accused person to state that he has been lawfully convicted or acquitted, as the case may be, of the offence charged in the indictment.

Form of plea of autrefois convict or acquit.  
No. 3 of 1865, s. 22.

*Inspection of Property, etc.*

35. Either party shall be at liberty to apply to the Court or a Judge for a rule or order for the inspection, by himself or by his witnesses, of any real or personal property, the inspection of which may be material to the proper determination of the issue; and it shall be lawful for the Court or Judge, if it or he thinks fit, to make such rule or order, upon such terms as to costs and otherwise as the Court or Judge may direct.

Inspection of property by party or witnesses.  
No. 3 of 1865, s. 31.

36. It shall be lawful for the Court or a Judge to make such rules or orders as may be necessary to procure the attendance of a special or common jury for the trial of any case depending in the Court, at such time and place and in such manner as the Court or Judge may think fit.

Rule or order for attendance of jury.  
No. 3 of 1865, s. 32.

*Witnesses.*

37.—(1.) The *subpœna*, or process of the Court for procuring the attendance of any person to give evidence in any case who has not been bound by recognizance to appear before the Court to give evidence in such case, or

Suing out of *subpœna* for witness.  
No. 3 of 1865, s. 17.

where the production of documents is required the *subpœna duces tecum*, shall be sued out of the Registrar's Office by the Crown Solicitor, or, where the prosecution is at the instance of a private person, by the prosecutor or his attorney, or by the accused person or his attorney, as the case may be.

(2.) Every such *subpœna* shall be issued in the name of the Queen, and shall be tested in the name of the Chief Justice.

No. 3 of 1865,  
s. 18.

(3.) The names of four witnesses may be inserted in one *subpœna*, and they shall be described therein with such certainty that the Bailiff may be able readily to find them; and the form of the *subpœna* shall, as near as may be, be according to the like form used in the Supreme Court in civil cases.

No. 23 of 1867,  
s. 1.

(4.) The party obtaining the *subpœna* shall at the same time make out and give to the Registrar as many copies as there are persons to be served therewith, and the Registrar shall deliver the original, together with the copies, to the Bailiff for service.

Payments to  
be made by  
private  
prosecutor for  
service, etc.

No. 3 of 1865,  
s. 19.

38. When the prosecution is at the instance of a private person, such person or some one on his behalf shall, at the time of obtaining the *subpœna*, pay into the Registry the lawful costs and charges for executing the same, together with such further sum or sums of money as such person intends the Bailiff to give or tender to the witnesses respectively for their travelling expenses.

Service of  
*subpœna*.

No. 3 of 1865,  
s. 20.

39.—(1.) The Bailiff shall, as soon as may be after having received any *subpœna* and copy, deliver to the person named in the *subpœna* the said copy.

(2.) In any case where such person cannot be found, the Bailiff shall leave the said copy with some one of his household for him at his dwelling-house, or with some one of his clerks for him at his counting-house or place of business.

(3.) The Bailiff shall, at the time of service, show to such person, or to the person with whom the said copy is left, as the case may be, the original *subpœna* and explain to him the nature and exigency thereof.

Return of  
service.

No. 3 of 1865,  
s. 20.

40. The Bailiff shall, at or immediately after the time of service, endorse on or annex to the original *subpœna* a return in writing, signed by him, of the time and mode of service, and shall forthwith transmit the same to the Registrar.

Non-attend-  
ance of wit-  
ness at ad-  
journing trial.

B. G. Ordinance, s. 127.

41. Every witness who is present when the trial of a case is adjourned, or who has been duly notified of the time to which such trial or further trial is so adjourned, shall be bound to attend at such time, and, in default of so doing, may be dealt with in the same manner as if he had failed to attend before the Court in obedience to a *subpœna* to attend and give evidence.

Procedure  
with respect  
to witnesses  
where trial is  
postponed.

B. G. Ordinance, s. 128.

42.—(1.) Where the trial of any case is postponed from one session of the Court to another session, it shall be lawful for the Court to respite the recognizance of every witness who was bound by recognizance to attend at such first-mentioned session, and every such witness shall be bound to attend and give evidence at such other session, without entering into any fresh recognizance for that purpose, in such and the same manner as if he were originally bound by his recognizance to attend and give evidence at such other session.

(2.) The Registrar shall deliver or cause to be delivered to every witness in any case so postponed a notice in writing informing him of the day on which the session of the Court to which the case is postponed will commence.

### PART III.

#### PROCEEDINGS AT TRIAL.

##### *Mode of Trial.*

General mode  
of trial.

B. G. Ordinance, s. 63.

43.—(1.) Every person to be tried before the Court shall be tried on an indictment.

(2.) Subject to the provisions of the next succeeding section, such trial shall be had by and before a Judge and a jury constituted under any statute for the time being in force relating to juries.

Trial at bar.

B. G. Ordinance, s. 66.

44. On motion made by the Attorney General, a Judge shall order that the trial of any indictment shall be had at bar, that is to say, by and before the two Judges of the Court and a jury constituted under any statute for the time being

in force relating to juries, and such trial shall be had accordingly.

45.—(1.) Nothing in this Ordinance shall affect the right of the Attorney General to file an information in the Court against any person for misdemeanor.

Saving of right of the Attorney General to file information for misdemeanor. B. G. Ordinance, s. 87.

(2.) Subject to the provisions of this Ordinance or of any other statute for the time being in force, the law, practice, and procedure in respect of any such information shall be, as nearly as may be, the same as the law, practice, and procedure for the time being in force in relation to informations filed by the Attorney General of England in the High Court of Justice in England, so far as such law, practice, and procedure are applicable to the circumstances of this Colony.

*Default of Appearance.*

46.—(1.) If in any case, after notice of trial has been given, no person appears in Court to prosecute or prefer the indictment before the close of the session of the Court for which such notice was given, it shall be competent for the accused person to move the Court to discharge him therefrom; and if he, or any other person on his behalf, has been bound by recognizance for his appearance so to take his trial, then that the said recognizance may be discharged.

Proceedings on non-appearance of prosecutor. No. 3 of 1865, s. 16.

(2.) Where the prosecution is at the instance of a private person, it shall also be competent for the accused person to move the Court that the prosecutor and his sureties, if any, shall be called on their recognizances, and, in default of his appearance, that the same may be estreated.

(3.) On any such application the Court shall make such order as it may think just.

47.—(1.) Where it appears by the return made by the Bailiff that the copy of the indictment and notice of trial has been duly served, and the accused person, on being thrice called on the day appointed for trial, does not appear, a motion may be made on behalf of the prosecution, if the accused person has been admitted to bail, that he and his sureties, if any, may be called upon their recognizances, and, in default of his appearance, that the same may be estreated.

Proceedings on non-appearance of accused person. No. 3 of 1865, s. 15.

(2.) On any such application the Court shall make such order as it may think just.

48. Where any person against whom an indictment has been duly preferred, and who is then at large, does not appear to plead to such indictment, whether he is under recognizance to appear or not, the Court may issue a warrant for his apprehension.

Apprehension of accused person not appearing. B. G. Ordinance, s. 113.

49. After the commencement of this Ordinance, outlawry in criminal cases shall be abolished.

Abolition of outlawry. B. G. Ordinance, s. 116.

50. If the accused person is at the time confined for some other cause in any Prison, the Court or a Judge may, by order in writing, without writ of *habeas corpus*, direct the Keeper of such Prison to bring up the body of such person, as often as may be required, for the purpose of the trial, and the Keeper shall obey such order.

Bringing up of accused person in custody for other cause. B. G. Ordinance, s. 133. See 30 & 31 Vict. c. 35, s. 10.

*Arraignment.*

51.—(1.) The accused person shall be placed at the bar unfettered, unless the Court sees cause to direct otherwise.

Arraignment of accused person.

(2.) The indictment shall then be read over to him by the Registrar, and explained, if necessary, by the Registrar or the interpreter of the Court; and he shall be required to plead instantly thereto, unless he objects to the want of due service of the indictment and notice of trial, and the Court finds that he has not been duly served therewith.

No. 3 of 1865, s. 21.

52. The accused person, upon being arraigned, by pleading generally the plea of "Not Guilty," shall, by such plea, without further form, be deemed to have put himself upon the country for trial.

Effect of plea of "Not Guilty." No. 3 of 1865, s. 22.

53. If an accused person, upon being arraigned, stands mute of malice or will not answer directly to the indictment, the Court shall, if it thinks fit, order the Registrar to enter a plea of "Not Guilty" on behalf of such accused person; and the plea so entered shall have the same force and effect as if such accused person had actually pleaded the same.

Procedure where accused person on arraignment does not answer directly. No. 3 of 1865, s. 23.

Procedure on indictment containing count charging previous conviction.  
B. G. Ordinance, s. 135.

**54.** Where an indictment contains a count charging the accused person with having been previously convicted, he shall not, at the time of his arraignment, be required to plead to it, unless he pleads guilty to the rest of the indictment, nor shall such count be mentioned to the jury when he is given in charge to them or when they are sworn, nor shall he be tried upon it if he is acquitted on the other counts; but, if he is convicted on any other part of the indictment, he shall be asked whether he has been previously convicted as alleged or not; and if he says that he has not, or does not say that he has, been so convicted, the jury shall be charged to inquire into the matter as in other cases.

Objection of substance to indictment.  
B. G. Ordinance, s. 103.

**55.—(1.)** After the commencement of this Ordinance, no objection to an indictment shall be taken by way of demurrer, but if an indictment does not state in substance an indictable offence or states an offence not triable by the Court, the accused person may move the Court to quash it or in arrest of judgment.

(2.) If such motion is made before the accused person pleads, the Court shall either quash the indictment or amend it, if it thinks that it ought to be amended.

(3.) If the defect in the indictment appears to the Court during the trial, and the Court does not think fit to amend the indictment, it may, in its discretion, either quash the indictment or leave the objection to be taken in arrest of judgment.

(4.) If the indictment is quashed, the Court may, if it thinks fit, direct the accused person to be detained in custody until the termination of the session or to be released on bail, and may order him to plead to another indictment when called on at the same session of the Court.

#### *Amendment.*

Variances and amendments.  
B. G. Ordinance, s. 94.  
See also 11 & 12 Vict. c. 48, s. 4; 14 & 15 Vict. c. 100, s. 1; and No. 3 of 1865, s. 24.

**56.—(1.)** If, on the trial of any indictment, there appears to be a variance between the proof and the charge in the indictment or in any count in it, either as preferred or as amended, the Court may amend the indictment or any count in it, so as to make it conformable with the proof. If the Court is of opinion that the accused person has not been misled or prejudiced in his defence by such variance, it shall make such amendment.

(2.) If it appears that there is in the indictment, or in any count in it, an omission to state or a defective statement of anything requisite to constitute the offence, or an omission to negative any exception which ought to have been negatived, but that the matter omitted or deficient is proved by the evidence, the Court shall, if it is of opinion that the accused person has not been misled or prejudiced in his defence by such omission, or defective statement, amend the indictment or count by inserting in it the matter omitted or deficient.

(3.) The trial in either of these cases may then proceed in all respects as if the indictment or count had been originally framed as amended: Provided that, if the Court is of opinion that the accused person has been misled or prejudiced in his defence by any such variance, or omission, or defective statement as aforesaid, but that the effect of such misleading or prejudice might be removed by adjourning or postponing the trial, the Court may, in its discretion, make the amendment and adjourn the trial to a future day, or discharge the jury and postpone the trial, on such terms as it may think just.

(4.) In determining whether the accused person has been misled or prejudiced in his defence or not, the Court shall consider the contents of the depositions, as well as the other circumstances of the case.

Proceedings on making of amendment.  
B. G. Ordinance, s. 95.  
14 & 15 Vict. c. 100, s. 1.

**57.—(1.)** In any case where an amendment is made, the order for the amendment shall be endorsed on the indictment and be entered in the Minute Book of the Court.

(2.) Every verdict and judgment which may be given after the making of any amendment shall be of the same force and effect in all respects as if the indictment had been originally in the same form in which it was after such amendment was made.

No. 5 of 1872, s. 1.

(3.) If it becomes necessary at any time for any purpose to draw up a formal record in any case where an amendment has been made, such record shall be drawn up in the form in which the indictment was after such amendment was made, without taking any notice of the fact of such amendment having been made.

*Conviction for Offence other than that charged.*

58. If, on any trial for any felony, except murder or manslaughter, where the indictment alleges that the accused person did cut, stab, or wound any person, the jury are satisfied that the accused person is guilty of the cutting, stabbing, or wounding charged in the indictment, but are not satisfied that he is guilty of the felony charged in the indictment, then and in every such case the jury may acquit the accused person of such felony, and find him guilty of unlawfully cutting, stabbing, or wounding, and thereupon the accused person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for the misdemeanor of cutting, stabbing, or wounding.

Conviction for wounding on indictment for felonious wounding.  
14 & 15 Vict. c. 19, s. 5.

59. If, on any trial for robbery, the jury are satisfied that the accused person is guilty of an assault with intent to rob, but are not satisfied that he is guilty of the robbery charged in the indictment, then and in every such case the jury may acquit the accused person of such robbery, and find him guilty of an assault with intent to rob, and thereupon the accused person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob.

Conviction for assault with intent to rob on indictment for robbery.  
No. 3 of 1865, s. 34.

60. If, on any trial for burglary, stealing in a dwelling-house, or breaking and entering and stealing in a shop, warehouse, or counting-house or in a building within the curtilage of a dwelling-house, the jury are satisfied that the accused person is guilty of some one of the said offences but are not satisfied that he is guilty of the offence charged in the indictment, then and in every such case the jury may acquit the accused person of the offence charged in the indictment, and find him guilty of the said other offence, and thereupon the accused person shall be liable to be punished in the same manner as if he had been convicted upon an indictment charging him with such other offence.

Conviction for burglary on indictment for stealing in dwelling-house, etc.  
No. 3 of 1865, s. 36.

61. If, on any trial for any offence, the jury are satisfied that the accused person is guilty of an attempt to commit the offence charged in the indictment, but are not satisfied that he is guilty of the full offence so charged, then and in every such case the jury may acquit the accused person of such offence, and find him guilty of an attempt to commit the same, and thereupon the accused person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit such offence.

Conviction for attempt on indictment for full offence.  
No. 3 of 1865, s. 33.

62. If, on any trial for misdemeanor, the facts given in evidence amount to a felony, the accused person shall not be therefore acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable afterwards to be prosecuted for felony on the same facts, unless the Court thinks fit in its discretion to discharge the jury from giving any verdict on such trial and to direct the accused person to be prosecuted for felony, in which case the accused person may be dealt with as if he had not been previously put on his trial for misdemeanor.

Conviction for misdemeanors although fact in evidence amount to felony.  
No. 3 of 1865, s. 35.

*Proof of certain Matters.*

63. Where an indictment contains a count charging the accused person with having been previously convicted, and it becomes necessary on the trial to prove such previous conviction, a copy of the conviction for the offence punishable on summary conviction, or a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the indictable offence, as the case may be, purporting to be signed by the officer having the custody of the records of the Court where the offender was convicted, shall, on 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.

Proof of previous conviction of accused person.  
7 & 8 Geo. 4, c. 28, s. 11.

64. A certificate containing the substance and effect only (omitting the formal part) of the indictment and trial for any indictable offence, purporting to be signed by the Registrar, shall, on the trial of any indictment for perjury or subornation of perjury, be sufficient evidence of the trial of the said indictment, without proof of the signature or official character of the person appearing to have signed the same.

Proof of previous trial on trial for perjury.  
14 & 15 Vict. c. 109, s. 22.

Proof of guilty knowledge on indictment for receiving property knowing it to have been stolen.

No. 2 of 1898,  
s. 18.

65.—(1.) On the trial of any person for having received property knowing it to be stolen, or for having in his possession stolen property, evidence may be given that there was found in the possession of the accused 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 the accused person knew the property in respect of which he is then being tried to be stolen.

(2.) Where, on the trial of any person for having received property knowing it to be stolen, or for having in his possession stolen property, evidence has been given that the stolen property was found in his possession, then, if the accused person has, within five years immediately preceding, been convicted of any offence involving fraud or dishonesty, evidence of such previous conviction may be given, and may be taken into consideration for the purpose of proving that the accused person knew the property which was found in his possession to have been stolen; provided that not less than seven days' notice in writing has been given to the accused person that proof is intended to be given of such previous conviction; and it shall not be necessary for the purposes of this section to charge in the indictment the previous conviction of the accused person.

Proof on trial of plea of autrefois convict or acquit.

B. G. Ordinance, s. 107.

66. On the trial of an issue on a plea of autrefois convict or autrefois acquit, the depositions transmitted to the Registrar or the Attorney General on the former trial, together with the Judge's notes, if available, and the depositions transmitted to the Attorney General on the subsequent charge, shall be admissible in evidence to prove or disprove the identity of the charges.

#### *Case punishable on Summary Conviction.*

Procedure where person is committed for trial through error.

B. G. Ordinance, s. 147.

67.—(1.) If, either before or during the trial of an accused person, it appears to the Court that such person has been guilty of an offence punishable on summary conviction, the Court may either order that the case shall be remitted to a Magistrate with such directions as it may think proper, or allow the case to proceed, and, in case of conviction, impose such punishment upon the person so convicted as might have been imposed by a Magistrate and as the Court may deem proper.

(2.) It shall be the duty of the Magistrate to whom any such directions are addressed to obey the same.

#### *Verdict and Judgment.*

Special provision for saving validity of verdict in cases of larceny, etc.

B. G. Ordinance, s. 162.

68.—(1.) No verdict of any jury against any person, and no sentence of the Court on any person, who is found guilty of larceny, embezzlement, fraudulent application or disposition of anything, or obtaining anything by false pretences, shall be set aside or reversed, if on the trial there was evidence to prove that such person committed any one of such offences.

(2.) The punishment awarded against such person shall not exceed the punishment which could have been awarded for the offence actually committed, according to the proper legal designation thereof, and no person so convicted shall be liable to be afterwards prosecuted for any such offence upon the same facts.

Prohibition of staying of judgment on specified grounds.

No. 2 of 1865,  
s. 37.

69. No judgment shall be stayed or reversed—

- (1.) On the ground of any objection which, if stated before the jury were empanelled or during the progress of the trial, might have been amended by the Court; or
- (2.) Because of any error committed in summoning or swearing the jury or any of them; or
- (3.) Because any person who has served upon the jury has not been returned by the Registrar; or
- (4.) Because of any objection which might have been stated as a ground of challenge of any of the jurors; or
- (5.) Because of any informality in swearing the witnesses or any of them.

Cumulative sentences.

See 7 & 8 Geo. 4, c. 23, s. 10.

70. Where the Court sentences any person to undergo a term of imprisonment for an offence, and such person is already undergoing, or has been at the same session of the Court sentenced to undergo imprisonment for another offence, it shall be lawful for the Court to direct that such imprisonment shall commence at the expiration of the term



of imprisonment which such person is then undergoing, or has been so previously sentenced to undergo, as aforesaid.

71. No confession, verdict, inquest, conviction, or judgment of or for any treason, or felony, or *felo de se* shall cause any attainer or corruption of blood or any forfeiture or escheat.

Abolition of attainer.  
33 & 34 Vict. c. 23, s. 1.

72. In any case where the trial of an accused person is postponed, it shall be lawful for the Court to respite the recognizance of the accused person and his surety or sureties, if any, accordingly; and in such case the accused person shall be bound to appear to be tried at the time and place to which such trial may be postponed, without entering into any fresh recognizance for that purpose, in such and the same manner, and with the same consequences in all respects, as if he was originally bound by his recognizance to appear and be tried at the time and place to which such trial has been so postponed.

Effect on recognizance of postponement of trial.  
B. G. Ordinance, s. 168.

*Costs and Compensation.*

73.—(1.) It shall be lawful for the Court, if it thinks fit, on the conviction of any person for an indictable offence, in addition to such sentence as may otherwise by law be passed; to condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he is convicted.

Power to the Court to award costs against person convicted of indictable offence.  
33 & 34 Vict. c. 23, s. 2.

(2.) The payment of such costs and expenses or any part thereof may be ordered by the Court to be made out of any moneys taken from such person on his apprehension, or may be enforced at the instance of any person liable to pay or who may have paid the same in such and the same manner as the payment of any costs ordered to be paid by the judgment or order of the Supreme Court in any civil suit or proceeding may for the time being be enforced: Provided that in the meantime and until the recovery of such costs and expenses from the person so convicted as aforesaid, or from his estate, the same shall be paid and provided for in the same manner as if this Ordinance had not been passed; and any money which may be recovered in respect thereof from the person so convicted, or from his estate, shall be applicable to the reimbursement of any person or fund by whom or out of which such costs and expenses may have been paid or defrayed.

74.—(1.) It shall be lawful for the Court if it thinks fit, on the application of any person aggrieved, and immediately after the conviction of any person for an indictable offence, to award any sum of money, not exceeding five hundred dollars, by way of satisfaction or compensation for any loss of property suffered by the applicant through or by means of the said offence.

Power to the Court to award compensation to person defrauded or injured by commission of indictable offence.  
33 & 34 Vict. c. 23, s. 4.

(2.) The amount awarded for such satisfaction or compensation shall be deemed a judgment debt due to the person entitled to receive the same from the person so convicted, and the order for payment of such amount may be enforced in such and the same manner as in the case of any costs or expenses ordered by the Court to be paid under the last preceding section.

*Arraignment and Trial of Insane Person.*

75.—(1.) If an accused person appears, either before or on arraignment, to be insane, the Court may order a jury to be empanelled to try the sanity of such person; and the jury shall thereupon, after hearing evidence for that purpose, find whether such person is or is not insane and unfit to take his trial.

Procedure where accused person appears on arraignment, or during trial, to be insane.

(2.) If, during the trial of an accused person, such person appears, after the hearing of evidence to that effect or otherwise, to the jury charged with the indictment to be insane, the Court shall in such case direct the jury to abstain from finding a verdict upon the indictment, and, in lieu thereof, to return a verdict that such person is insane: Provided that a verdict under this section shall not affect the trial of any person so found to be insane for the offence for which he was indicted, in case he subsequently becomes of sound mind.

B. G. Ordinance, s. 174.

**Special verdict where accused person found guilty, but insane at time of act or omission charged.** 46 & 47 Vict. c. 38, s. 9 (1.)

**76.** Where in an indictment any act or omission is charged against any person as an offence, and it is given in evidence on the trial of such person for that offence that he was insane, so as not to be responsible, according to law, for his actions at the time when the act was done or the omission made, then, if it appears to the jury before whom such person is tried that he did the act or made the omission charged, but was insane as aforesaid at the time when he did or made the same, the jury shall return a special verdict to the effect that the accused person was guilty of the act or omission charged against him, but was insane as aforesaid at the time when he did or made the same.

**Provision for custody of accused person found insane.**

R. G. Ordinance, s. 176; 46 & 47 Vict. c. 38, s. 9 (2.)

**77.—(1.)** Where any person is found to be insane under the provisions of section 75 or has a special verdict found against him under the provisions of the last preceding section, the Court shall direct the finding of the jury to be recorded, and thereupon the Court may order such person to be detained in safe custody, in such place and manner as the Court thinks fit until Her Majesty's pleasure shall be known.

**(2.)** The Judge shall immediately report the finding of the jury and the detention of such person to the Governor, who shall order such person to be dealt with as a lunatic under the laws of this Colony for the time being in force for the care and custody of lunatics, or otherwise as he may think proper.

#### *Sentence of Death upon pregnant Woman.*

**Motion in arrest of execution by pregnant woman sentenced to death.**

R. G. Ordinance, s. 164.

**78.—(1.)** If sentence of death is passed upon any woman, she may move in arrest of execution on the ground that she is pregnant. If such a motion is made, the Court shall direct two or more duly qualified medical practitioners to be sworn to examine the woman in some private place, either together or successively, and to inquire whether she is with child of a quick child or not. If, upon the report of any of them, it appears to the Court that she is so with child, execution shall be arrested until she is delivered of a child, or until it is no longer possible in the course of nature that she should be so delivered.

**(2.)** After the commencement of this Ordinance, no jury *de ventre inspiciendo* shall be empanelled or sworn in any such case.

### PART IV.

#### PROCEEDINGS SUBSEQUENT TO TRIAL.

##### *Reservation of Question of Law.*

**Power to reserve question of law for consideration of the Full Court.**

No. 2 of 1869, s. 2; No. 12 of 1873, s. 18.

**79.—(1.)** The Judge may in his discretion reserve for the consideration of the Full Court any question of law which may arise upon the trial of any indictment, and, in case the accused person is convicted, may postpone judgment until such question has been considered and decided, and in the meanwhile may commit the person convicted to prison or take a recognizance of bail, with or without one or more sufficient sureties and in such sum as he may think fit, conditioned to appear at such time or times as he may direct and receive judgment.

**(2.)** Upon the consideration of the question so reserved, it shall be lawful for the Full Court either to affirm or to quash the conviction, and to make such other orders as may be necessary to give effect to their decision.

##### *Restitution of Property.*

**Restitution of property in case of conviction.** R. G. Ordinance, s. 215.

**80.—(1.)** Subject as hereinafter provided, where any person is convicted of an indictable offence, any property found in his possession, or in the possession of any other person for him, may be ordered by the Court to be delivered to the person who appears to the Court to be entitled thereto.

**(2.)** Where any person is convicted before the Court of having stolen or dishonestly obtained any property and it appears to the Court that the same has been pawned to a pawnbroker or other person, the Court may order the delivery thereof to the person who appears to the Court to be the owner, either on payment or without payment to the pawnbroker or other person of the amount of the loan or any part thereof, as to the Court, according to the conduct of the owner and the pawn broker or other person and the other circumstances of the case, may seem just. If the person in whose favour any such order is made the pays

money to the pawn broker or other person under such order, and obtains the property, he shall not afterwards question the validity of the pawn; but, save to that extent, no order made under this section shall have any further effect than to change the possession, and no such order shall prejudice any right of property or right of action in respect to property existing or acquired in the goods either before or after the offence was committed.

(3.) Nothing in this section shall prevent any Magistrate or the Court from ordering the return to any person charged with an indictable offence, or to any person named by the Court, of any property found in the possession of the person so charged or in the possession of any other person for him, or of any portion thereof, if the Magistrate or the Court is of opinion that such property or portion thereof can be returned consistently with the interests of justice and with the safe custody or otherwise of the person so charged.

81. Where any person is convicted of larceny or of any other offence which includes the stealing of any property, and it appears to the Court that the convicted person has sold the stolen property to any person and that the purchaser had no knowledge that the same was stolen, and any moneys have been taken from the convicted person on his apprehension, it shall be lawful for the Court, on the application of the purchaser and on the restitution of the stolen property to the person injured, to order that, out of such moneys, a sum not exceeding the proceeds of the sale be delivered to the purchaser.

Restitution of stolen property by purchaser thereof.  
30 & 31 Vict. c. 35, s. 9

*Calendar of Sentences.*

82.—(1.) As soon as conveniently may be after the conclusion of each session, a copy of the calendar of sentences under the hand of a Judge and the seal of the Court shall be transmitted by the Registrar to the Colonial Secretary.

(2.) A similar copy shall also be transmitted by the Registrar to the Keeper of the Prison who shall record the same, and such calendar shall be a sufficient warrant for receiving and detaining all prisoners named therein, and for carrying into effect all sentences set forth therein, other than sentences of death.

(3.) In the event of the copy of a calendar kept by the Keeper of the Prison being lost or destroyed, a fresh copy, signed and sealed as above mentioned, shall be delivered by the Registrar to the Keeper and shall have the same effect as the copy first given to that officer.

83.—(1.) At the end of each day's sitting of the Court in every session the Registrar shall deliver to the Keeper of the Prison or his deputy a certificate, in the form contained in the First Schedule to this Ordinance, of all sentences passed by the Court during that day.

(2.) Such certificate shall be a sufficient warrant to the Keeper for receiving into his custody all prisoners named therein, and for carrying into effect all sentences described therein, other than sentences of death, until the calendar of sentences for that session is received by him.

Transmission and effect of calendar of sentences after each session.  
Straits Sett. Ord. No. 6 of 1873, ss. 89, 90.

Delivery and effect of certificate of sentences after each day's sitting.  
Ib., ss. 91, 92.  
First Schedule: Form No. 3.

*Undergoing Sentence, etc.*

84. Where any person convicted of any felony not punishable with death has endured or shall endure the punishment to which he has been or may be sentenced for the same, the punishment so endured has and shall have the like effects and consequences as a pardon under the Public Seal of the Colony as to the felony whereof the offender was or may be so convicted: Provided that nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony.

Effect of undergoing sentence for felony not punishable with death.  
9 Geo. 4. c. 32, s. 3.

85. When any case has been finally disposed of, the Attorney General shall deliver to the Registrar all the original documents in the case which have been transmitted to him by the Magistrate, and such documents shall be filed in the Office of the Registrar or otherwise dealt with as the Court may direct.

Filing of original documents.  
R. G. Ordinance, s. 172.

**PART V.**

**MISCELLANEOUS PROVISIONS.**

*Ownership of Property.*

86.—(1.) Where, in any document in any proceeding under this Ordinance, it is necessary to state the ownership of any property which belongs to or is in the posses-

Mode of stating ownership of

property of partners, etc.  
B. G. Ordinance, s. 200.  
See 7 Geo. 4, c. 64, s. 14.

sion of more than one person, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named and another or others, as the case may be.

(2.) Where, in any such document, it is necessary to mention, for any purpose whatsoever, any partners or other joint owners or possessors, it shall be sufficient to describe them in manner aforesaid.

(3.) The provisions of this section shall be construed to extend to all joint stock companies and associations, societies, and trustees.

Mode of stating ownership of church, etc.  
B. G. Ordinance, s. 201.

87. Where, in any document in any proceeding under this Ordinance, it is necessary to state the ownership of any church, chapel, or building set apart for religious worship, or of anything belonging to or being in the same, it shall be sufficient to state that such church, chapel, or building, or such thing is the property of the clergyman, or of the officiating minister, or of the church body or of the churchwardens of such church, chapel, or building, without its being necessary to name him or them.

Mode of stating ownership of public property.  
7 Geo. 4, c. 64, ss. 15, 16.

88. Where, in any document in any proceeding under this Ordinance, it is necessary to state the ownership of any work or building made, erected, or maintained, either in whole or in part, at the expense of the Government of the Colony, or of any city, town, or village thereof, or of anything belonging to or being in or used in relation to the same, or of anything provided for the use of the poor or of any public institution or establishment, or of any materials or tools provided or used for making, altering, or repairing any such work or building or any public road or highway, or of any other property whatsoever of such Government as aforesaid, it shall be sufficient to state that such property is the property of the Government of the Colony, or of the city, town, or village, as the case may be, without naming any of such inhabitants.

Criminal remedies of married woman against her husband and others in respect of property.  
45 & 46 Vict. c. 75, s. 12.

89.—(1.) Every married woman, whether married before or after the commencement of this Ordinance, shall have in her own name against all persons whatsoever, including her husband (subject as regards her husband to the proviso hereinafter contained) the same remedies and redress, by way of criminal proceedings, for the protection and security of her own separate property as if such property belonged to her as an unmarried woman.

(2.) In any indictment or other proceeding under this section, it shall be sufficient to allege the property to which the indictment or other proceeding relates to be the property of the married woman, and in any proceeding under this section a husband or wife shall be competent to give evidence against each other, any statute or rule of law to the contrary notwithstanding: Provided that no proceeding shall be taken by any wife against her husband by virtue of this section, while they are living together, as to or concerning any property claimed by her, or, while they are living apart, as to or concerning any act done by the husband, while they were living together, concerning property claimed by the wife, unless such property has been wrongfully taken by the husband when leaving or deserting, or about to leave or desert, his wife.

Criminal liability of wife to husband.  
45 & 46 Vict. c. 75, s. 16.

90. A wife who does any act with respect to any property of her husband, which, if done by the husband with respect to property of the wife, would make the husband liable to criminal proceedings by the wife under the last preceding section, shall in like manner be liable to criminal proceedings by her husband.

#### *Apprehension of Offenders.*

Summary apprehension of offender in certain cases.  
B. G. Ordinance, s. 205.

91.—(1.) Any person who is found committing any indictable offence may be apprehended by any person whatsoever, without warrant.

(2.) Any person whatsoever may, without warrant, arrest any person on a charge of having committed an indictable offence, if such an offence has actually been committed or if the person arrested is being pursued by hue and cry, but not otherwise.

(3.) Any person to whom any property is offered to be sold, pawned, or delivered, and who has reasonable ground to suspect that any indictable offence has been or is about to be committed on or with respect to such property, may, and, if he can, shall, without warrant, apprehend the person offering the same and take possession of the property so offered.

(4.) Every person who finds any person in possession of any property which he, on reasonable grounds, suspects to have been obtained by means of an indictable offence, may arrest such last-mentioned person without warrant, and take possession of the property.

(5.) Every person who arrests any person under any of the provisions herein contained shall (if the person making the arrest is not himself a peace officer) deliver the person and the property, if any, taken possession of by him, so arrested to some police or other constable, in order to his being conveyed as soon as reasonably may be before a Magistrate, to be by him dealt with according to law, or himself convey him before a Magistrate as soon as reasonably may be for that purpose.

(6.) Nothing in this section shall affect the powers of apprehension conferred upon constables or other persons by any other statute for the time being in force.

*Seizure of Property.*

92. Any Magistrate or the Court may order the seizure of any property which there is reason to believe has been obtained by, or is the proceeds of, any indictable offence, or into which the proceeds of any indictable offence have been converted, and may direct that the same shall be kept or sold, and that the same, or the proceeds thereof, if sold, shall be held as he or it directs, until some person establishes, to his or its satisfaction, a right thereto. If no person establishes such a right within twelve months from the seizure, such property, or the proceeds thereof, shall become vested in the Colonial Treasurer for the public use of the Colony, and shall be disposed of accordingly.

Seizure of property the proceeds of indictable offence.  
B. G. Ordinance, s. 210.

93. Any Magistrate or the Court may order the seizure of any instruments, materials, or things which there is reason to believe are provided or prepared, or being prepared, with a view to the commission of any indictable offence, and may direct the same to be held and dealt with in the same manner as property seized under the last preceding section.

Seizure of things intended to be used in commission of indictable offence.  
B. G. Ordinance, s. 211.

94. An order made under either of the last two preceding sections may be enforced by a search warrant.

Enforcement of order of seizure.  
B. G. Ordinance, s. 212.

95. If, on the apprehension of any person charged with an indictable offence, any property is taken from him, a report shall be made by the Police to the Magistrate or the Court of the fact of such property having been taken from such person and of the particulars of such property.

Report of property found upon person apprehended.  
B. G. Ordinance, s. 213.

96. If, on the apprehension of any person charged with an indictable offence, any money is taken from him, the Court may, in its discretion, in case of the conviction of such person, order such money or any part thereof, to be applied to the payment of any costs, or costs and compensation, directed to be paid by such person.

Application of money found upon person apprehended.  
B. G. Ordinance, s. 214.

*Probation of First Offenders.*

97.—(1.) Where any person is convicted of larceny, or of embezzlement, or of obtaining anything by false pretences, or of any other indictable offence punishable with not more than two years' imprisonment and no previous conviction is proved against him, if it appears to the Court that, regard being had to the youth, character, or antecedents of the offender, to the trivial nature of the offence, or to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without a surety or sureties, and during such period as the Court may direct, to appear for sentence when called upon, and in the meantime to keep the peace and be of good behaviour.

Power to the Court to release first offender on probation of good conduct.  
50 & 51 Vict. c. 25, s. 1.

(2.) In any case the Court may, if it thinks fit, order the offender to pay such compensation, not exceeding fifty dollars, and such costs of the proceedings, or either of them, as the Court may think reasonable, and such compensation shall be payable to such person as the Court may direct.

98.—(1.) If, in any such case, any Magistrate or the Court is satisfied, by an information in writing and upon oath, that the offender has failed to observe any of the

Procedure in case of offender

falling to  
observe  
conditions  
of his  
recognizance.  
50 & 51 Vict.  
c. 25, s. 2.

conditions of his recognizance, such Magistrate or the Court may issue a warrant for his apprehension.

(2.) An offender, when apprehended on any such warrant, shall, if not brought forthwith before the Court, be brought before a Magistrate, and the Court or Magistrate may either remand him, by warrant, until the time at which he was required by his recognizance to appear for sentence or until the next session of the Court, or may direct him to be released upon his entering into a recognizance, with or without a surety or sureties, conditioned for his appearance to receive sentence.

(3.) An offender, when remanded on any such warrant, may be committed to prison, and the warrant of remand shall order that he be brought before the Court to be dealt with according to law.

Conditions as  
to abode of  
offender, etc.  
50 & 51 Vict.  
c. 25, s. 3.

99. The Court, before directing the release of an offender under section 97, shall be satisfied that the sureties, if any, have fixed places of abode or regular occupation in the Colony.

#### *Enforcing Recognizance.*

Preparation of  
list of persons  
making  
default on  
recognizance.  
B. G. Ordinance, s. 220.  
See 7 Geo. 4,  
c. 64, s. 31.

100.—(1.) The Registrar shall, before the close of the last day's sitting of the Court on each occasion of its session, make out a list of all persons bound by recognizance to appear or to do any other thing, or who have been bound for the appearance of any other person or for his doing any other thing, at the said session of the Court, and who have made default, or whose principal, or other person for whom they are so bound, has made default to appear or to do such other thing at the said session of the Court; and the Registrar shall, if he is able to do so, state the cause why such default has been made.

(2.) The list so made out shall be examined, and, if necessary, corrected, and signed by the Judge, and shall be delivered by the Registrar to the Bailiff.

Issue of writ  
of execution.  
B. G. Ordinance, s. 221.

101. A writ of execution shall be issued from the Office of the Registrar against every such person who is liable on a recognizance in respect of any such default, and shall be delivered to the Bailiff; and such writ shall be the authority of the Bailiff for levying and recovering such forfeited recognizance on the real and personal property of such person, and for taking into custody the body of such person, in case sufficient real or personal property is not found whereon levy may be made.

Apprehension  
and detention  
of person  
making  
default where  
recognizance  
is unsatisfied.  
B. G. Ordinance, s. 222.

102. Every person who is arrested under the provisions of the last preceding section shall be committed to prison and be there kept until the next session of the Court, there to abide the decision of the Court, unless in the meantime the forfeited recognizance, or a sum of money in lieu or satisfaction thereof, is paid, together with all costs and expenses in consequence of his arrest and detention: Provided that if any person so arrested and imprisoned gives to the Bailiff good and sufficient bail for his appearance at the next session of the Court, to abide the decision of the Court, and for the payment of the forfeited recognizance or of a sum of money in lieu or satisfaction thereof, together with such costs as may be awarded by the Court, then it shall be lawful for the Bailiff, and he is hereby required, forthwith to cause such person to be discharged out of custody.

Failure of  
such person  
when released  
to appear at  
next session  
of the Court.  
B. G. Ordinance, s. 223.

103. If such person fails to appear at the next session of the Court in pursuance of his undertaking in that behalf, the Court may order that a writ of execution be issued from the Office of the Registrar against the surety or sureties of the person so bound as aforesaid, and such writ shall be delivered to the Bailiff, who shall proceed as therein directed: Provided that the Court may, in its discretion, order the discharge of the whole or any part of the forfeited recognizance, or of the sum of money paid or to be paid in lieu or satisfaction thereof.

#### *Fines, Forfeitures, and Contempts.*

Proceedings  
against person  
fined by the  
Court.  
B. G. Ordinance, s. 224.

104.—(1.) The Bailiff shall, without further warrant or authority, arrest and detain in custody in a Prison any person upon whom any fine has been imposed by the Court, or by whom any forfeiture has been incurred and who is adjudged to pay the same by the Court, until the fine or forfeiture imposed on or incurred by him is paid and satis-

fied, together with all costs and expenses in consequence of such arrest and detention: Provided that no such imprisonment shall exceed twelve months in duration: Provided, also, that a Judge may at any time order the discharge of any such prisoner.

(2.) The return of the Bailiff, or of the Keeper of the Prison, to any writ of *habeas corpus* of an arrest or detainer under any judgment or order of the Court for non-payment of any fine or forfeiture imposed or incurred as aforesaid, shall be deemed sufficient in law, provided there appears in or is attached to such return a certificate by the Registrar, setting forth the judgment or order by virtue of which such arrest or detainer was made.

(3.) The Court or a Judge shall have power to reduce or remit any fine or forfeiture imposed by the Court, or incurred by any person in respect of the Court, at any time within three months after such fine or forfeiture has been imposed or incurred, provided such fine or forfeiture has not been already paid or satisfied.

*Pardon.*

105. Any Magistrate or the Court may, with the consent in writing of the Attorney General, order that a pardon be granted to any person accused or suspected of, or committed for trial for, any indictable offence, on condition of his giving full and true evidence on any preliminary inquiry or any trial; and such order shall have effect as a pardon by the Governor, but may be withdrawn by the Magistrate or the Court on proof satisfying him or it that such person has withheld evidence or given false evidence.

Power to the Court to grant conditional pardon.  
B. G. Ordinance, s. 225.

106. In every case where either a free or conditional pardon is granted to any person, the discharge of the offender in the case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the same effect as a pardon has in the like cases under the Public Seal of the Colony.

Effect of pardon.  
7 and 8 Geo. 4, c. 28 s. 13.

107.—(1.) Whenever the Governor, in the name and on behalf of Her Majesty, is pleased to grant to any offender a pardon under the Public Seal of the Colony, or to issue any warrant for the commutation of any sentence of death, the Registrar shall be bound, on the direction of the Governor, to record such pardon or warrant in a book to be kept by him for that purpose, and to endorse such pardon or warrant with the word "Recorded" and with his signature.

Recording of pardon.  
B. G. Ordinance, s. 223.

(2.) Every such pardon and warrant shall be valid and effectual for all purposes whatsoever, and it shall be the duty of all Courts, Judges, Magistrates, officers, and others, on production thereof, to take notice of and to give effect to the same.

108. Subject as hereinbefore provided, nothing in this Ordinance shall affect Her Majesty's Royal Prerogative of Mercy or any prerogative of mercy vested in the Governor.

Saving of Royal Prerogative.  
I. G. Ordinance, s. 223.

*Error, etc.*

109. No proceeding in error shall be taken upon any trial under the provisions of this Ordinance.

Prohibition of proceeding in error.  
B. G. Ordinance, s. 232.

110. The practice and procedure in respect of any charge of or trial for treason or misprision of treason shall be, as nearly as possible, but subject to the provisions of any statute for the time being in force in the Colony relating to juries, the same as the practice and procedure in respect of a charge of or trial for a like offence for the time being in force in England.

Procedure on trial for treason.  
B. G. Ordinance, s. 231.

*Temporary Provisions.*

111. Where in any Ordinance, or in any rule, regulation, by-law, or order, or in any other document of whatever kind, reference is made to an "information" in the Court in respect of an indictable offence, such reference shall, unless the context otherwise requires, be taken as applying to an indictment in the Court.

Interpretation of reference to information.  
Drafted.

112. The enactments mentioned in the Second Schedule to this Ordinance are hereby repealed: Provided that every act duly done and every warrant and other instrument duly granted or made before the commencement of this Ordinance shall continue and be of the same force and effect as if the said enactments had not been repealed.

Repeal of enactments. Second Schedule. No. 2 of 1855, s. 2.

Repeal of  
rules and  
orders.  
No. 3 of 1865,  
r. 33.

Existing  
proceedings.  
Dated

113. All rules and orders of the Court which are inconsistent with the provisions of this Ordinance shall and the same are hereby declared to be of no force or effect whatsoever.

114. Any proceeding relating to an indictable offence made or taken before the commencement of this Ordinance shall be proceeded with in accordance with the provisions of this Ordinance, so far as the same are not inapplicable thereto.

## SCHEDULES.

### THE FIRST SCHEDULE.

#### FORMS.

##### Form No. 1.

##### *Indictment.*

#### IN THE SUPREME COURT OF HONGKONG.

The day of 1 ) At the Ordinary Criminal Session of the Supreme Court holden at Victoria for the month of 1, [or, in case of a Special Session, At the Special Criminal Session of the Supreme Court holden at Victoria on the day of 1,] the Court is informed by the Attorney General, on behalf of Our Lady the Queen, that A.B., on the day of 1, at in this Colony, three pairs of shoes and one waistcoat, the property of C.D., feloniously did steal, take, and carry away.

(Signed.)

*Attorney General.*

And if there are more counts than one, then the second and every subsequent count, if any, may, with the necessary additions and modifications, be in the following form:—

And also that the said A.B., on the day of 1, at in this Colony, three pairs of shoes and one waistcoat, the property of C.D., before then feloniously stolen, taken, and carried away, feloniously did receive and have, he, the said A.B., at the time when he so received the said three pairs of shoes and the said waistcoat as aforesaid then well knowing the same to have been feloniously stolen, taken, and carried away.

Section 30,  
No. 3 of 1865,  
Sch. B.

##### Form No. 2.

##### *Notice of Trial of Indictment.*

To A.B.

TAKE notice that you will be tried on this indictment [or the indictment whereof this is a true copy] at the Criminal Session of the Supreme Court, to be holden at Victoria, in and for the Colony of Hongkong, on the day of 1.

(Signed.)

*Registrar.*

Section 83.

##### Form No. 3.

##### *Certificate of Sentences.*

#### IN THE SUPREME COURT OF HONGKONG.

To the

This is to certify that the undermentioned persons were sentenced this day to undergo the undermentioned punishments, namely,—

A.B., six months' imprisonment with hard labour.

C.D., two years' imprisonment with hard labour.

Dated this day of 1.

(Signed.)

*Registrar.*



THE SECOND SCHEDULE.  
TABLE OF ENACTMENTS REPEALED. Section 112.

Number and Year of Ordinance.	Title or Short Title and Date of Ordinance.	Extent of Repeal.
No. 3 of 1856.	An Ordinance to declare certain Acts of the Imperial Parliament to be in force in the Colony of Hongkong. [29th January, 1856.]	The whole.
No. 3 of 1865.	The Criminal Law Procedure Ordinance, 1865. [2nd June, 1865.]	The whole.
No. 2 of 1869.	An Ordinance to make further provision in relation to Criminal Law and Procedure. [24th September, 1869.]	The whole.
No. 5 of 1872.	An Ordinance to further amend the Law relating to Criminal Procedure. [16th May, 1872.]	The whole.
No. 23 of 1882.	An Ordinance entitled "The Criminal Procedure Ordinance, 1882." [19th December, 1882.]	The whole.
No. 8 of 1884.	An Ordinance entitled The Criminal Procedure Amendment Ordinance, 1884. [10th April, 1884.]	The whole.
No. 2 of 1889.	The Evidence Consolidation Ordinance, 1889. [18th January, 1889.]	Section 18.
No. 20 of 1896.	The Pawnbrokers Compensation Ordinance, 1896.	So far as relates to the Supreme Court.

*Objects and Reasons.*

The procedure of the superior courts in England in relation to indictable offences which was originally part of the common law has, in the course of the present century, been largely modified by statutory enactments. The principal of these enactments of general operation which are now in force are as follows:—

- 7 Geo. 4, c. 64.
- 7 and 8 Geo. 4, c. 28.
- 9 and 10 Vict. c. 24.
- 11 and 12 Vict. c. 46.
- 14 and 15 Vict. c. 19.
- 14 and 15 Vict. c. 100.
- 30 and 31 Vict. c. 35.
- 46 and 47 Vict. c. 38.
- 50 and 51 Vict. c. 25.

2. By the operation of section 7 of the Supreme Court Ordinance, 1873, which declares that such of the laws of England as existed when the Colony obtained a local legislature, that is to say, on the 5th day of April, 1843, shall be in force in the Colony, except so far as they are inapplicable to local circumstances, the first two of the above-mentioned Acts have effect in the Courts of the Colony. The greater number of the provisions of the remaining Acts have been adopted by the local legislature by means of the Ordinances mentioned in the Second Schedule to the Bill and especially Ordinances Nos. 3 of 1865, 2 of 1869, and 5 of 1872.

3. It will be seen from an examination of the Schedule just referred to that the local law of criminal procedure is scattered over a considerable number of Ordinances, and it has been thought that it would be convenient to those concerned in the administration of this branch of the law that these Ordinances should be consolidated, with such amendments as may be deemed requisite, and that advantage should at the same time be taken of the opportunity to introduce any Imperial enactments which, although applic-

able to the circumstances of the Colony, have not yet found a place on its statute book. In short, the object aimed at has been to present a complete body of statute law on this important subject, whether the provisions of that law are operative by virtue of the enactment referred to in para. 2, or have been expressly enacted in the Colony, or are drawn from new sources.

4. In carrying out this design, the provisions of the local Ordinances have been reproduced with, for the most part, only immaterial verbal changes, and the same may also be said of the Imperial enactments which have been embodied.

5. Those parts of the Bill which are not to be found in local Ordinances or in express terms in Imperial Acts are principally drawn from an Ordinance passed in 1891 by the legislature of British Guiana and shortly entitled the Indictable Offences (Procedure) Ordinance, 1891. This Ordinance was only passed into law after the Bill on which it was founded had undergone much consideration at the hands of Judges, Magistrates, and others concerned in its future administration, and it was approved of by the Secretary of State without amendment. Besides incorporating the express provisions of existing English or local statute law on the subject of criminal procedure, this Ordinance contained various enactments taken from the Criminal Code (Indictable Offences) Bill which passed a second reading in the House of Commons in the session of 1878, and was afterwards referred to and settled by a Royal Commission composed of Lord BLACKBURN, Mr. Justice LUSH, Mr. Justice BARRY, and Mr. Justice STEPHEN. Unfortunately, Parliament has not found the time, or perhaps the inclination, to pass the measure, or one of a similar kind, into law.

6. It does not seem necessary to refer in detail to more than a few of the provisions of the Bill.

7. Clause 6 is intended to assign the duty of bringing prisoners before the Court for trial and the responsibility for their custody to the Keeper of the Prison in which they are confined. At present it seems difficult to ascertain to whom this duty and responsibility attach.

No. 13 of 1878.

8. Clauses 7 and 9 are intended to regulate the delivery of gaols. At present although the Supreme Court is a Court of Gaol Delivery—see section 9 of the Supreme Court Ordinance, 1873—it has not apparently been customary for it to discharge this function.

9. It is proposed to substitute the term “indictment” for the term “information.” In England an indictment is really a presentment by a grand jury, but it is not called a “presentment” on that account. So the fact that the Court is “informed” by the Attorney General as to the commission of the offence does not appear to be a sufficient reason for our abstaining from using the term “indictment,” which, it is believed, is of almost universal use in English-speaking countries.

10. Clauses 94-96 relating to the probation of first offenders are adapted from 50 and 51 Vict. c. 25—an Act which is said to have worked very well in the Mother Country.

#### GOVERNMENT NOTIFICATION.—No. 69.

It is hereby notified that Her Majesty has not been advised to exercise her power of disallowance with respect to the following Ordinances:—

Ordinance No. 13 of 1898, entitled—An Ordinance authorising the imposition of fees for the issue, by the Government of Hongkong, of certain certificates to certain Chinese desirous of proceeding to the United States of America.

Ordinance No. 29 of 1898, entitled—An Ordinance for the Naturalization of one ÜN CHUNG Wo alias ÜN OI Ü alias ÜN HI alias ÜN KWOK HI.

By Command,

J. H. STEWART LOCKHART,  
*Colonial Secretary.*

Colonial Secretary's Office, Hongkong, 9th February, 1899.