

PAPERS.—The Acting Colonial Secretary, by command of His Excellency the Governor, laid on the table the following papers:—

1. Report of the Food Supply Commission.
2. Report of the Acting Principal Civil Medical Officer, for the year 1900.
3. Report by the Harbour Master as to the removal of Cape D'Aguiar Light to Green Island.
4. Report on the Revenue and Expenditure of the British Post Offices in China.
5. Financial Returns for the year 1900.
6. Report of the Superintendent of Fire Brigade, for the year 1900.
7. Report on the Botanical and Afforestation Department, for the year 1900.

ADJOURNMENT.—The Council then adjourned *sine die*.

HENRY A. BLAKE,  
*Governor.*

Read and confirmed, this 15th day of July, 1901.

R. F. JOHNSTON,  
*Acting Clerk of Councils.*

### GOVERNMENT NOTIFICATION.—No. 387.

The following Bye-laws made by the Sanitary Board on the 18th April, 1901, and approved by the Legislative Council on the 15th July, 1901, are published.

By Command,

J. H. STEWART LOCKHART,  
*Colonial Secretary.*

Colonial Secretary's Office, Hongkong, 15th July, 1901.

### BYE-LAWS

*Made under section 13 sub-section 16 of "The Public Health Ordinance, 1901."*

#### DEPÔTS FOR ANIMALS.

1. The fee payable for each head of cattle shall be two cents for the day of entry into a Government Depôt and a further sum of two cents for every day that each head of cattle remains in such depôt, not including the day of entry.

2. The Sanitary Board provides water only, for the use of the cattle, pigs, sheep and goats housed in Government Depôts. The owners of such animals must provide proper and sufficient food, and must send men in sufficient numbers, to look after, feed, and water such animals.

Accommodation for such men is provided on the premises.

3. No cattle, pigs, sheep, or goats shall be removed from a Government Depôt for any purpose except on a removal order signed by the Inspector in charge. Such order shall be granted by the Inspector in charge on the production and deposit of the receipt given on admission of the animals and in favour of the person therein named or of any other person on his order, and upon payment of a fee of five cents for each pig, sheep, or goat removed unless immediate payment is dispensed with.

4. Neither Government nor the Sanitary Board will be responsible for the safe custody of any cattle, pigs, sheep or goats housed in Government Depôts.

Made by the Sanitary Board this 18th day of April, 1901.

G. A. WOODCOCK,  
*Acting Secretary.*

Approved by the Legislative Council this 15th day of July, 1901.

R. F. JOHNSTON,  
*Acting Clerk of Councils.*

### GOVERNMENT NOTIFICATION.—No. 388.

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

R. F. JOHNSTON,  
*Acting Clerk of Councils.*

Council Chamber, Hongkong, 15th July, 1901.

## A BILL

ENTITLED

An Ordinance to validate Crown leases heretofore made of Foreshore and submerged Lands within the territorial waters of the Colony for reclamation and other purposes and to legalize and facilitate the making of such leases hereafter.

- Preamble.** WHEREAS divers Crown leases of portions of the foreshore and sea bed within the territorial waters of the Colony have, from time to time, been granted by the Governor of Hongkong in the name and on behalf of His Majesty and of Her late Majesty Queen Victoria, for reclamation and other purposes, and whereas doubts have arisen as to how far some of such leases or agreements for such leases are valid and effectual for the purposes for which they were made, and it is expedient to remove such doubts, and also to make provision for the making of such leases and agreements in the future:
- Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—
- Short title.** 1. This Ordinance may be cited as the Foreshores and Sea Bed Ordinance, 1901.
- Validation of former Crown leases.** 2. All Crown leases of any portions of the foreshore or of the sea bed within the territorial waters of the Colony, and all agreements for the grant of such leases, heretofore made by the Governor shall be deemed to have been and to be as valid and effectual for all intents and purposes as if they had been duly made under the provisions of this Ordinance:
- Proviso.** Provided that this section shall not be deemed in any way to affect the Crown lease of Lantau Marine Lot No. 2.
- Power to grant Crown leases of foreshore and sea bed in future.** 3. From and after the passing of this Ordinance it shall be lawful for the Governor from time to time to grant and to agree to grant such Crown leases for any term not exceeding seventy-five years or for such longer term as the Secretary of State may authorize of the foreshore and sea bed within the limits of the territorial waters of the Colony and of Crown land covered with water in any tidal river or channel connected with such territorial waters, as may be declared by the Governor in Council to be expedient to be granted for the purpose of reclamation, harbour improvement, or building, or for the construction of docks, slips, piers, or wharves, or in view of the requirements of manufactures, commerce, or traffic or for any other purpose whatsoever:
- Preliminary Procedure.** Provided always, that before any such declaration is made by the Governor in Council, the terms of the lease proposed to be made under this Ordinance with a description of the property intended to be demised shall be inserted in every ordinary issue of the Gazette during a period of three months, together with a notice calling upon all persons having objections to the granting of such lease to send in their objections in writing to the Colonial Secretary before the expiration of the said period of three months, and all such objections shall be duly considered by the Governor in Council:
- Proviso.** Provided also that this section shall not be deemed to authorize the grant of any Crown lease which would derogate from or be inconsistent with the special rights of sea access (if any) of any holder of a Marine Lot, holding under a Crown lease, without the consent of such holder.
- Effect of leases under this Ordinance. Covenants and provisos to be contained therein.** 4. Every Crown lease made under the provisions of this Ordinance shall specify the purposes for which the land is leased and shall be deemed to demise to the lessee the foreshore or sea bed included in such lease free and discharged from all rights, privileges, profits-à-prendre, and easement, whether public or private, which may have existed or may be claimed in or over such foreshore and sea bed so far as is necessary for carrying out the said purposes, and shall contain:—
- (i.) A proviso that in the event of the lessees, their executors, administrators, and assigns or successors, (as the case may be) failing, at any time during the continuance of the term of the said lease, to use the demised land for the purposes so specified as aforesaid, without the previous licence or consent of His Majesty, His Heirs, Successors, or Assigns, signi-

fied in writing by the Governor, then it shall be lawful for His Majesty, His Heirs, Successors, or Assigns, by the Governor or by any officer authorized by him in writing, to re-enter on such land, foreshore, and sea bed, or on any portion thereof in the name of the whole, and thereupon the same shall be forfeited to and vest in the Crown.

(ii.) Such covenants and provisos as shall be approved in each case by the Governor in Council with regard to the construction and use of any works to be made and done upon the said land and as to the time within which such works shall be commenced and completed.

(iii.) A reservation to the Crown of all mines and minerals under the demised lands.

5. Nothing in this Ordinance shall be in derogation of any of the powers or rights of the Crown in respect of the foreshore or of the territorial waters of this Colony. Saving of rights of the Crown.

#### *Objects and Reasons.*

1. A very large number of Crown leases including in the demised land portions of the foreshore and sea bed have, from time to time, been granted in this Colony, most frequently for purposes of reclamation and with a view to meet the requirements of commerce and to facilitate the handling of the large traffic of Hongkong.

2. Owing to the extremely limited quantity of level ground with a deep water frontage provided by nature in this Colony, extensive reclamations have been absolutely necessary, not only for sanitary reasons connected with overcrowding but also to enable the trade of the port to be carried on.

3. This necessity has been universally recognized and, although in theory the granting of leases of portions of the foreshore and of the sea bed thereto adjacent may to some extent interfere with rights of fishing and navigation and with rights or alleged rights of access to the sea, it has, nevertheless, been felt that the public and the Colony as a whole have been gainers by the reclamations rather than losers.

4. The most extensive reclamations hitherto carried out, as for instance the Praya Reclamation now nearing completion, have been undertaken under statutory authority.

In the vast majority of the cases in which such authority has not been obtained, the interference with rights has been so insignificant as to occasion little or no inconvenience and to call forth no complaint.

5. It is, however, desirable to obtain statutory validity for such past Crown leases as have, to any extent, interfered with public or private rights, and also to obtain statutory authority for the granting in the future of Crown leases of portions of the foreshore or bed of the sea in cases where the Governor in Council considers such leases expedient.

6. The proviso in section 2 is inserted to prevent any interference *ex post facto* with a judgment of the Supreme Court regarding Lantao Marine Lot No. 2 in which case the Court held that a Crown Lease could not operate so as to deprive certain fishermen of their prescriptive right to take coral and shells from the sea.

7. The further proviso in section 3 is to make it clear that it is not intended to interfere with the rights, or alleged rights, of holders of Marine Lots, with regard to sea access in front of their respective lots.

8. When the agreement for granting a lease requires the laying out of certain sums in building, &c. within a certain time, the actual granting of the lease is usually held over till the conditions have been fulfilled. This is why it has been deemed necessary to insert the words "and all agreements for the grant of such leases." These also should be validated.

H. E. POLLOCK,  
*Acting Attorney General.*

## A BILL

ENTITLED

## An Ordinance to amend and consolidate the Law relating to Reformatory Schools.

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

- Short title.      **1.** This Ordinance may be cited as the Reformatory Schools Ordinance, 1901.
- Interpretation.      **2.** In this Ordinance and in any rules made thereunder, unless the context otherwise requires :—  
     “Magistrate” means a Police Magistrate.  
     “Expenses” (when used with reference to a child detained in a Reformatory School) includes the expenses of the custody, industrial training, education, and maintenance of a child.  
     “Order of detention” means an order of detention made in pursuance of this Ordinance.  
     “Parent” (when used in relation to a child) includes guardian and every person who is by law liable to maintain the child.  
     “School” means Reformatory School.  
     “Superintendent” means Superintendent of Reformatory Schools.
- The Governor or may make orders in certain matters.      **3.** The Governor may, from time to time, make, and when made, alter or revoke, orders for any of the following purposes, namely :—  
     (a.) to set apart any available site and buildings for the purpose of a school.  
     (b.) to appoint fit persons to be respectively superintendent, masters, chaplains, and surgeons of schools, and also such subordinate officers for the service of schools as the Governor may think necessary.  
     (c.) to discontinue the use of any school and appropriate the site and buildings thereof to any other lawful purpose.  
     (d.) to remove children from one school to another.  
     (e.) Upon the recommendation of the Registrar General, to send a male child, who appears to the Governor to be less than fourteen years of age, to a school in any instance where such child is not and does not appear liable to be brought before a Magistrate for the purpose of being dealt with under the provisions of section 5 of this Ordinance.
- The Belilios Reformatory.      **4.** The site and buildings which are now known as The Belilios Reformatory, shall be deemed to have been set apart by the Governor as a school under section 3 of this Ordinance.
- Modes of dealing with children according to age.      **5.**—(1.) In any of the following cases ; namely :—  
     (i.) where a child is brought before a Magistrate having been found under any of the following circumstances ; that is to say :—  
         (a.) habitually begging or receiving alms (whether actually or under the pretext of selling anything or offering anything for sale), or being habitually in any street or public place for the purpose of so begging or receiving alms ; or  
         (b.) habitually wandering and not having any house or settled place of abode ; or  
         (c.) found repeatedly in the company of reputed thieves ; or  
     (ii.) where a child is charged with any offence, whether previously convicted or not ;  
     the Magistrate may, in addition to, or in lieu of, sentencing such child according to law, if satisfied on enquiry that the child was so found as aforesaid or committed any such offence ;  
     in the case of a male child,  
         (a.) if of opinion that the child is less than fourteen years of age, by an order of detention, order that the child be sent to a school ; or  
         (b.) if of opinion that the child is less than ten years of age, order that he be placed in charge of the Superintendent for the purpose of his being boarded out ; and  
     in the case of a female child,  
     may order that she be placed in charge of the Registrar General for the purpose of being boarded out, and, in the

case of female children, all the powers which are conferred upon the Superintendent by this Ordinance or by any rules made thereunder shall be vested in and may be exercised by the Registrar General.

(2.) The Magistrate shall, in any such order as aforesaid, specify, so far as is possible, the religious persuasion to which such child appears to belong.

(3.) The Magistrate may require the parent of any child alleged to have been found under any of the circumstances aforesaid to produce the child before the Court.

6.—(1.) Before making an order under this Ordinance with regard to a child, the Magistrate before whom the child is brought, in order that enquiries may be made as to the circumstances and antecedents of the child and as to the circumstances of the parent of the child and his ability to contribute to the maintenance of the child, and in order that enquiries may be made with a view to ascertaining whether the parent has rendered himself liable to be prosecuted under section 22 of this Ordinance, shall remand the proceedings for a time not less than seven and not exceeding fourteen days, and without prejudice to any other powers of the Court, direct that the child be taken to a school or to any other place, not being a prison, which the Magistrate thinks fit, and the occupier of which is willing to receive him, and be detained therein until an order is made for his being brought again before the Court, or for his discharge, or for his being sent to a school, or otherwise dealt with under this Ordinance, and the master of such school and any such occupier as aforesaid are hereby required and empowered to detain the child accordingly, and if the child escapes he may be apprehended without warrant and brought back to the place of detention.

Remand of case and notice to parent.

(2.) The Magistrate shall also, before making any such order, unless it appears to him impracticable so to do, summon the parent of the child to appear before the Court or if necessary issue his warrant for apprehending such parent and bringing him before the Court, for the purpose of enabling the parent to make any representations which he may think fit as to the making or terms of the order or the amount to be paid by the parent on account of the child while the child is being detained in a school or boarded out.

7.—Whenever proceedings have been instituted respecting a child under this Ordinance and the Magistrate is of opinion that such child is less than fourteen years of age and ought to be dealt with under this Ordinance, he may, in lieu of ordering him to be sent to a school or to be placed in charge of the Superintendent for the purpose of being boarded out, direct that such child be replaced in the charge of his parent and may require the parent to give security with or without sureties for the good behaviour of the child and in such a sum and for such term as the Magistrate may think fit.

Replacing child in charge of parent.

8. In the case of any proceedings instituted under this Ordinance with a view to having a child placed in a school or in charge of the Superintendent for the purpose of his being boarded out, the grounds of such proceedings shall be formulated and recorded in the Court and all evidence tendered respecting the circumstances under which such child was found, or respecting the charge brought against him, and, so far as possible, all evidence tendered respecting the surroundings and antecedents of such child, shall be given on oath.

Grounds of proceedings and evidence.

9. Whenever a Magistrate orders a child to be detained in a school or placed in charge of the Superintendent for the purpose of being boarded out, he shall report the fact to the Governor and shall also state whether any criminal proceedings have been directed to be taken against the parent under section 22 of this Ordinance.

Report as to detention or boarding out of child and as to proceedings against parent.

10. A Magistrate shall, before making any order under this Ordinance with respect to a child, make due enquiry as to the age of the child, and for that purpose take such evidence as may be forthcoming at the hearing of the case, and, failing such evidence, the Magistrate may presume the child to be of such age as such child appears to the Magistrate to be; but the order, when made, shall not be invalidated by any subsequent proof that the age of the child had not been correctly ascertained or presumed by the Magistrate; and the age presumed or declared by the Magistrate to be the age of the child shall for the purposes of this Ordinance be deemed to be the true age of the child.

Enquiry and presumption as to age of child.

Conveyance  
of child to  
school  
and deten-  
tion therein.

**11.**—(1.) Where a Magistrate makes an order for the detention of a child in a school, the Magistrate shall specify in the order the cause for which and the school in which the child is to be detained; and the child shall be delivered, with the order, into the custody of the master or other person in charge of the school.

(2.) The order shall be a sufficient authority for the conveyance of the child to the school, and for his detention therein or in any other place to which he is transferred in pursuance of this Ordinance during the period for which he is liable to be detained.

Provision  
as to reli-  
gious  
assistance.

**12.** A minister of the religious persuasion specified in the order as that to which the child appears to belong, may visit the child at the school on such days, at such times, and on such conditions, as may be fixed by the Governor, for the purpose of affording religious assistance to the child, and also for the purpose of instructing him in the principles of his religion; and every child detained in a school shall have reasonable facilities, so far as circumstances admit, for attending the religious services of his creed.

Period of  
detention  
and dis-  
charge from  
school.

**13.** When a child is ordered to be detained in a school the order shall be in force until the child attains the age of eighteen years. Provided as follows:—

- (1.) The child on attaining the age of sixteen years shall be entitled to be discharged from the school, and may, if the Governor so orders, be discharged from the school at any previous time.
- (2.) It shall be the duty of the Superintendent to apply for the discharge of a child detained in a school or to grant him a licence to live out of such school at the earliest lawful date which is, in the opinion of the Superintendent, consistent with the welfare of the child.
- (3.) Where a child is discharged from a school in pursuance of this Ordinance, he may be so discharged either absolutely or conditionally, that is to say, on such conditions as to the disposal of the child on his discharge, and as to his conduct thereafter and otherwise, as the Governor may, by general or special order, direct.
- (4.) Where a child has been conditionally discharged from a school in pursuance of this Ordinance and fails to conform with any one or more of the conditions on which he was discharged, the Governor may, on being satisfied of the failure, revoke the order of discharge and order the child to return to the school and there remain for any period specified in the order (so however that he be not detained in the school after attaining the age of eighteen years) and if the child disobeys the order he may be dealt with as if he had escaped from the school.
- (5.) On the revocation of an order of discharge any obligation to contribute to the expenses of the child shall revive and be in force during the period for which the child is detained.

*Licence to Children to live out of School.*

Licence for  
living out of  
school.

**14.**—(1.) The Superintendent may, at any time after a child has been detained in a school for eighteen months, permit him by licence to live out of the school, with any trustworthy and respectable person named in the licence, who is willing to receive and take charge of him.

(2.) Any such licence shall be in force for a period specified in the licence not exceeding three months but may at any time before the expiration of that period be renewed for a further period not exceeding three months to commence from the expiration of the previous period and so from time to time until the child is discharged.

(3.) The Superintendent may also, at any time, by order in writing, revoke any such licence and order the child to return to the school in which he was detained previously to his being licensed.

(4.) A child escaping from the person with whom he is placed in pursuance of this section, or refusing to return to the school at the expiration or on the revocation of his licence, may be apprehended and otherwise dealt with in like manner as if he had escaped from the school.

*Boarding out of Children.*

Boarding  
out of  
children.

**15.**—(1.) The Governor may make rules consistent with this Ordinance for the boarding out of children and for the management of children when boarded out in pursuance of

this Ordinance and for the duties of the Superintendent with respect to such children, and for the inspection of such children.

Rules may be made by the Governor.

(2.) While a child is under the charge of the Superintendent for the purpose of being boarded out he shall continue under the control of the Superintendent and of any person with whom he is boarded out under the supervision of the Superintendent notwithstanding that he may be claimed by his parent; and the order of the Magistrate shall be a sufficient authority to the Superintendent and to such person as aforesaid for retaining the child under his control.

16. The Governor may, at any time, order the Superintendent to transfer to a school any child boarded out in pursuance of this Ordinance, or to board out any child ordered to be sent to a reformatory school, and, in either of these cases, the provisions of this Ordinance shall apply as if the child had been in the first instance sent to a school or boarded out as the case may be.

Transfer to or from a school from or to place of boarding.

17. The provisions of this Ordinance with respect to a child detained in a school shall, so far as applicable, apply in the case of a child boarded out in pursuance of this Ordinance, as if the place where the child is boarded out were a school; provided that the Governor in Council may make such further modifications of those provisions as may appear to him to be necessary or proper for adapting those provisions to the case of children boarded out in pursuance of this Ordinance.

Application of provisions of this Ordinance in the case of a child boarded out.

#### *Apprenticing, enlistment or emigration of Children.*

18. If a child who is detained in or living out on licence from a school or is being boarded out conducts himself well, the Superintendent may, if the child consents thereto, apprentice him to or dispose of him in any trade, calling, or service, or by enlistment in His Majesty's Naval or Military forces, or by emigration, notwithstanding that his period of detention has not expired; and such apprenticing or disposition shall be as valid as if the Superintendent was the parent of the child.

Disposition, by apprenticing or otherwise, of well conducted child.

Provided that where the child is to be disposed of by emigration or by enlistment, and in any case unless the child has been detained for twelve months, the consent of the Governor shall also be required to the exercise of any power under this section.

#### *Liability of Parent for Expenses of Child.*

19.—(1.) The parent of a child detained in a reformatory school shall be liable to pay for his expenses therein.

Order on parent to contribute towards expenses.

(2.) At the time of making the order of detention, the Magistrate shall also make an order on the parent to contribute such sums towards the expenses of the child during his detention as shall seem proper, after due examination into the ability of the parent to pay and after consideration of all the circumstances of the case, but the sum to be contributed shall not exceed the expenses of the child. It shall be the duty of the Magistrate to re-consider the amount of the contribution on receipt of an application from the Superintendent or from the parent for a revision of the order.

Enforcement of order.

(3.) The parent shall pay the sum named in the order monthly to the Captain Superintendent of Police, who may sue the parent for payment, and shall pay any sum received by him from the parent into the Colonial Treasury for the use of the Government of the Colony.

(4.) A Magistrate may at any time, on just cause being shown, revoke or vary any order made under this section.

#### *Offences in relation to Schools.*

20. If a child who is ordered to be detained in a school or is living out on licence from a school or is being boarded out escapes from the school or from the person with whom he is living out on licence or is being boarded out he may at any time before the expiration of his period of detention be apprehended without warrant and brought back to the school.

Apprehension in case of escape.

21. If any person commits any of the following offences that is to say:—

(a.) Knowingly assists or induces, directly or indirectly, a child who is detained in or living out on licence from a school or is boarded out to escape from the school or from any person with whom he is living out on licence or is boarded out; or

Assisting escape or harbouring escaped child.

(b.) Knowingly harbours, conceals or prevents from returning to school or to any person with whom he is placed on licence or is boarded out a child who has so escaped or knowingly assists in so doing ;

he shall on summary conviction be liable to a fine not exceeding two hundred dollars or at the discretion of the Court to be imprisoned for any term not exceeding two months with or without hard labour.

**22.** The parent of any child who has been found under such circumstances or has committed such an offence as has rendered him, in the opinion of a Magistrate, liable to be dealt with under section 5 of this Ordinance, shall be liable to be prosecuted as for a criminal offence, and shall, if the Magistrate is satisfied that such child has rendered himself liable to be dealt with under the said section, either wholly or in part through the neglect of his parent, be sentenced to pay a fine not exceeding one hundred dollars and, in default of payment, to be imprisoned with or without hard labour for a period not exceeding one month. In case of any loss or damage to any person resulting from such action of the said child as shall have rendered him liable to be dealt with under the said section, the Magistrate may, in his discretion, further direct that the parent of such child shall pay in compensation for such loss or damage a sum not exceeding fifty dollars.

Parent liable to prosecution in certain cases.

*Supplementary Provisions.*

**23.** The Governor may, from time to time, appoint, with their consent, fit persons to constitute an Advisory Committee to the Superintendent for periods to be specified in such appointments. Members of the Advisory Committee shall during the period for which they are appointed, from time to time, at frequent intervals, visit the reformatory schools and bring to the notice of the Superintendent anything which they consider deserving of comment, and shall generally assist the Superintendent with their advice on all matters connected with the schools. They shall also assist the Superintendent in finding suitable persons under whose charge to place those children whom it is desired to license to live out of school, or those placed by a Magistrate in charge of the Superintendent for the purpose of their being boarded out and shall help in exercising a constant supervision over such children.

Advisory Committee. Duties and powers.

**24.** Every officer of a school authorized by the Superintendent to take charge of any child ordered to be detained under this Ordinance, for the purpose of conveying him to or from the school, or of apprehending and bringing him back to the school, in case of his escape or refusal to return, shall for that purpose and while engaged in that duty have all the powers, protection, and privileges of a Police Constable.

Officers to have in certain cases powers of a constable.

**25.—(1.)** The production of a copy of the Government Gazette containing a notice of the setting apart of a site and buildings for the purpose of a school, or of any site and buildings having ceased to be a school, shall be sufficient evidence of a site and buildings having been duly set apart as a school or having so ceased, as the case may be.

Evidence.

**(2.)** A certificate purporting to be signed by the Superintendent or by the master or other person in charge of a school to the effect that the child therein named was duly received into and is, at the date of the signing thereof, detained in the school, or has been otherwise dealt with according to law, shall in all proceedings relating to the child be evidence of the matters therein stated.

**(3.)** A copy of rules purporting to be the rules of a school and to be signed by the Superintendent shall be evidence of the rules of the school.

**(4.)** A school to which any child is directed to be sent in pursuance of this Ordinance shall, until the contrary is proved, be deemed to be a Reformatory School under this Ordinance.

**26.** The Superintendent may, subject to the approval of the Governor, make rules, consistent with this Ordinance, for the management and discipline of any school.

Superintendent may make rules.

**27.—(1.)** An order or other act of the Governor under this Ordinance may be signified under the hand of the Colonial Secretary.

Orders and notices.

(2.) Any notice may be served on the Superintendent by being delivered personally to him, or by being sent by post or otherwise in a letter addressed to him at his office.

28.—(1.) The Governor may from time to time pre- Forms. scribe the forms to be used in cases under this Ordinance, and any form so prescribed may be used in the case to which it refers, with such variations as circumstances require, and when used shall be sufficient; but a summons, notice, or order, made for the purpose of carrying into effect the provisions of this Ordinance, shall not be invalid for want of form only.

29. Ordinances No. 19 of 1886 and No. 10 of 1889 are Repeal. hereby repealed.

#### *Objects and Reasons.*

This Ordinance is based mainly on the Industrial Schools Bill which is set forth in Appendix XI to the Report to the Home Secretary by the Departmental Committee on Reformatory and Industrial Schools, published in 1896.

The system under Ordinance No. 19 of 1886, as amended by Ordinance No. 10 of 1889, was framed to meet the circumstances of Reformatories under private management. As, however, the Belilios Reformatory is to be under Government management those Ordinances are unsuitable, and indeed, the former system did not, in practice, work satisfactorily. The recommendations of the Departmental Committee having been duly considered, it is thought the present Ordinance may be found not unsuitable to the local requirements of the Colony.

Although the Ordinance is called a Reformatory Ordinance, the boys qualified for admission belong mostly to the class admitted to Industrial Schools in England. In this Colony the name is not of importance and even in England it is understood that it has been proposed to abolish the distinction in name between the two Institutions. The building erected at the expense of Mr Belilios has always borne the title of "The Belilios Reformatory."

H. E. POLLOCK,  
*Acting Attorney General.*

### A BILL

ENTITLED

An Ordinance for the Naturalization of LAU YAT TS'ÜN, alias LAU NG, alias LAU MAN KWONG, alias LAU NG WO, alias LAU HOK WAI.

WHEREAS LAU YAT TS'ÜN (劉日泉), alias LAU NG (劉五), alias LAU MAN KWONG (劉文光), alias LAU NG WO (劉五和), alias LAU HOK WAI (劉學偉), a native of Sha Ch'ung (沙冲) village, in the district of San Ui (新會), in the prefecture of Kwong Chau (廣州), in the Province of Kwong Tung (廣東), in the Empire of China, is and has been for the last 34 years one of the managing partners of the Kung Yuen firm carrying on business as Rice Merchants at No. 112 Wing Lok Street, Victoria, in this Colony, and is also a Director of The Po On Marine Insurance and Godown Company Limited of Victoria aforesaid, and has continuously resided in this Colony for over 38 years, and has declared his intention of residing here permanently, and has petitioned to be naturalized as a British subject within the limits of this Colony, and whereas it is expedient that he should be so naturalized:

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

1. LAU YAT TS'ÜN (劉日泉), alias LAU NG Naturaliza- (劉五), alias LAU MAN KWONG (劉文光), alias tion of LAU YAT TS'ÜN. LAU NG WO (劉五和), alias LAU HOK WAI (劉學偉), shall be, and he is hereby, naturalized as a British subject, within this Colony, and shall enjoy therein, but not elsewhere, all the rights, advantages and privileges of a British subject, on his taking the Oath of Allegiance under the Promissory Oaths Ordinance, 1869.

HENRY E. POLLOCK,  
*Acting Attorney General.*

## A BILL

ENTITLED

## An Ordinance for authorizing the Construction of a Tramway within the Colony of Hongkong.

Preamble.	WHEREAS it is desirable to authorize the construction of a tramway within the Colony of Hongkong :  Be it therefore enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—
Short title.	1. This Ordinance may be cited as the Tramway Ordinance, 1901.
Interpretation.	2. The terms hereinafter mentioned shall have the meanings assigned to them, unless there be something either in the subject or context repugnant to such construction, that is to say :—
Government.	The expression "the Government" shall mean the Governor acting on behalf of His Majesty, His successors, or assigns, or on behalf of the Government of the said Colony :
Department.	The expression "Department" shall include the following bodies, namely :— (a.) The War Department. (b.) The Admiralty. (c.) The Hongkong Government.
The Company.	The expression "the Company" shall mean "The Hongkong Tramway Electric Company, Limited :"
The Court.	The expression "the Court" shall mean the Supreme Court of the Colony of Hongkong :
Judge.	The expression "Judge" shall mean one of the Judges of the Court :
Magistrate.	The expression "Magistrate" shall mean a Police Magistrate :
Special case.	The expression "special case" shall mean a special case stated for the opinion of the Court under the provisions of any Ordinance relating to Civil Procedure for the time being in force in this Colony :
Road.	The expression "road" or "roads" shall mean any roadway over which the tramway authorized by this Ordinance shall pass, and the roadway of any bridge forming part of or leading to the same :
Section.	The expression "Section" or "Sections" shall mean a section or sections (as the same is and are hereinafter described) of the tramway :
Car.	The expression "car" or "cars" shall include all cars and trucks used upon the tramway :
The works.	The expression "the works" or "the undertaking" shall mean the works or undertaking of whatever nature which shall by this Ordinance be authorized to be executed.

*Construction of Tramway.*

Construction and route of tramway. 3. The Company may construct, lay down and maintain, subject to the provisions of this Ordinance, and in accordance with the plans which have been deposited as hereinafter mentioned, the tramway hereinafter described, with all proper electric generating stations, crossings, passing-places, sidings, junctions, rails, turn-tables, plates, offices, weigh-bridges, sheds, overhead and other wires, cables, standards, poles and brackets, pipes and all such other works and conveniences in connection therewith as the Company may for the purposes thereof, think fit, and may work and use the same. The Company may also generate and use electricity for the purposes of lighting their own buildings, erections premises and for any other purposes of their own.

The Tramway authorized by this Ordinance is as follows :—

**Section No. 1.**—A Single line 2 furlongs 9.12 chains (or thereabouts) in length, commencing at a point in Chater Street 50 feet (or thereabouts) east of the intersection of the centre lines of Chater Street and Smithfield, thence

passing into and, in a southerly direction, along Smithfield to its junction with Belcher Street, thence into and, in a westerly direction, along Belcher Street to its junction with Cadogan Street, thence into and, in a northerly direction, along Cadogan Street to its junction with Chater Street, and thence into and, in an easterly direction, along Chater Street, terminating at the point where this Section is authorized to commence.

**Section No. 2.**—A Double line 4 miles 3 furlongs 4.5 chains (or thereabouts) in length, commencing by junction with Section No. 1 at the point where such Section is authorized to terminate, thence passing, in easterly, north-easterly and southerly directions, along Chater Street, Praya West, Des Voeux Road, and Connaught Road to the junction of Connaught Road with Morrison Street. From this point Section No. 2 is authorized to divide, one line passing in a southerly direction along Morrison Street to its junction with Des Voeux Road and thence into and, in an easterly direction, along Des Voeux Road to its junction with Cleverly Street, and the other line passing in an easterly direction along Connaught Road to its junction with Cleverly Street, and thence into and, in a southerly direction, along Cleverly Street to its junction with Des Voeux Road. From this point Section No. 2 is authorized to pass, in easterly, southerly and north-easterly directions, along Des Voeux Road, Queen's Road, Arsenal Street, Praya East, Yee Wo Street, and Causeway Road, terminating in that road at a point 50 feet (or thereabouts) from the north-east corner of Inland Lot No. 1,149.

**Section No. 3.**—A Single line 8.5 chains (or thereabouts) in length, commencing in Praya East by junction with Section No. 2 at a point 50 feet (or thereabouts) west of the intersection of the centre lines of Praya East and Tang Lok Lane, thence passing into and, in a southerly direction, along Tang Lok Lane and terminating in Morrison Hill Road at a point 50 feet (or thereabouts) south of the intersection of the centre lines of Morrison Hill Road and Sharp Street.

**Section No. 4.**—A Single line 1 furlong 1.5 chains (or thereabouts) in length, commencing in Praya East by junction with Section No. 2 at a point 50 feet (or thereabouts) west of the intersection of the centre lines of Praya East and Bowrington Road, thence passing into and, in a southerly direction, along Bowrington Road to its junction with Sharp Street, thence into and, in a westerly direction, along Sharp Street and terminating at the point where Section No. 3 will terminate.

**Section No. 5.**—A Double line 3 furlongs .6 chains (or thereabouts) in length, commencing in Morrison Hill Road by junction with Sections Nos. 3 and 4 at the point where such Sections will terminate, thence passing, in a southerly direction, along Morrison Hill Road and terminating in Wong-Nei-Chong Road, at a point 50 feet (or thereabouts) north of the northernmost point of the building known as the Grand Stand.

**Section No. 6.**—A Single line 2 miles 4 furlongs 3.8 chains (or thereabouts) in length commencing in Causeway Road by junction with Section No. 2 at the point where such Section will terminate, thence passing, in an easterly direction, along Quarry Bay Road and terminating in Shau-ki-wan Road at a point 530 feet (or thereabouts) north-west from the centre of No. 5 Bridge.

**Section No. 7.**—A Single line (with passing places) 1 mile 2 furlongs 4.5 chains (or thereabouts) in length, commencing in Shau-ki-wan Road by junction with Section No. 6 at the point where such Section will terminate, thence passing, in an easterly direction, along the new road to Shau-ki-wan now being constructed in place of a portion of the existing road to Shau-ki-wan, thence, in an easterly direction, along the existing Shau-ki-wan Road and terminating in that road at a point 20 feet or thereabouts east of the intersection of the centre lines of Wo Hing Street and Shau-ki-wan Road.

Notwithstanding anything in this Ordinance or the said plans contained or shown, the Company may construct, lay down and maintain the above Sections, or any of them, in such other positions along the lines of route shown on the said plans as the Governor in Council shall approve.

- Plans. 4. The plans hereinbefore referred to as having been deposited are the plans all dated the 9th day of April, 1901, and numbered one to four inclusive, deposited by the Company in the office of the Director of Public Works.
- Power to lay single line where double line authorized, and to reconvert into double line. 5. Where a double line of tramway is hereby authorized to be laid down and has been constructed, it shall be lawful for the Company, with the consent of the Governor in Council, to lay down in lieu thereof a single line of tramway, and, with the like consent, at any time thereafter to convert such single line into the double line hereby authorized to be laid down.
- Power to widen bridges, etc. 6. Subject to the approval of the Governor in Council being first obtained, the Company may, in the construction of the above Sections, or any of them, at their own expense alter the level of, and widen any bridge, road, street or space along or over which any Section is hereby authorized to be laid down, and make and construct all necessary cuttings and embankments, bridges, viaducts, culverts, catch-water drains, and other works, and divert streams: Provided always that the earth excavated and thrown to waste is disposed of to the satisfaction of the Director of Public Works and in such manner as to prevent its being washed by rain into the harbour of Victoria.
- Power to make additional crossings, etc. 7. Subject to the approval of the Governor in Council being first obtained, after timely and adequate notification by public advertisement or otherwise of the intention of the Company to apply for such approval, the Company may, from time to time, construct, and maintain, subject to the provisions of this Ordinance, and in accordance with plans to be previously deposited by the Company in the office of the Director of Public Works, all such crossings, passing places, sidings, junctions, turn-tables and other works in addition to those particularly specified in and authorized by this Ordinance as may from time to time be approved of by the Governor in Council, and may work and use the same.
- Power to lay down sea water pipes. 8. Subject to the approval of the Director of Public Works as to the method and position of laying down being first obtained, the Company may lay down under any public roadway street or space pipes from any of their generating stations to the sea. The Company may also lay down any such pipes over or under any private land with the consent of the owner thereof. The Company may pump sea water through any such pipes for the purposes and works of the tramway, and shall make proper provision, to the satisfaction of the Director of Public Works, for the return of the surplus sea water into the sea.
- Position of sections in road. 9. The Sections numbered 1 to 5 inclusive shall be constructed laid down and maintained as nearly as may be in the middle of the road, and shall not be so laid that, for a continuous distance of one hundred feet or upwards, a less space than nine feet shall intervene between the outside edge of the footpath on either side of the road and the nearest part of the car, except where it may be necessary to construct and maintain loops for enabling the cars to pass each other, or to construct sidings and curves, all which exceptions shall be subject to the approval in writing of the Director of Public Works. Provided that the Company may, at their discretion, lay down a double single line in any road where the width may not be sufficient to allow a space of nine feet on either side. The Sections numbered 6 and 7 shall be constructed laid down and maintained in such positions on the roads along which they are authorized to be laid down as shall be approved of by the Governor in Council. Provided that the said last mentioned Sections may be so laid that a less space than 9 feet may intervene between the outside edge of the footpath on either side of the road, where there is a footpath, or, where there is no footpath, between the outside edge of the road and the nearest part of the tramcar.
- Gauge of tramway. 10. The tramway shall be constructed on a gauge of not less than three feet six inches in width, and with steel rails, which said rails shall, before being laid down, be approved of by the Director of Public Works, and shall be laid and maintained in such manner that the uppermost surface thereof shall be on a level with the surface of the road.
- Power to break up roads. 11. The Company from time to time for the purpose of making, forming, laying down, maintaining, renewing, altering, adding to, or removing any section under this Ordinance, or any part or parts thereof respectively, may open

and break up any road subject to the following regulations :—

1. They shall give to the Director of Public Works notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work.
2. They shall not open or break up or alter the level of any road except with the authority, under the superintendence, and to the satisfaction of the Director of Public Works.
3. They shall leave an interval of at least one hundred yards between any two places at which they may open or break up the road, and they shall not without the consent of the Director of Public Works open or break up at any such place a greater length than two hundred yards.

12. When the Company have opened or broken up any portion of any road, they shall be under the following further obligations, namely :—

Completion of works, and reinstatement of road.

1. They shall, with all convenient speed, complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, renewal, or alteration of, addition to, or removal of the tramway) fill in the ground, and make good the surface, and, to the satisfaction of the Director of Public Works, restore the road to a good condition.
2. They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night.

If the Company fail to comply with any of the provisions of this section, they shall, for every offence (without prejudice to the enforcement of specific performance of the requirements of this Ordinance or to any other remedy against them) be liable on summary conviction to a penalty not exceeding one hundred dollars, and to a further penalty not exceeding twenty-five dollars for every day during which any such failure continues after the first day on which such penalty is incurred.

13. In addition to the requirements of the preceding section, the Company shall, when they give notice as aforesaid to the Director of Public Works of their intention to open or break up any road for any of the purposes aforesaid, lay before the Director of Public Works a cross section showing the proposed mode of constructing, laying down, maintaining, renewing, altering, adding to or removing the tramway or works in respect of which they propose to open or break up such road, and a statement of the materials intended to be used therein ; and the Company shall not commence the construction, laying down, maintenance, renewal, alteration of, addition to, or removal of such tramway or works, or any part thereof respectively, except for the purpose of necessary repairs, until such cross section and statement have been approved in writing by the Director of Public Works, and the work shall be executed in accordance with such approved cross section and statement, and under the superintendence and to the satisfaction of the Director of Public Works.

Further provisions as to construction of tramway.

14. After and so soon as the said tramway has been constructed and laid down the Company shall maintain in good condition and repair so much of any road whereon the tramway is laid as lies between the outside rails of the tramway and also so much of the road as extends eighteen inches beyond the outside rails of the tramway. Except as aforesaid the Company shall not be liable to pay for the cost of the maintenance or repair of any road whereon the tramway is laid.

Repair of roads on which tramway laid.

15. The Company shall maintain in good condition and repair, and at their proper level so as not to be a danger or annoyance to the ordinary traffic, the rails of which the tramway for the time being consists, and the substructure upon which the same rest ; and if the Director of Public Works shall from time to time, or at any time hereafter, alter the level of any road along or across which the tramway shall be laid, then and in such event, and so often as the same shall happen, the Company shall, at their own expense, alter their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered, and

Maintenance and level of rails.

if the Company make default in complying with any of the provisions of this section, they shall, for every offence, be subject on summary conviction to a penalty not exceeding one hundred dollars and, in case of a continuing offence, to a further penalty not exceeding twenty-five dollars for every day after the first on which such default continues.

Roads to be watered.

16. The Company shall keep those portions of the roads which are occupied by the track of the Sections Nos. 1, 2, 3, 4 and 5 watered to the satisfaction of the Director of Public Works.

Temporary tramways may be made when necessary.

17. Where by reason of the execution of any work affecting the surface or soil of any road along which the tramway is laid, it is, in the opinion of the Director of Public Works, necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Director of Public Works shall, before such tramway or any part thereof shall be temporarily removed, or the use thereof discontinued, give to the Company fourteen days' notice at least of the necessity or expediency of such temporary removal or discontinuance, and immediately on receipt of any such notice the Company may, subject to such conditions and rules as the Governor in Council may from time to time make, construct in the same or any adjacent road, and, subject as aforesaid, maintain so long as necessary a temporary tramway in lieu of the tramway or part thereof so removed or discontinued, and the road on which such temporary tramway is laid shall, subject as aforesaid, be maintained so long as necessary by the Director of Public Works at the expense of the Company.

Application of road materials excavated in construction of works.

18. Any paving, metalling, or material excavated by the Company in the construction of their works from any road under the control of the Director of Public Works may be applied by them, so far as may be necessary, in or towards the reinstating of such road, provided such paving, metalling or material are, in the opinion of the Director of Public Works, fit and proper to be used in the reinstating of such road, and all surplus paving, metalling or material not used for any of the purposes in this section mentioned shall be the property of the Company, and shall be removed by them with all reasonable diligence.

Protection of Departments Companies and persons.

19. For the purpose of making, forming, laying down, maintaining, renewing, altering, adding to, or removing the tramway or any parts or part thereof, the Company may, from time to time where it is necessary or appears expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connection with the same, alter the position of any mains or pipes for the supply of gas or water, or any tubes, wires, standards, poles, or apparatus for telegraphic, telephonic, electric lighting, or any other purposes, subject to the following restrictions, that is to say :—

- (1.) Before the Company shall alter the position of any such mains or pipes, tubes, wires, standards, poles, or apparatus they shall obtain the written assent of the Director of Public Works to such alteration.
- (2.) Before laying down the tramway in a road in which any mains or pipes, tubes, wires, standards, poles or apparatus may be laid, the Company shall, whether they contemplate altering the positions of any such mains or pipes, tubes, wires, standards, poles or apparatus, or not, give seven days' notice to the Department, Company, persons or person to whom such mains, or pipes, tubes, wires, standards, poles or apparatus may belong of their intention to lay down or alter the tramway, and shall at the same time deliver a plan of the proposed work. If it shall appear to such Department, Company, persons or person that the construction of the tramway as proposed would endanger any such main or pipe, tube, wire, standard, pole or apparatus, or interfere with or impede the supply of water or gas, or the telegraphic, telephonic, electric lighting, or other communication, such Department, Company, persons or person may give notice to the Company to lower or otherwise alter the position of the said mains or pipes, tubes, wires, standards, poles or apparatus in such manner as may be considered

necessary ; and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Ordinance for the settlement of differences between the Company and Departments, Companies or persons ; and all alterations to be made under this section shall be made with as little detriment and inconvenience to such Department, Company, persons or person as the circumstances will admit of and under the superintendence of such Department, Company, persons or person, or of their or his surveyor or engineer.

- (3.) The Company shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires, standards, poles or apparatus, or other works belonging to any such Department, Company, persons or person, or do anything to impede the passage of water or gas, or the telegraphic, telephonic, electric lighting, or other communication into or through such mains or pipes, valves, syphons, plugs, tubes, wires, standards, poles or apparatus, without the consent of such Department, Company, persons or person, or in any other manner than such Department, Company, persons or person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, tubes, wires, standards, poles or apparatus, and other works necessary or proper for continuing the supply of water or gas, or telegraphic, telephonic, electric lighting or other communication as sufficiently as the same was supplied by the mains or pipes, valves, syphons, plugs, tubes, wires, standards, poles or apparatus proposed to be removed or displaced, shall, at the expense of the Company, have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the surveyor or engineer of such Department, Company, persons or person, or, in case of disagreement between such surveyor or engineer and the Company, in such manner as the Director of Public Works, or other fit and proper person specially appointed by the Governor in Council, shall direct.
- (4.) The Company shall not lay down any such mains or pipes, valves, syphons, plugs, tubes, wires, standards, poles or apparatus contrary to the regulations of any Ordinance relating to water gas or other Companies, or to telegraphs.
- (5.) The Company shall make good all damage done by them to property belonging to or controlled by any such Department, Company, persons or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property or with the private service pipes or wires of any person supplied by any such Department, Company, persons or person with water or gas or electric light unless such Department, Company, persons or person shall, by or by reason of their or his own default, neglect or omission, have contributed to or assisted in the doing happening or bringing about of such loss or damage.
- (6.) If by any such operations as aforesaid the Company interrupt the supply of water or gas or electric light in or through any main, pipe or wire for a period exceeding twelve consecutive hours they shall be liable to a penalty not exceeding one hundred dollars for every day or portion of a day after the expiration of such period of twelve hours during which such supply shall be so interrupted.

20. When the tramway or any works connected therewith interferes with any sewer, drain, water-course, or sub-way, or in any way affects the sewerage or drainage of the said Colony of Hongkong, the Company shall not commence the construction of the tramway or works until they shall have given to the Director of Public Works fourteen days' previous notice in writing of their intention so to do, and shall have left with such notice all necessary particulars relating thereto, nor until the Director of Public Works shall have signified his written approval of the same,

For protection of sewers, etc.

unless he do not signify his approval, disapproval or other directions within fourteen days after service of the said notice and particulars as aforesaid; and the Company shall comply with the directions of the Director of Public Works in the execution of the said works, and shall provide by new, altered or substituted works, in such manner as the Director of Public Works shall require, for the proper protection of, and for preventing injury or impediment to the sewers, drains, water-courses, sub-ways, sewerage or drainage hereinbefore referred to by or by reason of the tramway, and shall save harmless the Director of Public Works against the expense occasioned thereby; and all such works shall be done by or under the superintendence of the Director of Public Works at the cost and expense of the Company, and when any new altered or substituted works shall be completed by or at the cost or expense of the Company under this Ordinance, the same shall thereafter be as completely under the control of the Director of Public Works, and be maintained by him, as any other sewers, drains, water-courses, sub-ways, sewerage or drainage.

For protection of Telegraph Companies.

21. If any telegraph cable now or hereafter to be constructed and worked in the said Colony or any of its dependencies by the Eastern Extension Australasia and China Telegraph Company Limited and the Great Northern Telegraph Company Limited, or any aerial or subterranean line connected with any such cable, or the sheathings, coverings or supports of any such cable or line shall be injuriously affected by the construction or working of the undertaking, or by electrolysis or other cause arising or resulting from the undertaking, the Company shall pay the expenses of all such alterations in or additions to such cable, line, sheathings, coverings or supports as may be necessary to remedy such injurious affection. For the purposes of this section a cable or line shall be deemed to be injuriously affected if telegraphic communication by means of such cable or line is, whether through induction or otherwise, in any manner affected by any act or work of the Company.

Rights of Departments etc. to open roads.

22. Nothing in this Ordinance shall take away or abridge any power to open or break up any road along or across which the tramway is laid or any other power now vested in any Department, Company, persons or person for the doing of any matter or thing which such Department, Company, persons or person are or is authorized to do, but in the exercise of such power all such Departments, Companies or persons shall be subject to the following restrictions (that is to say):—

- (1.) They shall cause as little detriment or inconvenience to the Company as circumstances admit.
- (2.) Before they commence any works whereby the traffic on the tramway will be interrupted they shall (except in cases of urgency, in which case notice of the commencement of such work shall be given to the Company within twenty-four hours after such commencement) give to the Company and the Director of Public Works notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given twenty-four hours at least before the commencement of the work.
- (3.) They shall not be liable to pay to the Company any compensation for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid.
- (4.) Whenever for the purpose of enabling them to execute such works any such Department, Company, persons or person shall so require, the Company shall either stop traffic on that portion of the tramway to which such notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by all such Departments, Companies or persons with all reasonable expedition.
- (5.) Any such Department, Company, persons or person shall not execute such work so far as it immediately affects the tramway except under

the superintendence of the Company, unless the Company do not give such superintendence at the time specified in the notice for the commencement of the work, or permanently discontinue the same during the progress of the work, and they or he shall execute such work at their or his own expense and to the reasonable satisfaction of the Company.

23. If any difference arises between the Company on the one hand and any Department, Company, persons or person (other than the Director of Public Works) to whom any sewer, drain, tube, wires, standards, poles, or apparatus for telegraphic, telephonic, electric lighting or other purposes may belong on the other hand, with respect to any interference or control exercised, or claimed to be exercised, by such Department, Company, persons or person, or on their or his behalf, or by the Company by virtue of this Ordinance in relation to any Section of the tramway or works or in relation to any work proceeding of such Department, Company, persons or person, or with respect to the propriety of or the mode of execution of any work relating to the tramway, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the Department, Company, persons or person concerned, or with respect to any other subject or thing regulated by or comprised in the Ordinance, the matter in difference shall (unless otherwise specially provided for by this Ordinance) be settled by a special case.

Difference between Company and others (other than the Director of Public Works).

24. If any difference arises between the Company on the one hand and the Director of Public Works on the other hand with respect to any interference or control exercised or claimed to be exercised by the Company or the Director of Public Works by virtue of this Ordinance in relation to any Section of the tramway or works, or in relation to any work or proceeding of the Director of Public Works, or with respect to the propriety of or the mode of execution of any work relating to the tramway, or with respect to the cost of the maintenance or repair of any road along or across which the tramway passes, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought to satisfy the Director of Public Works, or with respect to any other subject or thing regulated by or comprised in this Ordinance, the matter in difference shall (unless otherwise specially provided for by this Ordinance) be settled by a special case.

Difference between Company and Director of Public Works.

25. Neither the tramway nor any portion thereof shall be opened for public traffic until the same has been certified to be fit for such traffic by the Director of Public Works or other officer duly appointed in writing for that purpose by the Governor in Council, and the Governor in Council has, by notification in the Gazette, authorized the same to be opened for such traffic.

Tramway not to be opened until certified fit for traffic.

*Cesser of Powers in certain events.*

26. If the Company do not, within three years from the commencement of this Ordinance, complete and open for public traffic the whole of the tramway hereby authorized ; or

Cesser of powers in certain events.

if within one year from such commencement the construction of the tramway is not, in the opinion of the Governor in Council, substantially commenced ; or

if the construction of the tramway after it has been commenced is suspended without a reason sufficient, in the opinion of the Governor in Council, to warrant such suspension,

the powers hereby given to the Company for constructing the tramway shall cease to be exercised, unless the time be prolonged by the Governor in Council. As to such portion however of the tramway as is then completed the Governor in Council may permit the said powers to continue and to be exercised if he shall think fit, but failing such permission the same shall cease to be exercised, and where such permission is withheld then so much of the tramway as is then completed shall be deemed to be a tramway to which all the provisions of this Ordinance relating to the discontinuance of the tramway after proof of such discontinuance shall apply and may be dealt with accordingly. A notice pub-

lished by the Governor in Council in the Gazette declaring that the tramway has not been completed and opened for public traffic, or that the construction of the tramway has not been substantially commenced within the time aforesaid, or that such construction has been suspended without sufficient reason, shall be conclusive evidence for the purposes of this section of such non-completion non-commencement or suspension.

*Insufficient User of Tramway.*

Procedure when Public not afforded full benefit of tramway.

27. If at any time after the tramway shall have been for three years opened for public traffic it shall be represented in writing to the Governor in Council by the Director of Public Works or by twenty inhabitant ratepayers of the Colony of Hongkong that the Public are not afforded the full benefit of the tramway, the Governor in Council may (if satisfied that *prima facie* the case is one for enquiry) appoint an officer to enquire into the matter and to hold an enquiry and report thereon, and, if the truth of the representation shall be proved to the satisfaction of the Governor in Council, the Governor in Council may issue an order to the Company, requiring them to provide such a service of cars as will afford to the Public the full benefit of the tramway, and such order may prescribe the number of cars which the Company shall run upon the tramway, and the mode and times in and at which such cars shall be run. Every such order shall be served upon the Company within 48 hours after it shall have been made, and shall be published in the Gazette next following the making thereof. Provided that the Governor in Council shall, before issuing any such order, be satisfied that under good and economical management the prescribed service will be fairly remunerative to the Company; and that, after the Company shall have complied with such order for not less than thirty days, the Governor in Council may on the application of the Company revoke or modify any such order.

Procedure on non-compliance with order.

28. If for the period of three months after the service of such order upon the Company the Company shall fail or neglect to comply therewith, the tramway shall be deemed to be a tramway to which all the provisions of this Ordinance relating to the discontinuance of the tramway after proof of such discontinuance shall apply and may be dealt with accordingly.

*Discontinuance of Tramway.*

Discontinuance of tramway.

29. If at any time after the opening of the tramway for traffic the Company discontinue the working of the tramway or of any part thereof for the space of six months (such discontinuance not being occasioned by circumstances beyond the control of the Company, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control) and such discontinuance is proved to the satisfaction of the Governor in Council, the Governor in Council may by order declare that the powers of the Company in respect of the tramway or the part thereof so discontinued shall from the date of such order be at an end, and thereupon the powers of the Company shall cease and determine, unless the same are purchased by the Government in manner by this Ordinance provided. Where any such order has been made the Director of Public Works may, at any time after the expiration of two months from the date of such order, under the authority of a certificate to that effect of the Governor in Council, remove the tramway or part of the tramway so discontinued, and the Company shall pay to the Director of Public Works the cost of such removal and of the making good of the road by the Director of Public Works, such cost to be certified by the Director of Public Works, whose certificate shall be final and conclusive; and if the Company fail to pay the amount so certified within two months after delivery to them of such certificate or a true copy thereof, the Director of Public Works may (without any previous notice to the Company but without prejudice to any other remedy which he may have for the recovery of the amount) sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private contract and for such sum or sums and to such person or persons as he may think fit, and may out of the proceeds of such sale reimburse himself the amount of the cost certified as aforesaid, and of the cost of sale, and the balance, if any, of the proceeds of sale shall be paid to the Company.

*Insolvency of Company.*

30. If at any time after the opening of the tramway or any portion thereof for traffic it appears to the Governor in Council that the Company are insolvent, so that they are unable to maintain the tramway or such portion thereof as has been opened for traffic or work the same with advantage to the Public, the Governor in Council may enquire into the financial affairs of the Company, and, if satisfied that the Company are so insolvent as aforesaid, may by order declare that the powers of the Company shall, at the expiration of six months from the making of the order, be at an end, and the powers of the Company shall cease and determine at the expiration of the said period unless the same are purchased by the Government in manner by this Ordinance provided, and thereupon the Director of Public Works may remove the tramway in like manner and subject to the same provisions as to the payment of the costs of such removal and to the same remedy for recovery of such costs in every respect as in cases of removal under the immediately preceding section.

Proceedings  
in case of  
insolvency  
of Company.

*Purchase of Tramway.*

31. The Governor in Council may at the expiration of fifty years from the date of the commencement of this Ordinance, or at the expiration of any subsequent period of five years, or at the expiration of three months after the making of any order by the Governor in Council under either of the two immediately preceding sections, on giving to the Company a notice in writing of the intention of the Governor in Council so to do in manner following, that is to say:—

Purchase  
by Govern-  
ment of  
tramway.

- (a.) at least six months' notice prior to the expiration of such fifty years;
- (b.) at least six months' notice prior to the expiration of any such subsequent period of five years;
- (c.) at least two months' notice prior to the expiration of such three months,

require the Company to sell and thereupon the Company shall sell to the Government their undertaking, and all lands, buildings, works, materials and plant of the Company suitable to and used by the Company for the purposes of their undertaking, for and in consideration of the then value of the same. Provided that the value aforesaid shall be deemed to be the fair value at the time of the purchase, due regard being had to the cost of construction less depreciation, and to the then nature, condition and state of repair of the buildings, works, materials and plant, and to the fact that they are in such a condition and state of repair as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, but without any addition in respect of compulsory purchase, or of goodwill, or of any profits which might have been made from the undertaking or of any similar considerations. In case of difference, such value as aforesaid shall be determined by a special case. When any such sale has been made and completed all the rights, powers and authorities of the Company in respect of the premises sold, or, where any order has been made by the Governor in Council under either of the two immediately preceding sections, all the rights, powers and authorities of the Company previous to the making of such order in respect of the premises sold shall be transferred to and vested in and may be exercised by the Government.

*Motive Power.*

32. The cars used on the tramway shall be moved by electric power conveyed by means of a bare overhead wire and the rails of the tramway. Provided always that the exercise of the powers by this section conferred with respect to the use of electric power shall be subject to the rules set forth in Schedule A. hereto, and to any rules which may be added thereto or substituted therefor by any order which the Governor in Council may make from time to time as and when he may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers hereby conferred with respect to the use of electric power on the tramway. In the event of the Company being unable at any time or times to move the cars by electric power the cars may temporarily be moved by animal power.

Motive  
power.

33. Every motor car and trailer car used on the tramway shall be so constructed as to provide for the

Construction of cars.

safety of passengers and for their safe entrance to and exit from and accommodation in such car and their protection from the machinery used for drawing or propelling such car.

Powers to Authorities to inspect cars, etc.

**34.** The Director of Public Works, or any officer or officers appointed for that purpose by the Governor in Council in writing, may, from time to time, inspect any car used on the tramway, and the machinery therein, and any wires or other machinery of the Company, and report thereon, and the Governor in Council may (after receiving from the Company and considering their report on the matter) by order prohibit the use of any such car wires or machinery as may be determined to be unsafe or unfit for use.

Penalty for using electric power contrary to Ordinance or rules.

**35.** The Company or any person using electric power on the tramway contrary to the provisions of this Ordinance, or to any of the rules set forth in Schedule *A*, hereto, or to any rule added thereto or substituted therefor as aforesaid, shall for every such offence be subject to a penalty not exceeding twenty-five dollars, and also in the case of a continuing offence a further penalty not exceeding ten dollars for every day after the first during which such offence continues.

#### *Rules.*

Rules.

**36.** Subject to the provisions of this Ordinance, the Governor in Council may from time to time make rules with regard to the tramway for regulating the working of the tramway as well as for any of the following purposes, that is to say :—

For regulating the use of the warning apparatus affixed to the cars.

For providing that the cars shall be brought to a stand at such places and in such cases of impending danger as the Governor in Council may deem proper for securing safety.

For regulating the entrance to exit from and accommodation in the cars and the protection of passengers from the machinery of any car used on the tramway.

For regulating the rate of speed of the cars: Provided that the speed as regards Sections Nos. 1, 2, 3, 4 and 5 shall not (unless another rate be authorized by the Governor in Council under the authority of this clause) exceed the rate of ten miles an hour, and, as regards Sections Nos. 6 and 7, shall not exceed the rate of fifteen miles an hour, and that no cars may pass through moveable facing points at a pace exceeding the rate of four miles an hour: Provided also that, as regards Sections Nos. 1, 2, 3, 4 and 5 the Governor in Council may, if he shall think fit so to do, authorize the maximum rate of speed to be increased to a rate not exceeding the rate of twelve miles an hour.

For the stopping of cars using the tramway.

For providing for the due publicity of all rules for the time being relating to the tramway by exhibition thereof in conspicuous places.

For providing for the safety of the Public in all cases in which it shall appear to the Governor in Council that such safety is, or is likely to be, endangered or imperilled.

Subject to the provisions of this Ordinance and to their furnishing to the Governor in Council a true copy of every rule which they propose to make one month at least before the same is made, the Company may from time to time make rules—

For preventing the commission of any nuisance in or upon any car or in or against any premises belonging to them.

For regulating the travelling in or upon any car belonging to them.

Notice of the making of any rules by the Governor in Council or by the Company shall be published once in two consecutive weeks in the *Gazette* within three weeks after the making thereof.

Penalty may be imposed in rules.

**37.** Any such rule may impose penalties for offences against the same not exceeding ten dollars for each offence, with or without penalties for continuing offences not exceeding for any continuing offence five dollars

for every day during which the offence continues; but all rules shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

*Wheels and Width of Cars.*

38. The Company may use on the tramway cars with flange-wheels, or wheels suitable only to run on the rails of the tramway, and, subject to this Ordinance, the Company shall have the exclusive use of the tramway for cars with flange-wheels or other wheels suitable only to run on the said rails, and no car used on the tramway shall exceed six feet six inches in width. Wheels and width of cars.

*Power to Sell.*

39. Subject to the approval of the Governor in Council being first obtained the Company may at any time and from time to time sell assign and absolutely dispose of the whole of their undertaking, to such person or persons or Corporation or Company, by public auction or private contract, or partly by public auction and partly by private contract, and with under and subject to such terms and conditions in all respects as the Company shall, with the approval of the Governor in Council, think fit, with power at any such sale to fix a reserve price for, or buy in the same, and when any such sale assignment or absolute disposal has been made and completed all the rights, powers, authorities, obligations and liabilities of the Company in respect to the undertaking shall be transferred to vested in and may be exercised by and shall attach to the person or persons or Corporation or Company to whom the same have been sold assigned or absolutely disposed of, in like manner as if the undertaking was constructed by such person or persons or Corporation or Company under the powers conferred upon him or them by this Ordinance, and in reference to the same he or they shall be deemed to be the Company and to be subject in all respects to the provisions of this Ordinance and to any order in Council or rules made hereunder. Provided that the Company may at any time and from time to time sell, assign and absolutely dispose of any land, machinery, property, chattel or effect which shall not be required for the efficient maintenance and working of their undertaking. Power to sell.

*Power to Lease.*

40. Subject to the approval of the Governor in Council being first obtained the Company may, at any time and from time to time, demise or let the whole of their undertaking to such person or persons or Corporation or Company for such term or terms of years or from year to year or for any less period, and for such rent or rents and upon such terms and conditions in all respects as the Company shall think fit to adopt, to take effect either in possession or at some future date, and either with or without a premium or premiums as a consideration or considerations for such demise or demises, and when any such demise or letting has been made the lessee shall be subject in all respects to the provisions of this Ordinance and to any order in Council or rules made hereunder. Provided that the Company may at any time and from time to time demise or let any land, machinery, property, chattel or effect which shall not be required for the efficient maintenance and working of their undertaking. Power to lease.

*Power to Mortgage.*

41. Subject to the approval of the Governor in Council being first obtained it shall be lawful for the Company at any time and from time to time to borrow money on mortgage of the whole of their undertaking, and for that purpose to assign or demise by way of mortgage all their lands, messuages or tenements, erections, buildings, works, rolling stock, plant, machinery, chattels and effects, to any person or persons or Corporation or Company, and to enter into all such covenants, provisos, declarations and agreements as the Company shall think fit or proper, and any mortgagee in possession shall be subject in all respects to the provisions of this Ordinance and to any order in Council or rules made hereunder. Power to mortgage.

*Rights of Government.*

42. The Governor in Council may at any time or times by order direct that precedence over the Company and all other persons in the user of the tramway hereby authorized, or any parts or part thereof, be taken for defensive or military purposes, or for the passage of troops and war material, on Rights of Government in military emergency.

giving to the Company before each occasion of such user three clear days' notice.

Fares, etc. to be paid in such emergency.

43. The Governor in Council shall direct the payment to the Company for such user as aforesaid of such fares and charges as shall be agreed on, or, if no agreement shall be come to, then the amount of the fares and charges to be paid shall be determined upon a special case.

Postmen and Policemen on duty and in uniform free.

44. Postmen and Policemen in the service of the Government for the time being on duty and in uniform shall be carried free of charge.

*Traffic upon the Tramway.*

Traffic upon tramway.

45. The tramway may be used for the purpose of conveying passengers, animals, goods, merchandise, commodities, minerals and parcels.

Company not bound to carry animals or goods.

46. Save and except passengers' luggage not exceeding sixteen pounds in weight or one cubic foot in measurement, the Company shall not be bound to carry, unless they think fit, any animals, goods, merchandise commodities, minerals or parcels.

*Royalties to Government.*

Royalties.

47.—(1) In consideration of the rights powers and authorities hereby granted to or conferred upon the Company the Company shall pay to the Government in respect of the tramway when opened for public traffic as provided by section 25 of this Ordinance the following royalties, that is to say:—

- (a.) For the period of 35 years from the time when the tramway shall be opened for public traffic as aforesaid a royalty amounting to five dollars per cent. per annum of the profits of the tramway.
- (b.) After the said period of 35 years and for so long as the Company shall exercise their said rights powers and authorities a royalty amounting to twenty-five dollars per cent. per annum of the profits of the tramway.

For the purposes of this section profits shall be the gross takings of the Company less actual running expenses. In construing this section interest or dividends upon moneys borrowed for the purposes of the Company shall be deemed not to be part of the actual running expenses.

(2.) Any person from time to time appointed by the Government as Auditor for the purpose may at all reasonable times inspect the books papers and vouchers of the Company and take notes therefrom.

(3.) In the event of any dispute arising between the Government and the Company as to what is, for the purposes of this section, the correct amount of the profits of the Company in any particular year, such amount shall be determined upon a special case.

*Fares and Charges.*

Fares for passengers.

48. The Company may demand and take for every passenger travelling upon the tramway or any portion thereof, including every expense incidental to such conveyance, the fares following, that is to say:—

- (i.) From or to the point where Section No. 1 is authorized to commence to or from the existing General Post Office in Queen's Road Central, for any distance, for a first class passenger 15 cents, for a second class passenger 10 cents, and for a third class passenger 5 cents.
- (ii.) From or to the existing General Post Office in Queen's Road Central to or from the point in Causeway Road where Section No. 2 is authorized to terminate, or to or from the point in Wong Nei Chong Road where section No. 5 is authorized to terminate, for any distance, for a first class passenger 15 cents, for a second class passenger 10 cents, and for a third class passenger 5 cents.
- (iii.) From or to the point in Causeway Road where Section No. 6 is authorized to commence to or from the point in Shau-ki-wan Road where Section No. 7 is authorized to terminate, for any distance, for a first class passenger 20 cents, for a second class passenger 15 cents, and for a third class passenger 5 cents.

A list printed in the English and Chinese languages of all the fares and charges authorized to be taken shall be exhibited in a conspicuous place at the offices of the Company, and inside and outside every car used upon the tramway: Provided that if there be any variation between the English and Chinese prints of the said list the English print thereof shall prevail.

49. The Company shall at all times after the tramway shall have been opened for public traffic run on the tramway at least two cars each way every morning and evening in the week at such hours not being later than seven o'clock in the morning or earlier than half past five o'clock in the evening, respectively, as the Company shall from time to time think most convenient for artisans mechanics and daily labourers at fares not exceeding three cents per journey: Provided that in case any complaint shall be made to the Governor in Council of the hours appointed by the Company for the running of such cars the Governor in Council shall have power by order to fix and regulate the same.

Cheap fares for labouring classes.

50. A separate car shall be provided by the Company for Chinese third class passengers.

Separate car for Chinese third class passengers.

51. If the cars shall during any journey contain their authorized complement of passengers, the Company shall not be bound to find accommodation for any other passenger, notwithstanding that such other passenger may have purchased a ticket or tickets entitling him to travel upon the tramway.

If cars full. Company not bound to carry.

52. No passenger shall speak to the driver of any car whilst such driver is on duty.

Passengers not to speak to driver.

53. No passenger may take on the tramway his personal luggage other than small hand baskets, bags or parcels, any one of which shall not exceed sixteen pounds in weight, or one cubic foot in measurement. All such personal luggage shall be carried by hand, and at the responsibility of the passenger, and shall not occupy any part of a seat, nor be of a form or description to annoy or inconvenience other passengers.

Passengers' luggage.

54. The Company may demand and take in respect of any animals, goods, merchandise, commodities, minerals or parcels conveyed by them on the tramway, except as is by this Ordinance specially provided, including the charges for the use of the tramway, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any charges not exceeding the charges specified in Schedule B. hereto, subject to the rules therein contained.

Charges for animals and goods.

55. The said fares and charges shall be paid to such persons and at such place and in such manner as the Company may, by notice annexed to the list of fares and charges, appoint.

Payment of fares and charges.

#### *Abandonment of Undertaking.*

56. If the Company abandon their undertaking or any part or parts thereof and take up the tramway or any portion or portions thereof they shall, with all convenient speed, and in all cases within eight weeks at the most (unless the Director of Public Works otherwise consents in writing) fill in the ground and make good the surface, and, to the satisfaction of the Director of Public Works, restore the portion of the road upon which the tramway, or such portion or portions thereof as shall be abandoned, was or were laid to a good condition, and shall clear away surplus paving or metalling material or rubbish occasioned by such work, and shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night: Provided that if the Company fail to comply with the provisions of this section the Director of Public Works, if he thinks fit, may himself, at any time, after seven days' notice to the Company, remove the tramway and do the work necessary for the restoration of the road to the extent provided for in this section, and the expense incurred by the Director of Public Works in so doing shall be repaid to him by the Company.

On abandonment, road to be reinstated.

#### *Offences.*

57. If any person infringes any of the provisions of this Ordinance, or wilfully obstructs any person acting under the authority of the Company in the lawful exercise of any of the powers hereby conferred, or defaces or destroys any

Breach of provisions of Ordinance, etc.

mark made for the purpose of setting out the line of the tramway, or damages or destroys any property of the Company, he shall for every such offence be liable to a penalty not exceeding five hundred dollars, and in default of payment of such penalty to imprisonment for any term not exceeding six months with or without hard labour.

Further offences.

58. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things, namely:—

interferes with, removes, or alters, any part of the tramway, or of the works connected therewith;

places, or throws any stone, dirt, wood, refuse, or other material on any part of the tramway;

does, or causes to be done, anything in such manner as to obstruct any car using the tramway, or to endanger the lives of persons therein, or thereon; or knowingly aids or assists in the doing of any of such things,

he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding one thousand dollars, and in default of payment of such penalty to imprisonment for any term not exceeding twelve months with or without hard labour.

Further offences.

59. If any person travelling, or having travelled in any car, avoids or attempts to avoid payment of his fare, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such car beyond such distance, and does not pay or tender the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly or wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit such car, every such person shall for every such offence be liable to a penalty not exceeding ten dollars.

Power to temporarily seize offender.

60. It shall be lawful for any officer or servant of the Company and any person called by him to his assistance to seize and detain any person discovered either in, or immediately after, committing or attempting to commit any such offence as in the immediately preceding section is mentioned, and whose name or residence is unknown to such officer or servant, until such person can be handed over to a Police Officer or Constable for safe custody.

Penalty for bringing dangerous goods on tramway.

61. No person shall be entitled to carry or to require to be carried on the tramway any goods which are of a dangerous nature, and if any person send by the tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant with whom the same are left, at the time of such sending, he shall be liable to a penalty not exceeding one hundred dollars for every such offence, and in default of payment of such penalty to imprisonment for any term not exceeding three months with or without hard labour, and it shall be lawful for the Company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Penalty for using tramway with flange-wheeled carriages, etc.

62. If any person (except under the authority of this Ordinance) uses the tramway with carriages, cars or vehicles having flange-wheels, or other wheels suitable to run on the rail of the tramway, such person shall for every such offence be liable to a penalty not exceeding one hundred dollars.

#### *Purchase of Lands by Agreement.*

Power to purchase lands by agreement.

63. Subject to the provisions of this Ordinance, it shall be lawful for the Company to agree with the owners of any lands which shall be required for the purposes of this Ordinance, and with all parties having any estate or interest in such lands or by this Ordinance enabled to sell and assign the same, for the absolute purchase for a consideration in money of any such lands, or any parts or part thereof, and of any estate or interest in such lands of any kind soever.

Parties under disability enabled to sell and assign.

64. It shall be lawful for all parties, being seized, possessed of or entitled to any such lands, or any estate or interest therein, to sell and assign or release the same to the Company, and to enter into all necessary agreements

for that purpose, and particularly it shall be lawful for all or any of the following parties, so seized, possessed or entitled as aforesaid, so to sell assign or release (that is to say) all corporations, tenants in tail or for life, married women seized in their own right, guardians, committees of lunatics and idiots, trustees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession, or subject to any lease for life or for lives and years or for years or any less interest; and the power so to sell and assign or release as aforesaid may lawfully be exercised by all such parties, other than lessees for life or for lives and years or for years or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators and successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics, and idiots respectively could have exercised the same power under the authority of this Ordinance if they had respectively been under no disability, and as to such trustees, executors and administrators, on behalf of their *cestuis que trustent*, whether infants, issue unborn, lunatics, *femes covert*, or other persons, and that to the same extent as such *cestuis que trustent* respectively could have exercised the same powers under the authority of this Ordinance if they had respectively been under no disability.

65. The power to release lands from any rent-charge or incumbrance and to agree for the apportionment of any such rent-charge or incumbrance shall extend to and may lawfully be exercised by every party hereinbefore enabled to sell and assign or release lands to the Company.

Parties under disability to exercise other powers.

66. The purchase money or compensation to be paid for any lands to be purchased or taken from any party under any disability or incapacity and not having power to sell or assign such lands except under the provisions of this Ordinance, and the compensation (if any) to be paid for any permanent damage or injury to any such lands shall not be less than such a sum as shall be approved of by a Judge upon a special case, and all purchase money and compensation recovered under or by virtue of this section shall be paid into Court for the benefit of the parties interested.

Compensation where parties are under disability.

#### *Deposit of Money or Security.*

67. Notwithstanding anything in this Ordinance contained the Company shall not exercise the powers hereby conferred unless and until they shall have paid as a deposit the sum of ten thousand dollars into the Treasury of the Colony of Hongkong, which said sum shall be invested by the Governor in Council upon such stocks funds and securities and in such mode, manner or way as the Company shall desire and the Governor in Council shall approve of. The Company may transfer to the Government in lieu wholly or in part of the said sum of ten thousand dollars any lands, stocks, funds, shares or securities of an equivalent value.

Deposit before exercising powers.

68. The said sum of ten thousand dollars and the investments for the time being representing the same and any lands, stocks, funds, shares or securities so as aforesaid transferred to the Government (all hereinafter called "the deposited security") shall not be paid or transferred to the Company unless the Company shall within the period mentioned in section 26 of this Ordinance complete and open for public traffic the whole of the tramway hereby authorized, and if the Company shall make default in so completing and opening the whole of the tramway the deposited security shall be applied as provided by the immediately following section.

How deposit to be applied.

69. If within the period mentioned in section 26 of this Ordinance the Company shall not complete and open for public traffic the whole of the tramway hereby authorized then and in such case the deposited security shall be realized and applied towards compensating the Government for the expense incurred by the Government in taking up any uncompleted and unopened portion of tramway or the materials connected therewith placed by the Company in or upon any

Application of deposit, if tramway not completed.

road and in making good all damage caused to any road by the construction or abandonment of the tramway or any portion or portions thereof. If no such compensation is payable, or if a portion of the deposited security has been found sufficient to satisfy such compensation, then the deposited security, or such portion thereof as may not be required as aforesaid, shall, if a Receiver has been appointed or the Company are insolvent and are in the course of being wound up, or the undertaking has been abandoned, be paid or transferred to such Receiver or to the liquidator or liquidators of the Company or be duly applied as part of the assets of the Company for the benefit of the creditors thereof, and subject to such application shall be repaid or retransferred to the Company: Provided that until the deposited security has been repaid or retransferred to the Company or has become otherwise applicable as hereinbefore mentioned any interest, dividends or income accruing thereon shall as often as the same shall become payable be paid to the Company.

*Miscellaneous.*

Recovery of fares, etc. **70.** Every fare, charge, penalty or forfeiture imposed by this Ordinance or by any Order in Council or Rule made in pursuance hereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before a Magistrate, and on complaint being made to a Magistrate he shall issue a summons requiring the party complained against to appear before any Magistrate at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same with some inmate at his usual or last known place of abode, and upon the appearance of the party complained against, or in his absence after proof of the due service of such summons, it shall be lawful for any Magistrate to proceed to the hearing of the complaint although no information in writing or in print shall have been exhibited before him, and, upon proof of the offence, it shall be lawful for such Magistrate to convict the offender and upon such conviction to adjudge the offender to pay such fare, charge, penalty or forfeiture as well as such costs attending the conviction as such Magistrate shall think fit.

By distress. **71.** If forthwith, upon any such adjudication as aforesaid, the amount of the fare, charge, penalty or forfeiture and of such costs as aforesaid be not paid, the amount thereof shall be levied by distress, and any Magistrate shall issue his warrant of distress accordingly. The said amount shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from the sale of such goods and chattels, after satisfying the amount due and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

Application of penalties. **72.** The Magistrate by whom any such penalty or forfeiture shall be imposed may, where the application thereof is not otherwise provided for, award one moiety thereof to the use of His Majesty, His Heirs and Successors for the public uses of the Colony and the other moiety to the informer or party prosecuting or complaining.

Distress not unlawful for want of form. **73.** No distress levied by virtue of this Ordinance shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action or suit upon the case.

Fares, etc. to be sued for within six months. **74.** No person shall be liable to the payment of any fare, charge, penalty or forfeiture imposed by virtue of this Ordinance for any offence made cognizable before a Magistrate unless the complaint respecting such offence shall have been made before such Magistrate within six months next after the commission of such offence.

Power to summon witnesses. **75.** It shall be lawful for any Magistrate to summon any person to appear before him or any other Magistrate as a witness in any matter in which a Magistrate shall have jurisdiction under the provisions of this Ordinance, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter,

and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such Magistrate, every such person shall forfeit a sum not exceeding fifty dollars for every such-offence.

76. The Magistrate before whom any person shall be convicted of any offence against this Ordinance may cause the conviction to be drawn up according to the form in Schedule C. to this Ordinance. Form of conviction.

77. No proceeding before a Magistrate in pursuance of this Ordinance shall be quashed or vacated for want of form or removed by *certiorari* or otherwise into the Court. Proceedings not to be quashed for want of form.

78. If any party shall feel aggrieved by any determination or adjudication of any Magistrate with respect to any fare, charge, penalty or forfeiture under the provisions of this Ordinance, such party may appeal under the provisions of and in manner provided by any Ordinance for the time being in force relating to appeals from a Magistrate. Appeal.

79. The Company shall be answerable for all accidents damages and injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of any of their works or cars, and shall save harmless all Departments, Companies, bodies and persons collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries. Company to be responsible for all damage through their act or default.

80. Notwithstanding anything in this Ordinance contained the Company shall not acquire any right other than that of user of the roads along or across which they lay the tramway. Right of user only acquired.

81. Nothing in this Ordinance shall limit the powers of the Police to regulate the passage of any traffic along or across any public road along or across which the tramway is laid down, and the Police may exercise their powers as well on as off the tramway, and with respect as well to the traffic of the Company as to the traffic of other persons, and in particular nothing in this Ordinance shall limit the power of the Captain Superintendent of Police under any Ordinance for the time being in force to make rules or regulations with reference to traffic. Power to Police to regulate traffic.

82. Nothing in this Ordinance or in any Order in Council or Rule made hereunder shall take away or abridge the right of the Public to pass along or across every or any part of any public road along or across which the tramway is laid, whether on or off the tramway, with carriages, cars or vehicles not having flange wheels or wheels suitable only to run on the rail of the tramway. Rights of public reserved.

83. The powers and privileges given by this Ordinance are so given saving and reserving always the rights of His Majesty His Heirs and Successors and of all bodies politic and corporate and of all other persons and those claiming by from or under Him or them, except as is herein otherwise provided. Reservation of rights of the Crown and others.

#### SCHEDULE A.

##### RULES.

In the following rules:—

The expression "energy" means electrical energy.

The expression "generator" means the dynamo or dynamos or other electrical apparatus used for the generation of energy.

The expression "motor" means any electric motor carried on a car and used for the conversion of energy.

The expression "pipe" means any gas or water pipe or other metallic pipe, structure, or substance.

The expression "wire" means any wire or apparatus used for telegraphic, telephonic, electrical signalling, or other similar purposes.

The expression "current" means an electric current exceeding one thousandth part of one ampere.

1. Any dynamo used as a generator shall be of such pattern and construction as to be capable of producing a continuous current without appreciable pulsation.

2. One of the two conductors used for transmitting energy from the generator to the motors shall be in every case insulated from earth, and is hereinafter referred to as the "line"; the other may be insulated throughout, or may be uninsulated in such parts and to such extent as is provided in the following rules, and is hereinafter referred to as the "return."

3. Where any rails on which cars run or any conductors laid between or within three feet of such rails form any part of a return, such part may be uninsulated. All other returns or parts of a return shall be insulated, unless of such sectional area as will reduce the difference of potential between the ends of the uninsulated portion of the return below the limit laid down in rule 7.

4. When any uninsulated conductor laid between or within three feet of the rails forms any part of a return, it shall be electrically connected to the rails at distances apart not exceeding 100 feet by means of copper strips having a sectional area of at least one-sixteenth of a square inch, or by other means of equal conductivity.

5. When any part of a return is uninsulated it shall be connected with the negative terminal of the generator, and in such case the negative terminal of the generator shall also be directly connected, through the current indicator hereinafter mentioned, to two separate earth connections which shall be placed not less than 20 yards apart. Provided that in place of such two earth connections the Company may make one connection to a main for water supply of not less than three inches internal diameter, with the consent of the owner thereof and of the person supplying the water, and provided that where, from the nature of the soil or for other reasons, the Company can show to the satisfaction of an inspecting officer of the Government that the earth connections herein specified cannot be constructed and maintained without undue expense, the provisions of this rule shall not apply. The earth connections referred to in this rule shall be constructed laid and maintained so as to secure electrical contact with the general mass of earth, and so that an electro-motive force, not exceeding four volts, shall suffice to produce a current of at least two amperes from one earth connection to the other through the earth, and a test shall be made at least once in every month to ascertain whether this requirement is complied with. No portion of either earth connection shall be placed within six feet of any pipe except a main for water supply of not less than three inches internal diameter which is metallically connected to the earth connections with the consents hereinbefore specified.

6. When the return is partly or entirely uninsulated, the Company shall in the construction and maintenance of the tramway (a) so separate the uninsulated return from the general mass of earth, and from any pipe in the vicinity; (b) so connect together the several lengths of the rails; (c) adopt such means for reducing the difference produced by the current between the potential of the uninsulated return at any other point; and (d) so maintain the efficiency of the earth connections specified in the preceding rules as to fulfil the following conditions, viz.:—

- (i) That the current passing from the earth connections through the indicator to the generator shall not at any time exceed either two amperes per mile of single tramway line or five per cent. of the total current output of the station.
- (ii) That if at any time and at any place a test be made by connecting a galvanometer or other current-indicator to the uninsulated return to any pipe in the vicinity, it shall always be possible to reverse the direction of any current indicated by interposing a battery of three Leclanche cells connected in series if the direction of the current is from the return to the pipe, or by interposing one Leclanche cell if the direction of the current is from the pipe to the return.

In order to provide a continuous indication that the condition (i) is complied with, the Company shall place in a conspicuous position a suitable properly connected and correctly marked current-indicator, and shall keep it connected during the whole time that the line is charged.

The owner of any such pipe may require the Company to permit him at reasonable times and intervals to ascertain by test that the conditions specified in (ii) are complied with as regards his pipe.

7. When the return is partly or entirely uninsulated a continuous record shall be kept by the Company of the difference of potential during the working of the tramway between the points of the uninsulated return furthest from and nearest to the generating station. If at any time such difference of potential exceeds the limit of seven volts, the Company shall take immediate steps to reduce it below that limit.

8. Every electrical connection with any pipe shall be so arranged as to admit of easy examination, and shall be tested by the Company at least once in every three months.

9. Every line and every insulated return or part of a return except any feeder shall be constructed in sections not exceeding one half of a mile in length, and means shall be provided for insulating each such section for purposes of testing.

10. The insulation of the line and of the return when insulated, and of all feeders and other conductors, shall be so maintained that the leakage current shall not exceed one hundredth of an ampere per mile of tramway. The leakage current shall be ascertained daily before or after the hours of running when the line is fully charged. If at any time it should be found that the leakage current exceeds one half of an ampere per mile of tramway the leak shall be localised and removed as soon as practicable and the running of the cars shall be stopped unless the leak is localised and removed within 24 hours. Provided that where both line and return are placed within a conduit this regulation shall not apply.

11. The insulation resistance of all continuously insulated cables used for lines, for insulated returns, for feeders, or for other purposes, and laid below the surface of the ground, shall not be permitted to fall below the equivalent of 10 megohms for a length of one mile. A test of the insulation resistance of all such cables shall be made at least once in each month.

12. Where in any case in any part of the tramway the line is erected overhead and the return is laid on or under the ground, and where any wires have been erected or laid before the construction of the tramway in the same or nearly the same direction as such part of the tramway the Company shall, if required so to do by the owners of such wires or any of them, permit such owners to insert and maintain in the Company's line one or more induction-coils or other apparatus approved by the Company for the purpose of preventing disturbance by electric induction. In any case in which the Company withhold their approval of any such apparatus the owners may appeal to the Governor in Council, who may, if he thinks fit, dispense with such approval.

13. Any insulated return shall be placed parallel to and at a distance not exceeding three feet from the line when the line and return are both erected overhead, or eighteen inches when they are both laid underground.

14. In the disposition, connections, and working of feeders the Company shall take all reasonable precautions to avoid injurious interference with any existing wires.

15. The Company shall so construct and maintain their system as to secure good contact between the motors and the line and return respectively.

16. The Company shall adopt the best means available to prevent the occurrence of undue sparking at the rubbing or rolling contacts in any place and in the construction and use of their generator and motors.

17. In working the cars the current shall be varied as required by means of a rheostat containing at least 20 sections, or by some other equally efficient method of gradually varying resistance.

18. The Company shall, so far as may be applicable to their system of working, keep records as specified below. These records shall, if and when required, be forwarded for the information of the Governor in Council.

*Daily Records.*

Number of cars running.  
Maximum working current.  
Maximum working pressure.  
Maximum current from the earth connections (*vide* rule 6 (i.)).  
Leakage current (*vide* rule 10).  
Fall of potential in return (*vide* rule 7).

*Monthly Records.*

Condition of earth connections (*vide* rule 5).  
Insulation resistance of insulated cables (*vide* rule 11).

*Quarterly Records.*

Conductance of joints to pipes (*vide* rule 8).

*Occasional Records.*

Any tests made under provisions of rule 6 (ii.).  
Localisation and removal of leakage, stating time occupied.  
Particulars of any abnormal occurrence affecting the electric working of the tramway.

SCHEDULE B.

CHARGES FOR ANIMALS, GOODS, &c.

<i>Animals.</i>	<i>Per mile.</i>
For every horse, mule, or other beast of draught or burden, per head ... ..	12 cents.
For every ox, cow, bull or head of cattle, per head ... ..	12 ..
For every calf, pig, sheep, or other small animal, per head	10 ..
<i>Goods and Minerals.</i>	
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire clay, cinders, dung, compost and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton ... ..	20 ..
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets and rolled iron, bricks, slags and stone, stones for building, pitching and paving, tiles, slates and clay (except fire clay), and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway chains, per ton ... ..	20 ..
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber and metals (except iron), nails, anvils, vices and chains, and for light iron castings, per ton	20 ..
For cotton and other wools, drugs (except opium) and manufactured goods, and all other wares, merchandise, fish, articles, matters or things, per ton ... ..	30 ..
For opium, per chest ... ..	20 ..
<i>Small Parcels.</i>	
For every parcel not exceeding seven pounds in weight, each ... ..	5 ..
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, each ... ..	10 ..
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, each ... ..	15 ..
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, each ... ..	20 ..
For any parcel exceeding fifty-six pounds in weight, such sums as the Company may think fit.	

Provided always that articles sent in large aggregate quantities, although made up in separate parcels such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

*Rules as to the Charges mentioned  
in this Schedule.*

A fraction of a mile beyond an integral number of miles shall be deemed a mile.

For a fraction of a ton the Company may demand and take charges according to the number of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight.

With respect to stone and timber, fourteen cubic feet of stone, fifty cubic feet of China Fir or Singapore Cedar, and forty feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

SCHEDULE C.

*Form of Conviction.*

Hongkong { Be it remembered that on the        day of  
to wit. {        in the year of Our Lord 19        (A.B).  
is convicted before (C.D.)        a Magistrate for  
the Colony of Hongkong, [here describe the offence generally and the  
time and place when and where committed] contrary to the Tramway  
Ordinance 1901.

Given under my hand and seal the day and year first above written.

C.D.

A BILL

ENTITLED

An Ordinance to amend and consolidate the Laws relating to Stamps and Stamp Duty in the Colony of Hongkong.

- Preamble.        Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—
- Short title.        1. This Ordinance may be cited as the Stamp Ordinance, 1901.
- Definitions. (16 of 1886, s. 1.)        2. In the construction of this Ordinance the term "Collector" shall include the person for the time being appointed by the Governor to have the control and management of the Stamp Office.
- Document.        "Document" shall mean any deed, instrument, or writing whatever.
- Material.        "Material" shall mean paper or parchment.
- Execution.        "Executed" and "Execution," with reference to documents not under seal shall mean signed and signature respectively.
- Officers continued. (16 of 1886, s. 2.) Office. Subsidiary offices.        3. The present Collector and all other Officers of the Stamp Office are hereby continued in their offices. There shall be one general Stamp Office for the Colony, and such subsidiary Stamp Offices as the Governor may from time to time in his discretion appoint.
- Staff. (16 of 1886, s. 3.)        4. The Governor may from time to time appoint and remove a Chief Officer, who shall have the control and management of the Stamp Office, and such other Officers as may from time to time be required to carry on the business of the Stamp Office.
- Duty payable according to first schedule. (16 of 1886, s. 4 adapted.)        5. For every document executed after the coming into force of this Ordinance of any of the kinds specified by the First Schedule as requiring stamps, there shall be payable to Government a stamp duty of the amount indicated in the said Schedule to be proper for such document. Every provision contained in the said Schedule shall be of the same force as if it were contained in the body of this Ordinance.
- Governor in Council may make rules. (16 of 1886, s. 5 amended.)        6. The Governor in Council may from time to time make rules,—  
(a.) fixing lower rates of duty than those specified in the First Schedule;  
(b.) exempting from duty any of the documents mentioned in the First Schedule;

- (c.) prescribing the form, size, and material of the stamps to be used under this Ordinance, and the mode and place of impressing, affixing, or denoting the value of the same and the manner of writing upon or filling up the same, and also the manner of cancelling the same;
- (d.) authorizing or prohibiting the use of adhesive stamps for any documents required to bear stamps;
- (e.) authorizing the over-embossing of the stamps used under this Ordinance or some of them and the method of over-embossing the same;
- (f.) providing in certain cases for the Collector certifying that stamp duty has been paid; and
- (g.) generally for the carrying out of the provisions of this Ordinance.

*Execution out of the Colony.*

7. All documents whatever executed out of the Colony shall, before being used brought into force or registered within the Colony, be stamped according to the rate of duty to which they would have been liable had they been executed in the Colony.

Execution out of Colony. (26 of 1895, s. 3.)

*Stamping after execution.*

8. Any Civil Court may direct the Collector to stamp and receive the duty and penalty, if any, upon any document which may be stamped after execution under this Ordinance. Such duty and penalty shall be paid into Court, and shall be remitted to the Collector with the document to be stamped after the document has been admitted in evidence.

Powers of Court. (23 of 1895, s. 4 adapted.)

The Collector of stamp duty may stamp documents after execution in cases where he shall be satisfied that the omission or neglect to stamp or to stamp sufficiently did not arise from any intention to evade payment of stamp duty or otherwise to defraud, subject to the following rules:—

Powers of Collector.

- (i) Transfers of shares shall not be stamped until the numbers of the shares and the consideration money are entered, nor shall they, if executed within the Colony, be stamped after execution.
- (ii) Bills of exchange and promissory notes executed in the Colony shall not be stamped after execution.
- (iii) Documents executed out of the Colony shall be stamped in accordance with the provisions of section 7 of this Ordinance.
- (iv) The documents mentioned in the Second Schedule to this Ordinance may be stamped without payment of penalty at any time within seven days from the date of execution.
- (v) Subject to the preceding rules, all documents which may be stamped after execution may be so stamped on payment of a penalty, as follows:—
  - (a) If within one month of execution, double the amount of deficient duty.
  - (b) If within two months, four times the amount of deficient duty.
  - (c) If after two months, ten times the amount of deficient duty.

PROVIDED ALWAYS that the Collector may remit the whole or any portion of the penalty prescribed by this sub-section if he is satisfied that the omission or neglect to stamp arose solely from urgent necessity or unavoidable accident, or that the special circumstances of the case otherwise justify his doing so. He may require sworn or other evidence as to the circumstances at his discretion.

*Adjudication, Reception in evidence, and Impounding.*

9. Whenever any person is in doubt respecting the proper amount of stamp duty payable upon any document, he may apply to the Collector for an adjudication on such document, at the same time depositing a fee of one dollar, whereupon the Collector shall decide the amount of duty to which such document is liable, and on payment thereof shall impress the document with stamps to that amount, and also with an additional stamp denoting that the adjudication fee has been paid.

Adjudication. (16 of 1886, s. 11.)

If the Collector is of opinion that the document is not chargeable with any duty he may stamp such document with a particular stamp denoting that it is not chargeable with any duty, or may make an entry to that effect on such document, in addition to which he shall impress it with the adjudication fee stamp.

Any document bearing the said adjudication fee stamp shall be received in evidence in any Court or registered by any public officer as properly stamped, and shall be regarded as properly stamped for any purpose whatever.

Appeal from Collector's decisions, etc. (16 of 1886, s. 15.)

10. All decisions, orders, or acts of the Collector may be reversed or modified by the Governor. Whenever any person shall suppose any adjudication of the Collector, with reference to any document tendered by such person to be stamped, to be erroneous, it shall be lawful for such person to make application to the Supreme Court in its Summary Jurisdiction, and such Court, having heard such person and the Collector or his deputy, may order the payment of the duty in dispute, or may make such other order as may be necessary under the circumstances.

Unstamped documents not received in evidence. (16 of 1886, s. 9.)

11. Except as otherwise provided by this Ordinance, no document liable to stamp duty under this Ordinance shall be received as creating, transferring, or extinguishing any right or obligation, or as evidence in any civil proceeding in any Court of Justice in the Colony, or shall be acted upon, registered, or authenticated in any such Court or public or other office or by any public officer unless such document be stamped according to this Ordinance or in accordance with the law in force in the Colony at the time it was executed.

Impounding unstamped documents. (16 of 1886, s. 22.)

12. It shall be lawful for all Courts and Magistrates, and for the Collector, and for all persons employed for the sale and distribution of stamps, and they are hereby required to take possession of any document as to which any breach of the laws relating to stamp duty may appear to have been committed, and to deliver the same to the Collector to be used in prosecuting the Offender.

#### *Spoiled Stamps.*

Spoiled stamps may be allowed. (16 of 1886, s. 12.)

13. Whenever material bearing an impressed stamp has become damaged, spoiled, or unfit for use, the Collector, on its delivery to him, may supply the owner of such spoiled material with stamps of equal value to those originally impressed, subject to the following rules:—

1. In the case of unexecuted documents spoiled by error in the writing, defaced by accident, or rendered useless by unforeseen circumstances before completion, such allowance may be made within six months of spoiling.
2. In the case of executed documents found unfitted for the purpose originally intended by errors therein, or the execution of which cannot be completely carried out by reason of the death or refusal to sign of any person or other unforeseen circumstance, or in the case of bills of exchange or promissory notes no part of which has been delivered to the payee, such allowance may be made within six months of signature.

#### *Miscellaneous.*

Proxies confined to one meeting. (13 of 1894, s. 4.)

14.—(1.) Every letter or power of attorney for the purpose of appointing a proxy to vote at a meeting, hereby charged with the duty of two cents, is to specify the day upon which the meeting at which it is intended to be used is to be held, and is to be available only at the meeting so specified, or any adjournment thereof.

(2.) Every person who votes or attempts to vote under or by means of any such letter or power of attorney, not being duly stamped, shall be liable on summary conviction before a Magistrate to a penalty not exceeding two hundred dollars.

(3.) Every vote given or tendered under the authority or by means of any such letter or power of attorney, not being duly stamped, shall be absolutely null and void.

Denoting stamp. (16 of 1886, s. 13.)

15. When the duty with which an instrument is chargeable depends in any manner upon the duty paid upon another instrument, the payment of such last-mentioned duty shall, if application be made to the Collector for that

purpose, and on production of both the instruments, be denoted in such manner as the Collector thinks fit upon such first-mentioned instrument.

16. The expense of the stamp for any bill of exchange or promissory note shall be borne by the person drawing or making or negotiating the same. The expense of any receipt stamp shall be borne by the person receiving payment.

Incidence of cost of certain stamps. (16 of 1886, s. 14.)

17. The Government shall not be responsible for the loss of or for damage to any document tendered for stamping, whilst in the custody of the Collector, nor shall any officer of the Stamp Office be responsible for such loss or damage, unless he shall have caused it wilfully, fraudulently, or by gross negligence.

Responsibility for loss of or damage to document. (16 of 1886, s. 17.)

#### Probate Duty.

18.—(1.) In the case of any person dying after the commencement of this Ordinance the petition of any person applying for probate of the will, or letters of administration, with or without the will annexed, of the estate of the deceased person, shall include or have annexed thereto a list or schedule of—

Liability of *donationes mortis causa* and certain other gifts and dispositions of property to probate duty.

(a.) Any property taken as a *donatio mortis causa* made by the deceased person, or taken under a disposition made by the deceased person purporting to operate as an immediate gift *inter vivos*, whether by way of conveyance, assignment, transfer, delivery, declaration of trust, or otherwise, which has not been *bonâ fide* made twelve months before the death of the deceased person, or taken under any gift, whenever made, under which the donee has not assumed *bonâ fide* possession and enjoyment immediately upon the gift and thenceforward has retained the same, to the entire exclusion of the donor or of any benefit to him by contract or otherwise;

(New.)  
(Based on 44 & 45, Vic. 12, s. 38, (2).)

(b.) Any property which the deceased person, having been absolutely entitled thereto, has, without valuable consideration, caused to be transferred to or vested in himself and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein or in some part thereof passes or accrues by survivorship on his death to such other person; and

(c.) Any property passing under any past or future settlement made, without valuable consideration, by the deceased person, by deed or any other instrument not taking effect as a will, whereby an interest in such property for life or any other period determinable by reference to death is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right, by the exercise of any power, to restore to himself or to reclaim the absolute interest in such property;

and probate duty shall be payable in respect of all such property included in such list or schedule in the same manner as if such property formed part of the estate and effects of the deceased person for or in respect of which such probate or letters of administration is or are granted.

(2.) A covenant to pay any Crown rent and observe and perform any conditions or covenants contained in any Crown lease shall not be deemed to be valuable consideration within the meaning of this section.

(New.)

(3.) A covenant by the transferee in any disposition of an equity of redemption in mortgaged property to pay the mortgage debt and interest or any part thereof, or to indemnify the transferor against such debt and interest or any part thereof, shall not be deemed to be valuable consideration for the transfer of such equity of redemption within the meaning of this section.

(New.)

19.—(1.) From and after the commencement of this Ordinance, it shall be lawful for any person applying for probate or letters of administration or for the exemplification of probate or letters of administration or for the sealing of any probate or letters of administration granted in the United Kingdom to deliver with or to annex to or include in the sworn petition a schedule of the mortgage debts due and owing from the deceased on the security of leasehold property situated in the Colony where such property

Power to deduct debts for the purposes of Probate duty. (13 of 1894, s. 2.)

forms part of the estate of the deceased and is the sole security by way of mortgage for such debts and also of the debts due from the deceased to persons resident in the Colony, and in that case, for the purpose of the payment of probate duty the aggregate amount of the debts appearing in the schedule shall be deducted from the value of the deceased's estate and effects in the Colony as specified in the schedule delivered with or annexed to or included in the sworn petition.

(2.) Debts to be deducted under the power hereby given shall be debts due and owing from the deceased and payable by law out of any part of the estate and effects in the Colony comprised in the sworn petition, and are not to include voluntary debts expressed to be payable on the death of the deceased, or payable under any instrument which shall not have been *bonâ fide* delivered to the donee thereof three months before the death of the deceased.

Provision for  
payment of  
further  
Probate  
duty.  
(13 of 1894,  
s. 3.)

**20.**—(1.) If at any time it shall be discovered that the deceased's personal estate and effects in the Colony were at the time of the grant of probate or letters of administration or of exemplification or of the sealing of any probate or letters of administration aforesaid of greater value than the value mentioned in the sworn petition, or that any deduction for debts was made erroneously, the person acting in the administration of such estate and effects shall, within six months after the discovery, deliver an affidavit with an account to the Collector of stamp duty, and shall pay to the Collector the amount of duty which, with the duty (if any) previously paid, shall be sufficient to cover the duty chargeable according to the true value thereof, and shall at the same time pay to the said Collector interest upon such amount at the rate of seven per centum per annum from the date of the grant exemplification or sealing or from such subsequent date as the said Collector may in the circumstances think proper.

Penalty.

(2.) Any person who shall wilfully neglect or omit within the said period of six months to render such account shall be personally liable on summary conviction before a Magistrate to a penalty not exceeding two hundred dollars.

Recovery of  
duty.

(3.) Notwithstanding such neglect or omission and notwithstanding any such conviction, such duty (whatever the amount thereof) may be recovered at the suit of the Colonial Treasurer in the Supreme Court in its Summary Jurisdiction without prejudice to any other remedy.

Power to  
refund  
probate  
duty on  
certain  
grounds.  
(16 of 1886,  
s. 16.)

**21.** The Governor may order a refund by Treasury warrant of the whole or any portion of any probate duty which may have been paid to the Collector, for the refund of which any equitable claim shall be proved to his satisfaction, on the ground of payment of probate duty on the same estate elsewhere, assignment or diminution of value of the estate, discharge of debts, or other reasonable cause.

#### *Offences and Penalties.*

Penalties for  
default in  
taking out  
Probate or  
Administration.

(New.)  
(Compare  
Straits Settlements  
Ordinance X  
of 1885, s.  
18.)

**22.** If any person after the commencement of this Ordinance in any way administers any part of the estate and effects of any deceased person without obtaining probate of the will or letters of administration of the estate and effects of the deceased within six months after such decease or within two months after the termination of any suit or dispute respecting the will or the right to letters of administration, if there be any such which is not ended within four months after such decease, every such person shall forfeit to His Majesty the sum of five hundred dollars, and shall also be liable to pay to His Majesty double the amount of stamp duty chargeable on the estate and effects of the deceased person, and the same shall be a debt due to the Crown and be recoverable by any of the ways and means in force for the time being for the recovery of Crown rents: Provided that nothing in this section shall be deemed to interfere with the special powers conferred by Ordinance upon the Official Administrator, the Colonial Treasurer, and the Captain Superintendent of Police of acting in certain cases without obtaining probate of the will or letters of administration of a deceased person.

Penalties for  
non-stamp-  
ing, &c.  
(16 of 1886,  
s. 6.)

**23.** Every person who commits any of the following offences shall, on summary conviction thereof before a Magistrate, be liable to a penalty not exceeding one hundred dollars, that is to say:—

(1.) Drawing, accepting, issuing, endorsing, negotiating, paying, or receiving payment of any bill of

exchange, promissory note, or other similar instrument, or making, executing, or signing (except as hereinafter provided) any document enumerated in the First Schedule on unstamped or insufficiently stamped material.

(2.) Delivery out of his hands custody or power of any document upon which an adhesive stamp has been affixed under this Ordinance without cancelling the said stamp so that it cannot be used again.

(3.) Any breach of this Ordinance not specially provided for.

24. Every person who commits any of the following offences shall, on summary conviction thereof before a Magistrate, be liable to a penalty not exceeding five hundred dollars, that is to say:—

Penalties for frauds.  
(16 of 1886, s. 7.)

1. Drawing any bill of exchange purporting to be drawn in a set of two or more without drawing on duly stamped material the whole number of bills constituting such set.

2. Knowingly and wilfully executing any document charged under the First Schedule with *ad valorem* duty, in which the consideration money or amount involved is not truly expressed and set forth, with intent to avoid full payment of stamp duty, or knowingly and wilfully inserting or setting forth or procuring to be inserted or set forth in such document a less amount than the full and true consideration money or amount involved.

25. Every person who forges alters or imitates, or assists in forging altering or imitating any stamp used for the purposes of this Ordinance shall be guilty of felony. Any stamp impressed in the Stamp Office by any person without the authority of the Collector, and not accounted for to him, shall be held to be forged within the meaning of this section.

Forging stamps, &c.  
(16 of 1886, s. 18 amended.)

26. Every person who uses, utters, disposes of, puts off, or without lawful excuse is in possession of any forged altered or imitated stamp as aforesaid, knowing the same to be forged altered or imitated, shall be guilty of felony, and such stamp or stamps shall be forfeited to the Crown.

Uttering, and possession.  
(16 of 1886, s. 19.)

27. Every person who fraudulently removes an adhesive stamp from any document, or wilfully removes or attempts to remove from any adhesive stamp any mark that has been made thereon by way of cancellation, or knowingly uses puts off or is in possession of any adhesive stamp, from which any such mark has been wholly or partially removed, shall be guilty of a misdemeanor.

Removing marks, and possession.  
(16 of 1886, s. 20.)

28. Every person who is convicted of any felony under this Ordinance shall be liable, at the discretion of the Court, to be kept to imprisonment for any term not exceeding seven years with or without hard labour.

Penalties.  
(16 of 1886, s. 21.)

Every person who is convicted of any misdemeanor under this Ordinance in respect of which no penalty is specially provided shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years with or without hard labour.

#### *Limit of Time in certain Prosecutions.*

29. No person shall be proceeded against under section 23 or 24 of this Ordinance except within two years from the date of the offence nor without the consent of the Attorney General.

Limit of time in prosecutions under s. 22 or s. 23.  
(16 of 1886, s. 23 adapted.)

#### *Repeals.*

30. Ordinances Nos. 16 of 1886, 14 of 1890, 13 of 1894, and 26 of 1895 are hereby repealed.

FIRST SCHEDULE.

(See The Schedule to Ordinance 16 of 1886 as amended by sections 5 & 6 of Ordinance 13 of 1894 and by various Orders in Council.)

*Showing the proper Stamps for such Documents as require to be stamped under this Ordinance.*

NOTE.—A document containing or relating to several distinct matters is to be separately and distinctly charged with duty in respect of each of such matters. Any document liable to Stamp duty under more than one Article of this Schedule shall be charged under that Article which imposes the highest duty.

1. Adjudication as to the amount of stamp duty to be levied on any document ... .. } \$1.

2. Affidavits, Statutory declarations or declarations in writing on oath or affirmation made before any person authorised by law to take the same or to administer an oath or affirmation and not otherwise chargeable with duty, ... .. } \$1.

Exemption:—*This Article shall not apply to any such affidavit or declaration made for the immediate purpose of being filed or used in the Supreme Court or before any Judge or Officer of such Court or to any affidavit or declaration made for the sole purpose of enabling any person to receive any pension or charitable allowance.*

3. Affirmation, ... .. } See 2.

4. Agreement, or any memorandum of an agreement, under hand only, and not otherwise specially charged with any duty, whether the same be only evidence of a contract or obligatory on the parties from its being a written instrument, ... .. } 50 cents.

Note.—Agreements as to letting or tenancy are in all cases chargeable as leases. See articles 32 and 34.

Agreement or Contract accompanied with the deposit of Title Deeds to any immovable property or for securing the payment or repayment of any money or stock, ... .. } See Mortgage, 38.

Exemptions.—*Label, slip, or memorandum containing the heads of any Insurance to be effected by means of a duly stamped Policy or Risk Note.*

*Memorandum, letter, or agreement made for or relating to the sale of any goods, wares, or merchandise, or to the sale of any shares in any public company, not being a Broker's note or document given by a Broker.*

*Seaman's advance note, or memorandum, or agreement made between the master and mariners of any ship for wages.*

*Emigration Contract.*

*Passage Ticket.*

5. Arbitration Award, ... .. } Where the amount claimed or involved does not exceed \$500, \$1.  
Where the amount claimed or involved exceeds \$500 but does not exceed \$1,000, \$2.  
And for every additional \$1,000, or part of \$1,000 over the first \$1,000, \$1.  
Where no money claim is made or the amount involved cannot be ascertained, \$2.

6. Articles of Clerkship, or Contract whereby any person shall first become bound to serve as a clerk in order to his admission as an Attorney or Solicitor, ... .. } \$50.

7. Assignment, by way of security, or of any security, ... .. } See Mortgage, 38.

Upon a sale, ... .. } See Conveyance, 21.

8. Attested Copy of any Document chargeable with Stamp Duty under this Schedule, ... .. } \$1.

In case any document of which an attested copy shall be made has annexed to it or subscribed upon it any certificate, affidavit, declaration, or attestation referring to the execution of such document or

to any other formality in connection with such document, no separate or additional stamp shall be required for or in respect of an attested copy of any such certificate, affidavit, declaration, or attestation and the Stamp of \$1 upon the attested copy of the principal document shall be deemed to cover and include the attested copies of all such certificates, affidavits, declarations, and attestations.

- 9. Attorney, Letter or Power of, ... See 36 and 42.
- 10. Average Statement, ... See Bond, 15.
- 11. Bank Cheque payable on demand to any person, to bearer, or order, ... 2 cents. } To be collected monthly on a statement thereof to be furnished by each Banker or Banking Company to the Collector of Stamp Revenue at the end of each month, and to be signed by the Banker, or Manager, or Agent, and by the Accountant of such Banker or Banking Company.
- 12. Bank Notes, or other obligations for the payment of money issued by any Banker or Banking Company in the Colony for local circulation and payable to bearer on demand, ... One per cent. per annum on the average value of such notes in circulation. }
- 13. Bill of Exchange drawn out of but payable on demand within the Colony, not being a Cheque, and bearing the date on which it was made, ... 2 cents. }

Bill of Exchange of any other kind whatsoever except a Cheque or Bank Note and Promissory Note of any kind whatsoever except a Bank Note.

From \$	00 to \$	10,.....	Free.
"	\$ 10 "	\$ 50,.....	2 cents.
"	\$ 50 "	\$ 250,.....	5 "
"	\$ 250 "	\$ 500,.....	10 "
"	\$ 500 "	\$ 1,000,.....	20 "
"	\$ 1,000 "	\$ 2,000,.....	50 "
"	\$ 2,000 "	\$ 3,000,.....	\$1.00
"	\$ 3,000 "	\$ 5,000,.....	\$1.50
"	\$ 5,000 "	\$10,000,.....	\$2.00
"	\$10,000 "	\$15,000,.....	\$3.00
Every \$ 5,000 additional or part thereof, .....			\$0.50

Note 1.—A Bill of Exchange for exactly \$50 is to be charged 2 cents, and so throughout the table.

Note 2.—When Bills of Exchange or other such documents are drawn in sets of two or more, half the above duties to be charged on each part of a set. If the Duty be 5 cents the first part of the set shall be charged 3 cents, and the other parts 2 cents each.

Note 3.—In the case of a Bill of Exchange drawn out of and payable on demand out of the Colony, the duty payable on any such Bill of Exchange, when it is negotiated within the Colony, shall be 2 cents.

Note 4.—In the case of Bills in sets drawn out of the Colony, the whole duty shall be payable on that part of the set which is first presented for payment or acceptance, or is first otherwise negotiated, the other parts of the set being free.

- 14. Bill of Lading, or ship's receipt where bills of lading are not used, for each part of every set, ... 10 cents. }

Exemption.—Bill of Lading for goods shipped by any Government Officer on account of Government.

- 15. Bond, or other obligation concerning Respondentia and Bottomry, and Average Statement, or Bond where no statement is drawn up, ... 10 cents for every \$100 or part thereof. }

Bond, for securing the payment or repayment of money not otherwise provided for, or for the transfer or re-transfer of stock, or accompanying the deposit of Title Deeds to any immovable property, ... See Mortgage, 38.

Bond, ... See also Articles 6, 29, 31, 46.

- 16. Broker's Note, or any document having reference to the sale or purchase of any merchandise, given by any Broker, ... 50 cents. }

- 17. Charter Party, or any Agreement or Contract for the charter or hiring of any sea-going ship or vessel, to be charged on the estimated freight, ... 10 cents for every \$100 or part thereof. }



32. Lease or Agreement for a Lease, made for a term of years, or for a period determinable with one or more life or lives or otherwise contingent, in consideration of a sum of money paid in the way of premium, fine, or the like, if without rent, ... ..

30 cents for every \$100 or part thereof.

33. Lease, executed in pursuance of a duly stamped agreement for the same, ... ..

\$1.

34. Lease or Agreement for a Lease of any Land, House, Building or Tenement, at a rent, without payment of any sum of money by way of fine or premium, to be levied on the Annual Rent, for a term not exceeding —

One year, ... ..  
 Three years, ... ..  
 Thirty years, ... ..  
 Exceeding thirty years, ... ..

10 cents. }  
 25 " } For every \$100  
 50 " } or part thereof.  
 75 " }

Lease, surrender of, ... ..

The same amount of duty as is payable on the lease itself.

*Note.*—When both rent is paid and there is a fine or premium, the duty is to be the total of that due under both articles 32 & 34.

*Exemption.*—All rentals under \$50 per annum.

35. Letter or other instrument of Hypothecation accompanying deposit of documents of title to any moveable property, or bond, or other instrument of guarantee in respect of such property or documents of title, ... ..

Referring to particular property, \$1.  
 Duplicate, 10 cents.  
 General, \$2.

36. Letter or Power of Attorney, or other instrument in the nature thereof, for the sole purpose of appointing or authorising a proxy to vote at any one meeting at which votes may be given by proxy, whether the number of persons named in such instruments be one or more, ... ..

2 cents. See also 42.

37. Letter of Guarantee, ...

See Agreement, 4.

38. Mortgage, or Agreement for a Mortgage, bond, debenture, covenant, warrant of attorney to confess and enter up judgment, and foreign security of any kind not specially charged with duty under this Schedule, to be levied on the amount or value of the principal sum secured.

(i.) Being the only, or principal, or primary security, and also where any further money is added to the money already secured, ... ..

10 cents for every \$100 or part thereof.

(ii.) Being a collateral or auxiliary or additional or substituted security, other than a Mortgage executed pursuant to a duly stamped agreement for the same, or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped, and for every extension of the time of an Original Mortgage endorsed on such Mortgage, ... ..

5 cents for every \$100 or part thereof.

(iii.) Transfer, assignment, disposition or assignation of any Mortgage, bond, debenture, covenant, or foreign security, or of any money or stock secured by any such instrument, or by any warrant of attorney to enter up judgment, or by any judgment; to be levied on the amount transferred.

(iv.) Reassignment, release, discharge, surrender, re-surrender, warrant to vacate, or renunciation of any such security as aforesaid, or of the benefit thereof, or of the money thereby secured, where the payment of interest in respect of the money secured is mentioned in any re-assignment or other document specified in this sub-section, no duty shall be payable in respect of such interest, ... ..

1 cent for every \$100 or part thereof.

(v.) Mortgage executed in pursuance of a duly stamped agreement for the same, ... ..

\$1.

<p>39. Any Notarial Act whatsoever not otherwise charged with duty in this schedule. ... ..</p>	<p>\$1.</p>						
<p>40. Note of Protest by any Commander or Master of a vessel, or with regard to any Promissory Note or Bill of Exchange, ... ..</p>	<p>25 cents.</p>						
<p>41. Policy or Risk Note (Insurance) for each copy, and every renewal, ... ..</p>	<table border="0"> <tr> <td style="vertical-align: top;"> <p>(a) Life Insurance (including Interim Receipts), ...</p> </td> <td style="vertical-align: top;"> <p>25 cents for every \$1,000 or part thereof insured.</p> </td> </tr> <tr> <td style="vertical-align: top;"> <p>(b) Marine, Hull Risks, for Time, ...</p> </td> <td style="vertical-align: top;"> <p>Where the amount insured does not exceed \$1,000, 10 cents. Where it exceeds \$1,000, 25 cents.</p> </td> </tr> <tr> <td style="vertical-align: top;"> <p>(c) All other Insurances (Fire, Marine or otherwise),</p> </td> <td style="vertical-align: top;"> <p>Where it exceeds \$1,000, 25 cents.</p> </td> </tr> </table>	<p>(a) Life Insurance (including Interim Receipts), ...</p>	<p>25 cents for every \$1,000 or part thereof insured.</p>	<p>(b) Marine, Hull Risks, for Time, ...</p>	<p>Where the amount insured does not exceed \$1,000, 10 cents. Where it exceeds \$1,000, 25 cents.</p>	<p>(c) All other Insurances (Fire, Marine or otherwise),</p>	<p>Where it exceeds \$1,000, 25 cents.</p>
<p>(a) Life Insurance (including Interim Receipts), ...</p>	<p>25 cents for every \$1,000 or part thereof insured.</p>						
<p>(b) Marine, Hull Risks, for Time, ...</p>	<p>Where the amount insured does not exceed \$1,000, 10 cents. Where it exceeds \$1,000, 25 cents.</p>						
<p>(c) All other Insurances (Fire, Marine or otherwise),</p>	<p>Where it exceeds \$1,000, 25 cents.</p>						

42. Power of Attorney, or Revocation of Power of Attorney, ... .. §2. See also 36.

43. Probate, or Letters of Administration, with or without the will annexed, to be calculated upon the value of the estate and effects for or in respect of which such Probate or Letters of Administration shall be granted, exclusive of what the deceased shall have been possessed of or entitled to as a Trustee for any person or persons and not beneficially:—

<p>(a.) Where the estate and effects are above the value of five hundred dollars and not above the value of one thousand dollars, ... ..</p>	<p>At the rate of one dollar for every one hundred dollars and for every fractional part of one hundred dollars over any multiple of one hundred dollars.</p>
<p>(b.) Where the estate and effects are above the value of one thousand dollars and not above the value of ten thousand dollars, ... ..</p>	<p>At the rate of two dollars for every one hundred dollars and for every fractional part of one hundred dollars over any multiple of one hundred dollars.</p>
<p>(c.) Where the estate and effects are above the value of ten thousand dollars, ... ..</p>	<p>At the rate of three dollars for every one hundred dollars and for every fractional part of one hundred dollars over any multiple of one hundred dollars.</p>

Exemption.—Where the estate and effects do not exceed the value of two hundred and fifty dollars.

44. Reassignment, ... .. See Mortgage, 38.

45. Receipt or Discharge given for the payment of money, or in acquittal of a debt paid in money or otherwise, when the sum received, discharged or acquitted exceeds \$10, ... .. 2 cents.

Exemptions.—Letter acknowledging the arrival of a Currency or Promissory Note, Bill of Exchange, or any Security for Money, Receipt or Debit Note for the Premium on a duly stamped Policy of Insurance. Receipts for pay and allowances of persons in the service of the Imperial or Colonial Government whether Civil, Naval, or Military.

46. Servant's Security Bond. Any Instrument in writing under seal by which any domestic or other Servant or Clerk or Compradore shall give security for the due discharge of his duties, or of the duties of other persons to be employed by him, or for the safe custody of money or property to be entrusted to him, or for the proper carrying on of business to be conducted by him, or for the discharge of his responsibilities arising from such business, whether such security shall be given by the binding of other persons, or by the deposit of money or valuable property or by deposit of the title deeds to any property or by any assignment ... .. The same duty as a Mortgage, see Article 38 (i.) & (ii.).

47. Settlement. Any instrument, whether voluntary or upon any good or valuable consideration, other than a *bond fide* pecuniary consideration, whereby any definite and certain principal sum of money (whether charged or chargeable on lands or not, or to be laid out in the purchase of lands or not) or any definite and certain amount of stock, or any security, is settled or agreed to be settled in any manner whatsoever, ... ..

30 cents for every \$100 or part thereof of the amount or value of the property settled or agreed to be settled.

Exemption.—*Instrument of appointment relating to any property in favour of persons especially named or described as the objects of a power of appointment created by a previous settlement stamped with ad valorem duty in respect of the same property, or by will, where probate duty has been paid in respect of the same property as personal estate of the testator.*

48. Settlement executed in pursuance of a duly stamped agreement for the same, ... ..

\$1.

49. Statutory Declaration, ...

See 2.

50. Surrender of a Lease, ...

The same amount of duty as is payable on the lease itself.

51. Transfer of Shares or stock in any public company, to be computed on the market value of such shares on the day of stamping, which, if doubt arises, the Collector shall decide subject to Section 10 of this Ordinance, ... ..

10 cents for every \$100 or part thereof.

(ii.) Transfer for a nominal amount, to be approved by the Collector, ... ..

\$1.

Exemption.—*Scrip Certificate.*

GENERAL EXEMPTIONS.

*Any Document made or executed by or on behalf of His Majesty or of any Department of His Majesty's Service, or whereby any property or interest is transferred to or any contract of any kind whatsoever is made with His Majesty or any person for or on behalf of His Majesty or any such Department as aforesaid.*

*But this exemption does not extend to any Document executed by the Registrar of the Supreme Court as Official Administrator or by a Receiver appointed by any Court, or to any Document rendered necessary by any Ordinance or by the order of any Court; neither does it extend to a sale made for the recovery of an arrear of Revenue or Rent, or in satisfaction of a Decree or Order of Court, in any of which cases the purchaser shall be required to pay the amount of the requisite Stamp in addition to the purchase money.*

SECOND SCHEDULE.

(See section 8.)

*Showing Documents which may be stamped, without payment of penalty, at any time within seven days from the date of execution.*

All the documents which are included in Articles 4, 5, 7, 8, 10, 15, 19, 20, 21, 22, 24, 25, 26, 28, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 42, 46, 47, 48, and 50 of the First Schedule to this Ordinance, with the following exception, namely:—

Leases or Agreements for a lease for a period of one year or under.

*Objects and Reasons.*

In preparing this Bill I have inserted marginal notes to the Bill for the purpose of showing:—

- (i) What portions of the Bill are practically identical with previous law, in which cases the number of the corresponding section of the repealed Ordinance is inserted in the margin without any addition. (See clauses 2, 3, 4, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 23, 24, 26, 27, and 28.)

- (ii.) What portions of the Bill represent former provisions, with certain necessary consequential amendments, in which cases the number of the corresponding section of the repealed Ordinance is inserted in the margin with the addition of the word "adapted." (See clauses 5, 8, and 29.)
- (iii) What portions of the Bill differ from the corresponding section of the repealed Ordinance, in which cases the word "amended" (see clauses 6 and 25) appears in the margin after the section and number of the repealed Ordinance.
- (iv) What portions of the Bill are new. (See clauses 18 and 22.)

Classes (1) and (ii) of the above classes of clauses seem to require no comment.

As regards class (iii), clause 6 of this Bill differs from section 5 of Ordinance 16 of 1886 in the following respects, namely:—

- (1) The power to revoke, add to, or alter rules is omitted as being now implied by virtue of the provisions of section 35 of the Interpretation Ordinance (No. 24) of 1897.
- (ii) The clause is split up into paragraphs (a), (b), (c), etc. for the purpose of greater clearness and convenience.
- (iii) In paragraphs (a) and (b) the word "First" is inserted before the word "Schedule," that being a necessary consequential amendment.

In paragraph (c)—

- (1) The words "under this Ordinance" have been inserted for the sake of greater precision; and
- (2) The words "and also the manner of cancelling the same" have been added so as to make provision for what shall be deemed cancellation. (See clauses 23 and 27.)

Paragraph (e) is entirely new and has been introduced to cover the over-embossing process which has been sanctioned by the Secretary of State.

In paragraph (g) the words "carrying out of the provisions of" have been substituted for the word "execution" in the repealed enactment.

In clause 25 of this Bill the words "within the meaning of this section" are substituted for the words "within the meaning of this notice."

I now proceed to consider the new provisions of the Bill.

The object of sub-section 1 (a) of clause 18 of the Bill is to introduce certain provisions of the English Legislature into this Colony in order to prevent rich persons who fall seriously ill from conveying away their property, a few days before their death, so as to evade probate duty. A few cases of this kind have recently occurred in this Colony.

The object of sub-section 1 (b) and 1 (c) of clause 18 of the Bill, which are also founded upon English legislation, is to thwart other possible devices by which probate duty might be evaded.

Sub-sections (2) and (3) of clause 18 of the Bill have been introduced for the express purpose of preventing attempts at evasion of probate duty under the plea that valuable consideration has been paid.

Clause 22 of the Bill contains provisions which are entirely new to this Colony, though similar provisions have been in force in England for some years past and have been law in the Straits Settlements ever since the passing of their Ordinance X of 1885. I think that it will be readily conceded that the introduction of such a clause in this Colony is desirable. The proviso at the end of clause 22 has been inserted in view of certain special powers which have been conferred upon the Official Administrator, the Colonial Treasurer, and the Captain Superintendent of Police, in certain cases, under the provisions of sections 14, 19, 62, 63, and 64 of The Probates Ordinance, 3 of 1897.

Article 43 in the Schedule to the Bill makes probate duty payable on a higher scale than heretofore, and assimilates the scale of probate duty which is chargeable in this Colony to that which is charged in the Straits Settlements,

(see the Straits Ordinance X of 1885) except that the value of exempted estates remains fixed at \$250, as it has hitherto been in Hongkong, instead of being altered to \$500. Under our present law contained in Article 31 to the Schedule of Ordinance 16 of 1886 as amended by section 5 of Ordinance 13 of 1894, the probate duty charged is one per cent. where the value of the estate does not exceed \$5,000, and two per cent. where such value exceeds \$5,000; and I think that it will be readily conceded that that rate is a very low one, especially when it is borne in mind that in Great Britain 3 sets of duties are levied, namely,—Probate Duty, Legacy or Succession Duty, and Estate Duty.

In Great Britain the Probate Duty *alone* between £100 and £500 (which is roughly equivalent to \$1,000 to \$5,000) is 2 per cent., between £500 and £1,000, 2½ per cent., and above £1,000, 3 per cent.

H. E. POLLOCK,  
*Acting Attorney General.*

## A BILL.

ENTITLED

An Ordinance to authorize the Appropriation of a Supplementary Sum of Five hundred and fifty-nine thousand nine hundred and ninety-one Dollars and seventy-eight Cents, to defray the Charges of the Year 1900.

WHEREAS it has become necessary to make further provision for the public service of the Colony for the year 1900, in addition to the charge upon the revenue and other funds of the Colony for the service of the said year already provided for: Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. A sum of Five hundred and fifty-nine thousand nine hundred and ninety-one Dollars and seventy-eight Cents is hereby charged upon the revenue and other funds of the Colony for the service of the year 1900, the said sum so charged being expended as hereinafter specified; that is to say:—

Governor and Legislature, - . . . . .	\$ 4,806.83
Colonial Secretary's Department,- . . . . .	6,698.02
Audit Department, - . . . . .	1,762.53
Treasury, - . . . . .	4,275.94
Public Works Department,- . . . . .	6,011.06
Harbour Master's Department, - . . . . .	6,681.00
Observatory, - . . . . .	3,287.79
Botanical and Afforestation Department, - . . . . .	2,603.55
Legal Departments, - . . . . .	10,293.24
Education,- . . . . .	5,186.76
Medical Departments,- . . . . .	11,119.34
Magistracy, - . . . . .	2,514.59
Sanitary Department,- . . . . .	6,070.01
Transport,- . . . . .	2,080.51
Miscellaneous Services, - . . . . .	224,592.28
Military Contribution—Contribution towards Defence Works, - . . . . .	4,800.00
Military Contribution—Expenses of the Vo- lunteers, - . . . . .	9,096.33
Public Works Recurrent, - . . . . .	18,912.17
Ordinary Expenditure, - . . . . .	\$330,793.95
Extraordinary Public Works, - . . . . .	229,197.83
Total Supplementary Votes, - . . . . .	\$559,991.78