

GOVERNMENT NOTIFICATION.—No. 446.

The following Report on the New Territory for the year 1900, is published.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 12th August, 1901.

No. 304.

GOVERNMENT HOUSE,
HONGKONG, 12th August, 1901.

SIR,

I have the honour to forward for your information a report furnished by the Colonial Secretary, Mr. J. H. STEWART LOCKHART, on the operations in the New Territory during the year 1900.

2. I had hoped that the collection of revenue might have been in a more forward state, but the report by Mr. GOMPERTZ of the working of the Land Court shows the difficulties of dealing with these small plots and defining the rights of the occupier, the family, the clan, and the Crown. It is possible that a certain amount of revenue might have been got in by rough and ready methods, but there would have been much injustice to individuals—indeed an attempt was made to collect, upon a system of averages, Crown Rent upon claims that had been lodged, the result being complaints from several people that they had been compelled to pay two and three times the amounts claimable from them under the terms of Crown Rent as gazetted and notified. Finding that this was true I ordered the money paid in excess to be refunded, and determined that it is better not to press for payment until we have the different plots properly entered and registered. This is slower, but will save much trouble in the future. I attach a copy of another report of Mr. GOMPERTZ's decision as to ownership in the small Island of Ts'ing I that will illustrate the intricacy of the claims put forward to the Land Court.

3. I hope to be able to reduce the number of Police in the New Territory immediately. Since the late abortive rebellion in the Wai Chou district the northern portion of Sham Chun Valley has been in a disorderly condition, and several robberies have been effected in our territory by bands from over the border. At my request the Viceroy of Canton, who has shown the utmost readiness to assist in securing the peace of that district, has ordered that troops shall be stationed at various points along the frontier. I hope that this will have the effect of putting a stop to the trouble, and enable me to reduce our Police force to more modest dimensions.

4. Unhappily we find the whole of the New Territory malarious. Experiments are now being tried of different treatment at different stations and records are being carefully kept. At one station quinine is administered as a prophylactic after Dr. KOCH's advice, *i.e.*, 15 grains two days running and then an interval of seven days before repetition. At another, 5 grain doses are given daily; at a third arsenic is given instead, &c., &c. Wire gauze windows are being added to stations, but as the men are out almost every night on patrol duty I fear that this will not suffice as a preventive measure.

5. The question of an experimental garden must remain over until Mr. FORD's return, but I question if the low lying land can be made to produce more paying crops than at present. The fresh sugar canes imported last year are doing well, but, so far, the working of the improved steel mills does not meet with the approval of the farmers, the principal complaint being that they break up the cane so finely as to make it useless for fuel. They do not yet realize the waste of using half crushed cane for fuel, and probably do not quite understand the working of the mills. This will come later on.

The Right Honourable

JOSEPH CHAMBERLAIN, M.P.,

&c.,

&c.,

&c.

Enclosure No. 1.

See Appendix No. 1a
in Enclosure No. 1.

See Report
Appendix No. 2, Page 1108.

6. I have seen one herd of cattle grazing near Saikung and it appears to me that with the growing of succulent grasses, the hills in the New Territory are capable of supporting a sufficient number of cattle to render Hongkong independent of the present sources of supply on the West and North Rivers. This is a question that will be taken up on the return of the Veterinary Surgeon and the Superintendent of the Botanic and Afforestation Departments.

7. It is remarkable that the New Territory north of the Kowloon Hills has been quite free from plague although the town of Ünlóng is apparently everything that a sanitarian would object to, while in the fishing village of Cheung Chau, an island six miles from Hongkong, a single street, kept particularly clean under the supervision of the European Police Sergeant stationed there, and open to every sea breeze, there have been 40 cases this year in a population of about 1,800.

8. A licence has just been issued to a person in Ünlóng for a powder manufactory, for the making of fireworks—a very large industry in China. I am informed that in the neighbourhood of Kowloon several ventures of various kinds will be started as soon as the land claims have been decided so that capitalists can obtain a title.

9. On the whole I am satisfied with the progress made in the New Territory, where everything is being done without friction and with apparently the full concurrence of the people.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

HENRY A. BLAKE,
Governor, &c.

Enclosure No. 1.

COLONIAL SECRETARY'S OFFICE.
HONGKONG, 15th July, 1901.

SIR,

In submitting the following Report on the New Territory, for the year 1900, I must express my regret at not having been able to prepare it earlier. But having been taken ill in March last, I had to leave the Colony under medical orders in April, and I did not return to Hongkong until June. I trust, therefore, the delay will be excused, as well as any shortcomings in the Report, which has had to be compiled somewhat hurriedly.

I have the honour to be,

Sir,

Your most obedient Servant,

J. H. STEWART LOCKHART,
Colonial Secretary.

His Excellency

Sir **HENRY A. BLAKE, G.C.M.G.,**
Governor, &c., Hongkong.

REPORT ON THE NEW TERRITORY FOR THE YEAR 1900.

LAND.

The work of the Land Office in Hongkong as regards the New Territory for 1900 falls under two heads:—

(a.) The translation and registration of Deeds under Ordinance No. 3 of 1844.

(b.) The registration of claims for the purposes of the Rough Rent Roll.

As regards (a.), the Registration Fees received from the New Territory last year amounted to \$1,892, and Deeds relating to 431 Lots situated in 45 different villages were duly registered by Memorials under the Ordinance.

The question has been raised whether it is desirable to continue the registration of instruments in the Chinese language dated in some cases many years before the Convention. It is found that villagers who have deposited their documents for registration and paid the proper fees are apt to imagine that their title has been recognized by Government and that they need not trouble further to bring their claims before the Land Court.

Moreover, the lot number given on registration of a deed does not relate to any map, for the simple reason that there is not yet one available, and as the boundaries and the description of the land in the Chinese deed are invariably extremely vague, it is impossible to ascertain with any certainty where the land affected by the instrument is really situated.

It is true that the title of a registered owner becomes absolute if he remains in possession for 20 years, but in view of the constitution of a special tribunal—the Land Court—all claims will have been enquired into and fresh titles or certificates of title issued by a very much earlier date.

It would no doubt be desirable to continue the operation of the Ordinance in the New Territory for all conveyances and other deeds executed since the territory has become British, but it will probably be advisable to discontinue the registration of older deeds until their validity has been decided on by the Land Court.

As regards (b.)—the Rough Rent Roll—the work of enquiring into and registering claims, as described in my Report for 1899, was carried on until the summer of 1900 by Mr. KEMP, who was subsequently relieved by Mr. WOOD at P'ing Shán and by Mr. MESSER at Táipó.

A summary survey of holdings was made by an auxiliary staff, Mr. B. W. GREY, working under the directions of the Deputy Land Officer, being employed on the area to the south of the Kowloon watershed and part of Ts'un Wán.

In the district to the north of the Kowloon watershed Mr. MESSER, assisted by a Corporal detached from the Royal Engineers, was responsible for the survey plot by plot of the land in Hap Wo Sub-district and near the villages of Shek Ku Lung and Lin Au (Lam Ts'un Sub-district). Ha Háng, Sha Lo Tung, and P'ing Shán Tsai (Shün Wán Sub-district).

At P'ing Shán Mr. KEMP and subsequently Mr. WOOD assisted by a Sapper from the Royal Engineers made similar measurements over a large area.

These operations were intended by the Deputy Land Officer to furnish a provisional Rent Roll sufficiently accurate for the collection of revenue until such time as it should be superseded by a register of holdings based on the cadastral survey, but as it was realised that it would be impossible to finish the whole Territory on this plan within anything like a reasonable time, it was decided to abandon this scheme.

Until a rent roll based on the cadastral survey and the results of the work of the Land Court has been completed, the land revenue of the New Territory cannot be collected in anything like a satisfactory or thorough manner, though every attempt will be made in the meantime to collect as much Crown Rent as possible.

A number of disputes connected with land were submitted by the villagers to the Land Office in Hongkong and to Messrs. MESSER and KEMP at Táipó. Such of these as involved questions of title now await settlement by the Land Court.

TITLES.

I attach a memorandum (Appendix No. 1) by Mr. GOMPERTZ, Member of the Land Court, upon Land Tenure and Titles in the New Territory.

He recommends a modification of the Torrens System of Title by Registration, such as is in use in Malacca and the Federated Malay States, for the New Territory. In view of the very large number of small Chinese holdings in the New Territory, I am of opinion that this system will prove more effectual than the technical procedure based upon English law now in use in Hongkong.

LAND COURT.

The Land Court, established by Ordinance No. 18 of 1900, was constituted on the 1st June, 1900, Mr. H. E. POLLOCK being President, and Mr. GOMPERTZ, Member. Mr. KEMP was appointed Registrar, and on his removal to act at the Magistracy, Mr. WOOD was appointed Registrar. A very large amount of work had to be done before the Court could commence its sitting. The formation of a proper demarcation Staff and the arrangements connected with the registration and reception of claims provided full occupation for the Court so that no sittings had been held up to the end of the year.

The Indians making the field to field survey were of course strangers to the country and not knowing the language were unable to ascertain particulars of ownership. It became therefore necessary to form a Staff of Chinese Demarcators to accompany the survey parties and as the outcome of several experiments twenty Chinese, mostly villagers of the better class, were enlisted to make the record of holdings. This work they have proved fairly competent to perform, but they are quite unable to read a map and this necessitates their being accompanied in every case by a Surveyor even when at work upon land the field to field survey of which has been completed.

The area selected for the commencement of operations was the long and narrow strip of territory, fronting the harbour of Hongkong and extending from the Liünun Pass on the East to the village of Lai Chi Kok on the West, on account of its great importance as an outlet for the expansion of the Colony and its very high value.

Unfortunately the inhabitants of this area were fully alive to the possibilities of the situation and it may be said that every foot of land anywhere near the sea is the subject of five or six conflicting claims. It is impossible to believe in the *bonâ fides* of many of the claimants or to imagine that their own Government would have given a patient hearing to many of the demands now put forward.

At the same time when it is remembered that the Chinese authorities had never made a survey and that the Chinese Magistrate seldom or never settled disputes over land of little value by personal inspection, it is evident that considerable patience and caution are now needed.

Besides the strip of country on the North shore of the harbour, 9 lesser islands lying between Hongkong and the large Island of Lan Tao have been taken as test cases. Five of them being barren and practically valueless have not been claimed and will therefore be considered as Crown Land.

Four of the others were claimed by the representatives of wealthy families on the mainland, but no decision had been given by the Court up to the end of the year.

The general procedure of the Land Court is given in a Report by Mr. GOMPERTZ dated the 4th March, 1901 (Appendix 1a). It may be summarised as follows:—

A district is chosen and marked out by boundaries and a notification then calls upon all land-owners to present their claims to the Court before a given date. All lands claimed are surveyed and particulars of ownership entered on the demarcation books, while claimants are summoned to attend the Court where the proper forms are filled in for them by the clerical staff. After the last day for presenting claims all land unclaimed in the district is the property of the Crown. The claims themselves are sorted, undisputed ones being available for the rent roll, while those which are contested are set down for hearing. The holdings are very small and the idiosyncracies of the people are so productive of delay that it is very difficult to secure even a moderate amount of expedition without a corresponding sacrifice of accuracy.

There can be little doubt, however, that the operations of the Court will be far more rapid and the difficulties less in the districts to the north of the Kowloon watershed, from which most of the land revenue must be drawn in the future.

The land outside permanent cultivation has been regarded by the Chinese as of little value and will therefore be rarely claimed while the ownership of land under crops is usually well known and will hardly ever be the subject of dispute.

SURVEY.

Mr. TATE and his assistant, Mr. NEWLAND, with their staff of trained Indian Surveyors and coolies have been continuing the survey of the New Territory throughout the year.

An area of 4,000 square miles has been triangulated, and of the points laid down, those which are situated within the New Territory are being marked.

An area of 300 square miles has been surveyed on the scale of one inch to a mile for the topographical map, while an area of 4,500 acres has been surveyed partly on the scale of 16 inches and partly on the scale of 32 inches to a mile.

A special survey of the Chinese town of Kowloon together with its walled or fortified portion has also been made on the scale of 64 inches to a mile.

Progress has not been rapid, partly owing to unfavourable weather, and it is evident that the work will cost more than was anticipated by this Government on the report of the Surveyor General of India. As, however, the triangulation and the topographical survey are almost complete, it has been decided that Mr. TATE should return to India and that Mr. NEWLAND should be retained with such staff as may be considered necessary for the completion of the cadastral survey.

I attach a report by Mr. TATE (Appendix No. 3) on the progress of the cadastral survey up to the 15th of February, 1901.

The cadastral survey, which gives the position and area of individual holdings, is of course necessary as the basis of a permanent Rent Roll. A commencement was made with a scale of 16 inches to the mile and the first 40,000 acres of cultivated land were surveyed on this scale which is probably adequate in level country such as is found round P'ing Shán where holdings are large and cultivation continuous. For well populated areas where every foot of land is valuable—as for instance to the south of the Kowloon watershed—a survey on a larger scale will no doubt be found necessary, while for land where the holdings are small there is no doubt that the 16-inch scale is totally inadequate.

For these reasons and because it was desired to have maps of villages on a sufficiently large scale to show each building in the village, it has been arranged that when Mr. TATE, in charge of the surveys, and Mr. GOMPERTZ, Member of the Land Court, agree that for any given area the 16-inch scale is too small, the larger scale of 32 inches may be adopted.

Since the constitution of the Land Court the area to the south of the Kowloon hills, which had been already surveyed, has been entirely demarcated, and in the Táipó District the work of demarcation and survey is being pressed forward.

BOTANICAL AND AFFORESTATION DEPARTMENT.

Mr. TUTCHER, the Acting Superintendent of the Botanical and Afforestation Department, has furnished me with the following information concerning the work done by his Department in the New Territory during last year.

Tree planting was commenced around the Police Stations, at P'ing Shán, Au T'an, Táipó, and on both sides of the road from Sham Shui-pó to Sha T'in, 81,154 trees have been planted.

In February, 145 cuttings of seedling sugar canes were received from Mr. C. CURTIS, F.L.S., Assistant Superintendent of Forests, Penang, and about one-half of these were planted in the Sookunpó Nursery and the rest at Ha Ts'ün. Only 15 plants were obtained in all, as the whole of the cuttings put in at Ha Ts'ün failed. Similarly of 318 cuttings received in July from Mr. E. A. B. BROWN, Province Wellesley, only those planted at Sookunpó have done well, being as regards size a great improvement on the ordinary Chinese cane. Cuttings from them were taken in this spring so that by next winter, there should be a sufficient quantity of mature canes to test their sugar producing qualities.

In September, a consignment of 2,200 cuttings, in five varieties, was received from Java. These cuttings were planted at Ha Ts'ün, but owing to the lateness of the season, they have not done well, only about 300 plants having survived.

The quantity of land under sugar cultivation in the New Territory is estimated at over 7,000 acres.

At the suggestion of Mr. TUTCHER it is intended to establish Experimental Gardens on some of the agricultural land in the New Territory. Mr TUTCHER is of opinion that there are many kinds of fruit which could be grown and that the experiment if successful would improve the varieties already in the market and also supply new kinds. He mentions *Agave sisalina* as a plant likely to succeed and states that though sisal hemp is not of such good fibre as Manila hemp, it will probably repay cultivation.

Great difficulty has been experienced in the attempt to prevent tree-cutting, but before effective measures can be taken to stop the practice, the Land Court will have to decide the validity of the various leases under which it is alleged that the Chinese Government granted the owners power to cut down trees growing on their property. If such rights are established it may be necessary for the Government to purchase them in cases where the trees are of importance to the health of the New Territory.

PUBLIC WORKS.

I attach a report (Appendix No. 4) of the Director of Public Works on the work done by his Department in the New Territory during 1900.

The main road in course of construction between Kowloon and Táipó, which when completed will be about 16 miles in length, has now reached a point $11\frac{1}{4}$ miles distant from Kowloon. From this point on to Táipó there is a passable foot-path. The plans for the last 5 miles are being completed in the Public Works Department and it is hoped the road will be finished this year. It is intended ultimately to extend this road beyond Táipó to the frontier.

The road to Kowloon City, $1\frac{1}{4}$ miles in length, was completed early in 1900, as was also the cross-road leading from Tái Shek Ku to Yaumati. Both these roads have proved of great value as main arteries for traffic.

Telephone communication was extended to the temporary Police Station at San T'in, and also to Shat'aukok, so that the telephone communication between the various Police Stations in the New Territory and with Victoria is now complete.

Permanent Police Stations have been completed and occupied at Au T'au, at P'ing Shán, and at Shat'aukok near Starling Inlet, while a station at Saikung on Shelter Bay is in course of construction.

An iron and concrete bridge of two spans of 15 feet each has been built on the Saikung Road just beyond Kowloon City, and the attention of the Public Works Department has also been engaged by the renewal of the Kowloon City Pier and the construction of a causeway to connect the hill on which the temporary official quarters at Táipó now stand with an island close up to deep water.

I attach photographs, prepared by Mr. GALE, Executive Engineer of the Public Works Department, which show the nature of the works that have been undertaken.

The temporary quarters at Táipó are only matsheds and not well suited for their purpose. It has been thought advisable before finally deciding to erect permanent quarters to ascertain by experience which would be the most suitable situation.

EDUCATION.

Little has so far been done in the way of Education in the New Territory. It has, however, been decided to build a school for teaching English at Ün-long and during the cold season, the attendance officer of the Inspector of Schools visited the whole of the Territory. An inquiry has been made regarding the schools at present in existence and steps will be taken to bring them so far as possible under the Education Department.

MEDICAL DEPARTMENT.

I attach a report (see Appendix No. 5) drawn up by Mr. Ho NAI HOP, Licentiate of the Hongkong College of Medicine for Chinese, showing the work done by the Medical Department in the New Territory.

Mr. Ho continued to reside at Táipó throughout last year, treating all Government servants for mild ailments and visiting the various villages from time to time. He treated 1,267 cases during the year, of which 961 were new cases and the rest were former patients.

Malarial fever was very prevalent in the rainy season. I append a report (Appendix No. 6) by Dr. THOMSON and Dr. YOUNG on the causes of the marked prevalence of Malarial Fever at Táipó. Dr. THOMSON has also been examining and classifying the specimens of mosquitoes supplied to him from the various Police Stations throughout the New Territory and his reports confirm what is now so well-known as the anopheles theory.

There has also been a great deal of dysentery amongst the Police stationed in the New Territory. This, in the opinion of Dr. BELL, Acting Principal Civil Medical Officer, is another form of malaria, as the malarial parasites have been found in the blood and have answered more readily to treatment by quinine than by the other drugs usually employed in treating dysentery. All cases of this disease admitted to the Government Civil Hospital are being carefully examined with a view to ascertaining the extent to which malaria is a cause of dysentery.

Free vaccinations have been performed by Mr. Ho, but only 78 in number. There are now 5 Vaccinators with a good supply of vaccine lymph in the New Territory and it is hoped that the inhabitants may gradually be induced to abandon the practice of direct inoculation now prevalent and submit to be vaccinated in the manner in vogue in civilised countries.

HARBOUR OFFICE.

A station at Táipó in Mirs Bay was opened during January, 1900.

From the 1st January to the 31st of December last, 6,140 licences, clearances, permits, etc., had been issued to junks at Ch'éung Chau, 3,676 at Tái Ó, and 4,764 at Táipó. The figures for last year at Ch'éung Chau were 2,616 and at Tái Ó 1,353, so there has been a satisfactory increase at both these Stations.

POLICE.

The strength of the Police Force in the New Territory up to the 25th of June last was as follows:—27 Europeans, 105 Indians, 30 Chinese, and 10 Interpreters, but on the date mentioned the stations on the frontier and at Táipó were strengthened by a total force of 4 Europeans, 40 Indians and 4 Chinese, owing to a rising in the neighbouring Chinese territory. No attempt was, however, made to disturb the peace in the New Territory.

Nine Europeans and 51 Chinese were employed during the year in the three launches which are used to patrol the waters of the New Territory.

Four piracies were committed in the waters of the New Territory upon steam-launches owned and licensed in Hongkong, and the frequency of these cases has led to special legislation with a view to compel owners of launches plying outside the harbour to take proper precautions against such attacks which are invariably committed by persons who embark under the guise of passengers.

The Police in the New Territory again suffered severely from malarial fever in spite of every precaution.

CRIME.

I attach a return (Appendix No. 7) of cases from the New Territory tried in the Police Court of Victoria during 1900, with which I have been furnished by Mr. HAZELAND, the Acting Police Magistrate. Mr. HALLIFAX has supplied me further with a return (Appendix No. 8) of the cases tried in that portion of the New Territory which is situated to the north of the Kowloon range of hills with the exception of the Tung Hoi District.

The arrangement previously in force according to which the Magistrate for the New Territory sat twice a week in Hongkong has been abandoned. Mr. HALLIFAX, Assistant Superintendent of Police, also discharges the duties of Magistrate in the New Territory and tries all cases arising there with the exception of those from the Tung Hoi or Eastern District, which are still brought to Hongkong, as it is found more convenient to try them in Victoria.

The most notable feature is the increase in cases during the year. In 1899 the total number of cases for the New Territory was 155 with an aggregate of 271 accused persons. Of those cases only 23 were dealt with in the New Territory itself. In 1900 the total number of cases had increased to 586 involving 802 accused persons. Of these no fewer than 283 cases involving 393 accused persons were tried in the New Territory, while 303 cases comprising 409 accused persons, were tried in Victoria.

The increase is due partly to the more complete development of the Police organisation, and partly to the greater readiness with which the inhabitants seek the protection of the Police by laying complaints before them.

By far the largest item in the list of offences is that of unlawful possession of opium, with which altogether 222 persons were charged.

LEGISLATION.

During the year 1900 the following Ordinances were passed in connection with the New Territory:—

No. 8.—An Ordinance to facilitate the hearing, determination, and settlement of land claims in the New Territories, to establish a Land Court, and for other purposes.

No. 18.—Re-enacting Ordinance No. 8 with certain amendments suggested by the Secretary of State.

No. 30.—An Ordinance to extend the operation of such of the laws of this Colony as are not at present in force in the New Territories to a certain portion of such Territories.

The necessity for this Legislation was clearly set forth by the Attorney General (Mr. GOODMAN) in the objects and reasons attached to those Bills. (See Appendix No. 9.)

REVENUE AND EXPENDITURE.

I attach a statement of Revenue and Expenditure (Appendix No. 10) on account of the New Territory, which has been drawn up by the Acting Treasurer.

The total expenditure for 1900 was \$243,361.66, exclusive of the sums expended on the Police Establishment. Of this amount a sum of \$58,196.25 was spent on the construction of steam-launches, and a sum of \$13,200 on the charter of launches required whilst the new launches were being built. A sum of \$15,880 was also expended on Maxim guns with which it was deemed advisable to equip the Police Stations. Public Works in the New Territory, including the cost of the Survey, were responsible for an expenditure of \$143,436.33.

The expenditure on the Police Establishment in the New Territory amounted to \$102,292.48. I attach a detailed statement of this expenditure with which I have been furnished by the Captain Superintendent of Police. (See Appendix No. 11.)

The revenue collected amounted only to \$17,530.75.

This sum is certainly small when compared with the expenditure, but the difficulties in connection with the land settlement, to which reference has been made in this and previous reports, have hitherto rendered it impossible to make a satisfactory collection of crown rents. The work of the Survey and of the Land Court are progressing satisfactorily, though the rate of progress has necessarily been somewhat slow. When the survey is completed and rent rolls have been compiled in accordance with it, the holders of land will have no means of evading the payment of crown rent for their holdings, which will yield a good yearly revenue. It must be remembered that most of the money already expended on account of the New Territory has been devoted to works of a permanent nature which cannot fail to add to its development. The cost of the civil administration has not been large, though the expenditure on account of the Police has been high, as it has been necessary to maintain a strong force of Police in the interests of the peace and good order not only of the New Territory but also of the Colony generally. It is hoped that before long it may be found possible to reduce the present large Police expenditure. Though the New Territory does not pay its way at the present time, it seems not at all improbable that it will do so in the near future. Any one who may feel inclined to take a pessimistic view of its prospects should bear in mind the fact that when Hongkong itself, which has become so prosperous, first came under British rule, there were not a few people who prophesied that the Colony would prove a failure, and as a matter of fact it had to receive assistance from the Imperial Exchequer for some years.

STAFF.

Mr. MESSER as Land Officer, Mr. HALLIFAX as Magistrate, and Mr. B. W. GREY as temporary Land Surveyor, resided in the New Territory throughout last year, as also did Mr. HO NAI HOP, Chinese Medical Officer.

Mr. GOMPERTZ, as member of the Land Court, has worked principally in the New Territory since last May. From May to November he was assisted by Mr. KEMP as Registrar of the Land Court, and from November onwards by Mr. WOOD in the same capacity. Mr. CHEUNG TSOI acted as Chief Clerk and Interpreter to the Land Court from May onwards, while from January till May, Mr. TSOI YEUK SHAN was Chief Chinese Assistant and Interpreter to the Land Officer.

Mr. S. R. MOORE, Demarcation Officer of the Land Court, has been working in the New Territory since November, and Mr. H. T. WATSON, Clerk in connection with the preparation of a rent roll for the cultivated portion of the New Territory, resided there permanently from April to July.

I attach a list (Appendix No. 12) of the officers who have worked in the New Territory during the year.

J. H. STEWART LOCKHART,
Colonial Secretary.

Hongkong, 15th July, 1901.

Appendix No. 1.

SOME NOTES ON LAND TENURE IN THE NEW TERRITORY.

General Theory of Chinese Tenure.

It is the commonly received opinion that in China the Crown is the universal land lord in whom the ultimate ownership of all landed property is vested.

Williams says (Middle Kingdom Vol. II, pp. 1-2):—

“The land is all held directly from the Crown, no allodial property being acknowledged; if mesne lords existed in feudal times they are now unknown. The conditions of common tenure are, the payment of an annual tax; the fee for alienation; a money composition for personal service to the Government, a charge generally incorporated with the direct tax as a kind of scutage. The proprietors of land record their names in the district and take out a ‘hung-ki,’ or red deed, which secures them in possession as long as the ground tax is paid,” that is to say that land once granted by the Crown remained the property of the grantee as long as but no longer than Crown Rent was paid on it.

2. In many parts of the Empire and notably in the San On District of the Kuang Tung Province there are large tracts of land so infertile as to possess hardly even a nominal value. These lands it would be the natural desire of Government to see taken up on almost any terms and it is not surprising to find that it was the custom for a grant of such lands to be made to proper persons without premium on their complying with the regulations laid down for applicants.

The name of the person applying was entered on the register with the area desired—a description of the land—and the class of tax proper to be paid.

The following extract from a translation by T. T. Meadows of the Provincial Laws and Regulations of the Province of Kuang Tung, published in 1846 by the Governor and Governor General, gives the prescribed form of application for persons wishing to take up land hitherto uncultivated:—

(a.) The party who intends bringing a piece of land, no matter of what extent, into cultivation, must first repair to the local authority and present a statement containing his individual and family names, and indicating the piece in question; which will then be registered as ground being brought under cultivation. After it has been brought into cultivation, so as to form a regular piece, a plan must be drawn showing its extent in every direction, which must be presented to the local authority, with the request that it may be surveyed: and the latter will after the survey grant a deed placing the cultivator in full possession.

(b.) Odd patches not forming complete lots, the extent of which does not perhaps amount to 10 mau, and which are barely fit for growing vegetables and miscellaneous produce, need not be reported, &c., &c., as above, at the time their cultivation is undertaken, but only after they have been reclaimed; an exemption granted, “in order to manifest compassion for the cultivators.” Whoever has at a former period spent labour and money in cultivating any such piece of land without the cognizance of the authorities, and who has succeeded in reclaiming it, shall be allowed to give information thereof; on which the land in question will be surveyed, and a deed given for it by the local authorities.

The sense of these two paragraphs seems quite clear. A person wishing to take up Crown land might do so on the condition of—

(1.) Reporting to the proper authority.

(2.) Getting a deed issued to evidence his possession. This evidently holds good for all land, but in the case of odd patches amounting to less than 10 mau the cultivator need not report until he has already reclaimed the land.

3. No Government professing to derive revenue from the soil can hope to collect that revenue effectively unless the regulations as to registration and enrolment of title are complied with; and that unauthorized occupation was regarded with great disfavour in China is sufficiently shown by the following quotation from Staunton's *Ta Tsiung Leu Lee*, Book II, Section 90:—

“Whoever fraudulently evades the payment of the land-tax, by suppressing or omitting the register of his land in the public books, shall be punishable in proportion to the amount of the chargeable land omitted, in the following manner:—When the unregistered land amounts to one mau, and does not exceed five mau, with 40 blows; and for every additional number of five mau so suppressed, the punishment shall be increased one degree, until it arrives at the limit of 100 blows. The unregistered lands shall be forfeited to the State, and the arrears of the land-tax (computed according to the period during which it had been unpaid, the extent of the land, and the rate at which it would have been chargeable), shall be at the same time discharged in full.

When the land is entered in the register, but falsely represented, as unproductive when productive, lightly chargeable when heavily chargeable; or if the land is nominally made over in trust to another person, in order to exempt the real proprietor from personal service, the punishment, whether corporal or arising out of the payment of the arrears of the tax, shall be inflicted in the manner and according to the scale above stated; but instead of a forfeiture of the lands, the register of them shall simply be corrected, and the assessment and personal service of the real proprietor be established agreeably thereto.

If the head inhabitant of the district is privy to any breach of the law, but does not take cognizance of it, he shall be equally punishable with the original transgressors.”

Anomalies in the New Territory.

4. Having regard to the opinion of Williams that no allodial property was recognized but that all land was held directly from the Crown, and in view again of the extremely explicit provisions for registration and the severe penalties following on disobedience, how are we to explain the curious state of things prevalent in the New Territory? It is impossible not to be convinced after even a most superficial examination of the claims brought in that—

- (1.) Many large tracts of land are now claimed by persons who have never paid Crown Rent on them—who never reported their occupation such as it was—to the authorities and whose claims have never been in any way recognized by the Chinese Government.
- (2.) Very many persons have been paying under the name of tax annual sums to families who professed to be giving an account of these sums to the District Treasury but who as a matter of fact very often did nothing of the kind and who in many cases had no real title to more than a very small fraction of the territory over which they collected this rent.

Suggested Explanation.

5. I hope to be able to show that these claims have their origin in one or the other of two sets of conditions prevalent in the New Territory.

The first of these was the disorder and unrest prevalent for generations past in the districts bordering on the Canton delta. Usually a clan or family had a registered deed for a small area on which they undoubtedly paid Crown Rent but it is quite certain that they collected large sums under the name of Land-tax of which they have never given any account to the authorities.

The explanation usually offered by the people themselves is that these clans are the representatives of the first settlers in the locality.

6. We know that about 1665 A.D. the coast districts of S. E. Kuang Tung were laid waste for a distance of three leagues inland in order to deprive the Ming partisan “Koxinga” of any base of operations (Williams’ *Middle Kingdom*, Vol. II., 180). After this leader had been conciliated and peace restored on the coast it would no doubt be some time before any large number of persons had settled in the depopulated districts. It is alleged that the Central Government made small grants of money to encourage immigration from other districts. The early settlers would receive as much land as one family could cultivate, on easy terms. One can imagine an immigrant family established in a valley under a deed say for 10 acres of land adopting an attitude of superiority towards later arrivals. No doubt the cultivation was shifting according to the season—swampy and low-lying land being taken up when the year was a dry one to be abandoned in favour of better drained fields when the rains were heavy.

7. In this way the clan would at one time or another have worked the greater part of the valley though the actual amount of land at any one time under cultivation might not exceed the legitimate ten acres. Newcomers wishing to settle would be told that the land belonged to the clan who were responsible for the tax. The strangers would have nothing to gain by objecting to pay. Any refusal would mean bad blood and possibly litigation with the result that the Government would get the tax and that the old settlers would have a lasting feud with the new arrivals.

Other immigrants would similarly find it to their interest to keep in with the clan and in time every settler in the valley would be paying them a fixed yearly sum under the name of tax although none of it would ever reach the coffers of the Government.

8. This I take to have been the usual manner in which clan rights over land came to be so universally asserted. The country bordering on the Canton delta has always been turbulent and lawless and the great difficulty of communications in a mountainous region no doubt made the Magistrates willing to condone such frauds on the revenue. No doubt the clan would pay a proportion of their receipts as hush money. When the District Magistrate was honest this would be absorbed by his underlings, when he was not it would form a useful addition to his slender stipend.

9. I estimate that four-fifths of the land tax in the New Territory passed through the hands of an intermediary before reaching the Government. The system I have described was not however the only cause of this. The second cause was undoubtedly the desire of evading the heavy registration fees charged in the District Land Office.

In the first place unless a man had a "heading"—a page with his own name or that of his ancestor in the register—it cost him not less than \$100 to begin his registration. Even when he had this heading in the register there were fees legitimate and otherwise, to be paid and the trouble and delay of going to the District City.

10. The result was that very few sales of land were registered. The more usual course was for the transaction to be evidenced by a white, *i.e.*, an unregistered deed containing a covenant by the purchaser to pay the vendor a yearly sum to meet the tax which the vendor continued to pay as before. This was frequently done even when the vendor parted with the whole of the land held by him under a red deed when in order to save the purchaser the trouble and expense of registration the latter took a white or unregistered deed as evidence between himself and the vendor of the transaction and of the payment of the purchase money. He might also get the original red deed to be kept as security against subsequent dealings with the land by his vendor. Thus the taxes were still paid in the old name though the land had passed into other hands.

It is possible I think to find in one or other of these sources the origin of all the clan claims in the New Territory. This is to say: either a clan has forced later immigrants to pay to itself an imposition under the name of land tax; or the clan (or individual members of it) has parted with land under a white deed and still continues to be responsible for the tax.

Ownership of Land how acquired.

11. It may not be amiss to recapitulate briefly the various methods of acquiring land in the New Territory.

First by grant from the Crown.—On application to the District Magistrate for unoccupied waste, or for newly formed alluvial land, a notice was posted reciting the application. Then, after five months if no objection had been lodged a grant issued stating the area and class of the land and the tax payable.

Secondly by purchase.—The law required that every deed of sale should be registered and the amount of tax due transferred into the purchaser's name. In most cases the instrument was not registered, the vendor continuing to pay the tax and the purchaser indemnifying him by a yearly contribution. It was however usual in such cases as I have stated above for the vendor to hand over the prior registered deed to the purchaser to secure the latter against any subsequent dealings with it to his prejudice.

The Perpetual Lease.

12. Thirdly by perpetual lease.—This was by far the most common method of dealing with land in the New Territory.

The effect of a grant of land from the Crown was really to make the grantee a perpetual lessee subject to the payment of the proper Crown Rent. Something analogous was adopted by private individuals. When the transaction was intended to be registered it was usually called a sale, being in effect the transfer of the perpetual lease granted by the Crown from the vendor to the purchaser who took the place of the former as the person inscribed as tax-payer in the register. When as was usually the case it was preferred to dispense with registration, a sale was inconvenient, for it left the vendor responsible for the tax and without any covenant of indemnity from the purchaser. On the other hand under a perpetual lease the purchaser got practically the full rights of ownership and could mortgage or lease or even sell the property provided always that the rent reserved under the old lease was punctually paid. The vendor got an annual sum sufficient to indemnify him for the tax to be paid but had otherwise no further interest in the land.

13. I have said that the annual sum reserved was sufficient to indemnify the vendor for the tax it was supposed he would continue to pay, but its amount was often very much larger than this. Frequently the rent under a perpetual lease is a full rack rent the explanation no doubt being that in such cases the true relationship of land lord and tenant exists and that through habit people in the New Territory have come to prefer this form of alienation to a regular sale.

14. The perpetual lease was sometimes in writing but very much oftener it was oral merely and so general was it and so popular that it seems usually to have been presumed in the absence of any explicit agreement between the parties. Thus if A builds a house on B's land and B ratifies his action by accepting rent the implied condition is that subject to the payment of annual sum initially fixed and not liable to be raised A can continue in occupation of the land and that B has meanwhile no interest therein beyond the receipt of this annual rent. B has it is true the reversion if A die without heirs but that is a remote contingency in China where in default of issue adoption is freely resorted to.

15. The annual rent may be very small—this usually means either that a capital sum was paid originally or that the value of the land was so insignificant that no more rent was reserved than was necessary to meet the tax. It may again amount to almost the full annual value of the land and in some localities this is said to be as high as \$3 and \$4 a man—though in view of the exceedingly elastic ideas of measurement current amongst the villagers it is impossible to place much reliance on their figures.

16. The interest of the lessee then amounts to this—that as long as the rent is paid the land belongs to him and to his heirs for ever. It seems beside the purpose to ask whether he can leave it by will for the will as we know it does not exist in the New Territory. If the lessee parts with the possession and the rent is not paid he remains liable to the lessor for the amount. The lessor on the other hand has a perpetual right to receive the rent originally stipulated for. He cannot increase it nor can he alienate more than the right to receive this annual sum. The land reverts to him if the lessee's family becomes extinct.

17. In several cases that have come to my notice since the Convention landlords have realized that in view of the recent enhancement in the value of property it is to their interest to compound with their perpetual lessees and resume for a money payment their original interest in the land. I anticipate frequent attempts to override the rights of lessees by persons who have recently acquired land for parts of which such leases have been originally granted. It may be well to note, that out of the several hundreds of such leases which have come to my notice I have not found a single instance of the lessee's rights not being respected under Chinese rule.

A man could only sell his land subject to the rights of any persons on it who had taken such a lease from him and the only result of the transfer was that the rent reserved under the lease became henceforward payable to the new landlord.

In several sales of land that have taken place since the Convention the purchasers have I believe failed to recognize the importance of ascertaining whether such leases had been previously granted on the property and they have now to face the alternative of either buying out the lessees or being satisfied with the very small annual rent which is all that remains of the landlord's rights.

Mortgages.

18. Fourthly by a mortgage.—Mortgages of land are very common transactions in the New Territory. The Chinese mortgage, as I have found it, is like the Welsh mortgage of the text books, a conditional sale. It may be in writing but is very often oral and in spite of the great strictness of Chinese Laws upon the subject it is hardly ever registered. It is faithfully described in the following account of a Welsh mortgage taken from a well known Text book:—

“What is known as a Welsh mortgage is a transaction whereby the estate is conveyed to the mortgagee, who is to go into possession and take the rents and profits as an equivalent for his interest, the principal remaining undiminished. In such a transaction there is no contract, express or implied, between the parties, for the repayment of the debt at a given time, and though the mortgagee has no remedy by action to enforce payment of his money, yet the mortgagor or his heirs may redeem at any time.”

It is only necessary to add that these mortgages when not evidenced by a deed are a fertile source of litigation. If the value of land should go up the mortgagor naturally claims to redeem but the mortgagee frequently resists on the ground that the sale was unconditional.

The mortgagee being from the nature of the transaction in possession becomes the owner for the time being of the property subject to the possibility of redemption at some future time by the mortgagor. Mortgages are frequently assigned three or four times over and this of course increases the possibilities of dispute when the original owner comes to redeem.

19. Short leases of agricultural land for a year are not uncommon but present no features worthy of particular attention—they are usually determined at the end of either the Spring or the Autumn harvest by six months' notice on either side.

20. After a District has been dealt with by the Land Court and all claims finally heard and determined there are two important questions that still remain to be considered.

Firstly.—Who are the persons to be made liable for the Crown Rent and in what proportions?

Secondly.—What titles are to be issued to persons having interests in land and what form of registration is most suitable?

Crown Rent—Incidence of.

21. As regards cases where the cultivator is himself the owner holding direct from the Crown and paying his own taxes there is of course no difficulty.

It will be found, however, that a large proportion of the land is held on perpetual lease. In such cases Government should I consider deal directly with the (perpetual) lessee and make him responsible for the Crown Rent. He should then be allowed to deduct the amount he contributes as Crown Rent from the sum he pays his landlord.

If the lessor's rent is small in amount—this means either that he received full value for the land originally and that the annual payment was arranged simply to cover the taxes for the payment of which he continued liable—or that he had no real title to the land but has levied this amount under the name of tax from persons who were not in a position to resist the claim.

In such cases the lessor will no longer get anything; for the Crown Rent to be now paid by the lessee will be greater in amount than the old rent under the lease and there will be nothing left for him.

If however the relation between the parties was really that of landlord and tenant the sum paid will approximate more nearly to a rack rent and this sum less the amount paid for Crown Rent by the lessee will still come to the hands of the lessor.

22. In many cases the perpetual lessors are absentee landlords with no other concern in the land than the receipt of their rent, as for instance the Li family on the northern half of Lau Tao. In such cases the tendency will be for the lessee to buy out his lessor and gradually to get the full ownership, subject to the rights of the Crown, into his own hands. Where conversely the lessors are powerful and wealthy families resident in the neighbourhood of their lands the tendency will probably be the other way and they are more likely to buy out the cultivator and either till the land themselves or let it on annual lease.

In the case of a mortgage the mortgagee, if he be, as he usually is, in possession, should pay the Crown Rent: the mortgagor has often severed all connection with the land and gone to California or to Singapore whence his return is at least problematical.

Titles.

23. Next as to the form of title. In my opinion it will be safest to keep at any rate for the present to the tenures which obtain and are well understood among the people.

A person who has a grant of land from the Chinese Government has in effect a perpetual lease subject to the payment of Crown Rent. If he converts the land to other uses than those to which it was put when he first took it up, his Crown Rent may be raised, but, subject to this and perhaps to some reservation with regard to minerals the land is his own, as long as he continues to pay the tax.

Such person need not I think be given ordinarily a Crown lease. He should be entered on a Register as a “Customary land holder” and be permitted to have an extract from this Register as evidence of his title upon payment of a small fee. The rights and liabilities incident to such tenure might be summarily defined in a short Ordinance which however we need be in no pressing hurry to draft. After a year or two's experience we shall know much more about New Territory customs than we do at present.

24. Such a certificate of title to be issued on payment of a small fee would be amply sufficient for the ordinary cultivator. It would not however satisfy the needs of Europeans who might wish to acquire land and it would probably be of little use to a registered company taking up land for industrial purposes. The proper course would be for them to make their own arrangements with

the cultivator who would then surrender his rights to the Crown in favour of the purchaser and this latter would be granted a Crown Lease on such conditions as to the payment of Premium, Crown Rent and Fees as the circumstances might seem to warrant.

Under the Chinese regime waste areas were frequently granted on easy terms subject, however, to an increase of Crown Rent, if the grantee converted the waste into agricultural land, or if he erected buildings thereon.

Land for which a Crown Lease might be issued would of course come under the ordinary law of the Colony as regards registration and so forth.

But the ordinary cultivator should I think be spared for the present the technicalities of English Law.

It is easy to see how the desire to avoid the expense of registration has complicated the land question in China by rendering unregistered transfers almost universal. Our aim should be to devise a system so simple and so cheap that the Chinese will find it more convenient to comply with the law than to evade it.

The Torrens System.

25. The best model is I think the system of Land Registration adopted in the Native States of the Malay Peninsula in the Settlement of Malacca which is a modification of the well known Torrens System, introduced by the late Sir WILLIAM MAXWELL. The peculiarity of this system is, that it makes the ownership of property pass by entry in the register: title by registration being substituted for title by deed.

Its main outlines are well described in the following quotation from Sir WILLIAM MAXWELL'S Essay on the Torrens System, paragraphs 4, 5, 25, 26, 27, 28, 29 and 30:—

“4. Legal expenses incident to the sale and purchase of land were heavy, and every addition to the deeds forming the chain of evidence of title increased the cost of subsequent dealings.

“5. It was, therefore, with a firm persuasion that great grievances were imposed upon the Australian Colonists by the English law of real property that Mr. TORRENS (now Sir ROBERT R. TORRENS, K.C.M.G.) proposed, in 1857, in South Australia, a system of his own invention, adapted from the practice attending the transfer of shipping property, which, reduced to its elementary principle, substitutes title by registration for title by deed.

“25. A certificate of title is issued to every person entitled to any estate of freehold in possession in land under the Act. Every certificate is in duplicate. One duplicate is given to the proprietor, the other is retained in the Lands Titles Office. The certificates in the office constitute the register book, which, in the words of Mr. TORRENS, is the pivot on which the whole mechanism turns. Every certificate is marked with the number of the volume and the folium of the register book. Crown Grants of land bought since the Acts came into operation are also issued in duplicate, one of which is bound up in the register book, and such grants are, in all respects, equivalent to certificates of title.

“26. So far, it will be said, the title is simplified, but how is this simplicity to be retained,—how will future complications be prevented? This is the problem which the Act endeavours to solve.

“27. For the purpose of facilitating transactions, printed forms of transfer, mortgage, lease, and other dealings, are to be procured at the Lands Titles Office. Any person of ordinary education can, with very little trouble, learn to fill them up in the more simple cases without professional assistance. If a proprietor holding a certificate of title wishes to sell the whole of the land included in it, he fills up and executes a printed form of memorandum of transfer to the purchaser. The transfer is presented at the Office, and a memorial of the transfer is recorded by the proper officer on both duplicates of the certificate of title. The purchaser, by the recording of the memorial, stands in precisely the same position as the original owner. If only a part of the land in a certificate is to be transferred, such part is described in the memorandum of transfer, the transfer is noted on both duplicates of the original certificate; a fresh certificate is issued to the purchaser for the part transferred; and the original certificate is noted as cancelled with respect to such part. This process is repeated on every sale of the freehold, and it will thus be seen that every person entitled to a freehold estate in land under the Act has but one document to show his title, through however many hands the property may have passed, and such document vests in him an absolutely indefeasible title to the land it describes.

“28. If the proprietor wishes to mortgage or lease his land, or to charge it with the payment of a sum of money, he executes, in duplicate, a memorandum of mortgage, lease, or encumbrance, in the form provided by the Act, altered so as to meet the particular circumstances of the case. This is presented at the Lands Titles Office with the certificate of title; a memorial of the transaction is entered by the proper officer on the certificate of title and on the duplicate certificate forming the register book. The entry of this memorial constitutes registration of the instrument and a note, under the hand and seal of the proper officer, of the fact of such registration is made on both duplicates of the instrument. Such note is conclusive evidence that the instrument has been duly registered; one of the duplicates is then filed in the office, and the other is handed to the mortgagee, or lessee. The certificate of title will thus show that the original proprietor is entitled to the land it describes, subject to the mortgage, lease, or encumbrance; while the duplicate instrument held by the mortgagee, lessee, or encumbrancee, will show precisely the nature of his interest. Each person has and can have but one document of title, and this shows conclusively the nature of the interest he holds, and to that interest his title is indefeasible. If a mortgage is paid off, a simple receipt is indorsed on the duplicate mortgage held by the mortgagee. This is brought to the office, and the fact that the mortgage has been paid off is noted on the certificate of title. Here a striking inconvenience of the old system is done away with. Few things are

“more perplexing to simple minds than the necessity which that system imposes of a deed of reconveyance when a mortgage has been paid off. A mortgage under the Act does not involve a transfer of the ‘legal estate,’ although the mortgagee is made as secure as if such transfer had taken place. The necessity, therefore, for a deed of reconveyance, when the mortgage is paid off, at once vanishes. If a lease is to be surrendered, it has merely to be brought to the office with the word ‘surrendered’ indorsed upon it, signed by the lessor and lessee, and attested, and the proper officer will note the fact that it has been surrendered, on the certificate of title. Mortgages or leases are transferred by indorsement, by a simple form. The Act provides implied powers of sale and foreclosure in mortgages; and in leases, implied covenants to pay rent and taxes, and to keep in repair, together with power for the lessor to enter and view the state of repair, and to re-enter in case of non-payment of rent or breach of covenant. All these may be omitted or modified if desired. In order to save verbiage, short forms are provided, which may be used for covenants in leases or mortgages, the longer forms which they imply being set out in the Act. Thus, in a lease, the words ‘will not without leave assign or sublet,’ imply a covenant ‘that the said lessee shall not, nor will, during the term of such lease, assign, transfer, demise, sublet or set over, or otherwise, by any act or deed, procure the lands or premises therein mentioned, or any part thereof, to be assigned, transferred, demised, sublet, or set over, to any person whomsoever, without the consent in writing of the said lessor first had and obtained.’

“29. Every person, therefore, entitled to a freehold estate in possession, has (if his land is subject to the Act) a certificate of title, or land-grant, on which are recorded memorials of all mortgages, leases, or encumbrances, and of their discharge or surrender. If he transfers his entire interest, a memorial of the transfer is recorded on the certificate, and the transferee takes it subject to recorded interests. The transferee can, if he chooses, have a fresh certificate issued in his own name, and in that case the old certificate is cancelled, and the memorials of the leases or mortgages to which the land is subject are carried forward to the new one. If a proprietor transfers only a part of his land, his certificate is cancelled so far, a fresh certificate is issued, and memorials of outstanding interests are similarly carried forward. Memorials of dealings with leases or mortgages are noted on the duplicate lease or mortgage held by the lessee or mortgagee, and on the folium of the register book. The Officers of the Department, therefore, and persons searching, can see at a glance the whole of the recorded dealings with every property; while each person interested can see, by the one document he holds, the precise extent of his interest.

“30. The foregoing extracts give a very clear exposition of the general effect of the system of transfer by registration. It cannot be too emphatically pointed out that it is not the execution of the memorandum of transfer, lease, or mortgage, but its registration in the Lands Titles Office, that operates to shift the title. No instrument, until registered in the manner prescribed by the Act, is effectual to pass any estate or interest in any land under the operation of the Act, or to render such land liable to any mortgage or charge; but upon such registration, the estate or interest comprised in the instrument passes, or the legal effect of the transaction, whatever it may be, is complete. Registration takes effect from the time of production of the instrument, not from the time of the actual making of the entry.”

26. There must be 100,000 separate lots of land held in individual ownership in the New Territory and of these probably 90,000 are in the country to the North of the Kowloon Watershed.

Land to the South of this range and bordering on the harbour might very well remain under the ordinary land system of the Colony; it is only for land which will in most cases remain in the hands of the peasant cultivators that I recommend a new departure.

Appendix No. 1a.

No. 10.

LAND COURT,
HONGKONG, 4th March, 1901.

SIR,

I have the honour to forward my report on the work of the Land Court for the seven months ending December 31st, 1900.

The Department was constituted as from the 1st June, Mr. H. E. POLLOCK being appointed President, myself Member. Mr. J. H. KEMP was gazetted Registrar, and on his removal to the Magistracy on 28th November Mr. WOOD was gazetted Registrar in his place.

2. I found on taking up my duties that matters were in the following state.

The Survey on a scale of 16" of between 30,000 and 40,000 acres of the New Territory had been completed leaving the remainder of the mainland and the whole of the islands to be dealt with.

Demarcation.

It had not been possible to arrange for any demarcation either precedent to the survey or following with it and no holdings therefore were shown on the maps which had been completed. A large number of claims to land had been brought in at Tai Po and at Ping Shan for the purposes of the Rough Rent Roll, but the form in which they were laid, though possibly adequate for the purpose for which they were received, was neither sufficiently full nor sufficiently clear for them to serve as the basis of an investigation into title.

3. It was necessary therefore to provide in the first instance a suitable form of claim and this was drawn up by the President and myself. A Demarcation Staff had also to be improvised and after experiments lasting over several weeks I obtained the sanction of His Excellency for the enlistment of 20 Chinese to be trained as demarcators to accompany the Indian Surveyors in the field and obtain particulars of the ownership of holdings.

4. The enlistment and training however of the Demarcation Staff required time and meanwhile it seemed advisable to commence getting in claims as rapidly as possible leaving where necessary the identification of the land claimed to be completed when the lot number tickets had all been issued. This has caused a good deal of delay; for persons who have first laid a claim in the Court, and subsequently received a lot number ticket on demarcation usually imagine that nothing further is necessary so that it has often proved very difficult to get them to come to the office and produce their tickets. I have arranged that in future demarcation shall have a clear start in each district before the receiving of claims begins and that no claim shall be received unless the appropriate lot number ticket is produced at the same time.

Commencement at Kowloon City.

5. The Law Committee of the Legislative Council had recommended that if possible the land facing Hongkong and lying to the south of the Kowloon watershed should be first dealt with on account of its growing importance as an outlet for the expansion of the Colony and of its far greater superficial value relative to the rest of the New Territory. I therefore decided to make Kowloon City the first base of operations and by the courtesy of the Trustees I obtained as an office the building used before the Convention as a general Meeting House and School-room within the Walled City.

The area including Kowloon City and extending to the Lyeemun Pass was well adapted to be taken as a test of the work that would have to be done containing as it did (a) padi and vegetable land, (b) house and shop property, and (c) fishing grounds and foreshore. Furthermore it was reasonable to suppose that its proximity to Hongkong would render the people more amenable to Western methods and better able to understand the meaning of what they were required to do than might have been the case with villagers in more remote districts.

General Procedure.

6. I think it may be expedient to sketch generally at the outset the procedure I have adopted so as not to render necessary further explanation upon particular points relating to the work of the Land Court.

The initial step is to select and mark out the boundaries of a District and a notification from His Excellency in the Gazette then fixes a date after which no claims in respect of that district will be received by the Court. Notices are published directing claimants to attend the Court where the proper forms are filled in for them by the clerical staff. A demarcation party is sent out and persons are invited to attend and give particulars of ownership pointing out their land, the outlines of which are then put in on the Cadastral Map with an appropriate lot number.

7. Finally if we suppose that the last day for receiving claims in "X District" is the 31st July, on the 1st August the Court will be in possession of the following documents:—

- (a.) Cadastral maps showing the exact position of every claim.
- (b.) A statement prepared by the Survey Department giving the areas of every claim in acres to two decimal points.
- (c.) The claim forms signed by the claimants themselves.
- (d.) The demarcation books giving particulars as to ownership, nature of cultivation, etc. collected on the ground.

The first step is then to send the Cadastral maps to the Public Works Department. Under section 15 of the Ordinance all persons in occupation of land as to which claims have not been presented by the last day fixed by His Excellency are trespassers against the Crown. The land claimed should be marked off by boundary stones from the unclaimed, the latter being thenceforward the property of the Crown.

8. The undisputed claims must then be separated from those which are contested. The latter can be easily picked out for where the same lot number is found on more than one claim the ownership of the land to which that number relates is obviously contested, while conversely where there is only one claim to a lot, the ownership of that lot is not in dispute.

By far the major portion of the land either under cultivation or covered by buildings is held by persons whose claims to the ownership is not disputed. The average areas of individual holdings are so small and their value to the possessor so great that it is not remarkable that the ownership is as a rule perfectly well known and uncontested, especially seeing that much cultivated land bears three crops a year and is consequently hardly ever left fallow. I estimate that omitting Sham Shui Po which bristles with difficulties, and perhaps the strip of coast from Ngau Tau Kok to Lyeemun the percentage of disputed claims will not be more than about 5%.

9. The disputed claims having been put on one side those which are undisputed must be carefully sifted to ascertain whether there is any effective occupation. Where the land is and has been for any considerable time under cultivation or where there are inhabited buildings on the land, I take it the Government will as a general rule confirm the occupiers in their possession, even though they have no real title whatever. But where the land is unoccupied and consists of foreshore or waste hill land the title will need careful scrutiny. Taking as general the axiom that the Chinese Government recognized no ownership not authorized by a registered instrument it is unlikely that many persons would have been at the expense of paying taxes and registration fees for land which under Chinese rule was practically valueless. Many persons on the other hand, now that there is a ready market for such land will be anxious to assert rights of ownership which they never possessed or which have long lapsed to the Crown in consequence of the abandonment of the land.

In other cases also exclusive rights of fishery or of wood and grass cutting may have been granted to individuals who are now anxious to claim full ownership of the land over which they exercised these rights. These are the cases which present questions really difficult of solution, many of which may not be satisfactorily settled for some years to come.

10. It will be seen from what I have said in the foregoing paragraphs that until a good deal of work has been done on the land the judicial functions of the Court do not begin to be exercised. As soon as the last day for receiving claims is past all the land in a District that has not been claimed should be marked off as Crown Land.

When all the claims are collected the separation of those which are undisputed will leave a comparatively small residuum for the Court to deal with. The undisputed claims are immediately available and can be handed over to form the basis of a permanent rent roll.

Staff.

It would accelerate the work of the Court considerably to have two more Cadets who might be styled Assistant Registrars to work in advance of the Court and prepare the ground for its operations. All the claims would by this means be got in, compared with the maps, and tabulated before the Court was ready to sit. Mr. WOOD is at present performing this very useful work at Tai Po and I see no reason why he should not after six months' experience of the work of Registrar be given a limited jurisdiction in undisputed claims.

This would make the settlement more than twice as rapid as it is now. Five-sixths of the cases would be dealt with before reaching the Land Court which would not then be occupied with the innumerable details which have to be dealt with in the preliminary stages.

Supervision of the demarcators in their work with the Survey Staff and of the Clerks occupied in taking claims is an absolutely necessary preliminary to the hearing of cases. It is useful and interesting work though of course not judicial and it is an excellent training in the handling of a staff and the lesser details of land work.

Late Claims.

11. It invariably happens that after the last day for receiving claims in a district has passed there are persons who come in with more or less plausible reasons why they have not been able to present their claims in good time. Some of these have registered their deeds at the Land Office and have rested happy in the belief that they have thereby done everything that is necessary. Others have had their titles looked at in the Tai Po or Ping Shan Rent Roll Office and say they did not understand that they had to come in again. Others have been at sea or in some village inland or in Singapore or Java not returning until the appointed day was over.

I take it that before the law such persons have no rights at all. Section 15 of the Ordinance makes it quite clear that they are in the position of mere trespassers against the Crown. It would however be inexpedient to ignore them, for this would mean the handing over to Government as Crown land, of areas on which were settled many *bonâ fide* occupants whose claims Government would in equity feel itself bound to enquire into at some later date.

I have adopted the course of making a separate roster for these late claims informing the parties that the land has lapsed to Government but that I will make a report on their cases to His Excellency who will deal with them as he thinks fit. Possibly in most cases it will be found best for Government to allow them titles on the payment of a small fine as an example to others.

Survey.

12. It has been very fortunate that the Colony has had the services of a staff of trained Indian Surveyors under a responsible experienced head to prepare the Cadastral maps. The work if undertaken piecemeal by the local establishment must have proved long and costly for there appear to be no properly qualified Chinese Surveyors in the Colony while the expense of employing Europeans on such work would have been quite prohibitory.

It still remains however to arrange for the survey of such claims as are too large to come within the ordinary Cadastral plotting. For them it is necessary to fix fresh points and traverse lines and the 16" scale is not convenient for large tracts of land.

Claims received.

13. I have during the past seven months received claims in respect of:—

I. Survey Districts Nos. I-IV comprising that portion of the New Territory which lies South of the Kowloon watershed and is bounded on the East by Li U Mun and on the West by Lai Chi Kok. In all 5,675 claims comprising 7,583 lots have been received in respect of this area. The demarcation of No. IV District is not yet complete owing to the survey having omitted to traverse some of the padi land in the smaller valleys North of Lai Chi Kok, but this work is being pushed on as rapidly as possible.

II. Claims have also been received in respect of the following islands:—

Tsing I or Chung Hue.
Ma Wan.
Ping Chau.
Ni Ku Chau.
Cheung Chau.

In all 880.

As no claims were received in respect of—

Cheang Chau Ching,
Cowe Chau (Kau I Chau),
Chau Cung,
Patung,

these islands are now by virtue of section XV of the Ordinance Crown land.

14. Claims are being received at Tung Chung in Lantau Island where also a small demarcation party is at work. Demarcation is in progress at Tai Po where Mr. WOOD has recently opened an office for the reception of claims.

It would prove a great economy both of time and expense to detach another Cadet to perform the same work at Ping Shan so that when the Land Court transferred its operations to that district the ground would be cleared in advance of all but the really important cases. Up to the present everything has had to be dealt with by the head office, but there is no reason why this should continue now that we have a system in working order and a trained clerical staff.

15. I have added to this report some Notes on Land Tenure in the New Territory *with suggestions as to the form of titles and the system of registration to be adopted when the Court has finished its work.

I wish to acknowledge my obligations to the interesting Memorandum on Land published in the Colonial Secretary's report dated 7th February, 1900.

I have the honour to be,

Sir,

Your most obedient Servant,

H. H. J. GOMPERTZ,
Member of Court.

The Honourable J. H. STEWART LOCKHART, C.M.G.,
Colonial Secretary.

Appendix No. 2.

LAND COURT,
HONGKONG, 27th June, 1901.

SIR,

I have the honour to submit a report upon the ownership of Ts'ing I (Chung Hue) Island.

On the 4th August, 1900, a Notification was published in the *Government Gazette* fixing 1st October, 1900, as the last day on which claims to land in this and other Islands would be received by the Court.

Notices (three) in the usual form had already on 30th July been posted in the Island itself, and on 14th August the Honourable Captain Superintendent of Police undertook to impress on the inhabitants the importance of reporting their claims in due time.

It was not, however, until October 10th or nine days after the limit of time had expired that the first claim was filed for Ts'ing I, and others came in gradually until the 2nd May this year, by which date 77 claims in all had been received.

This is a good example of the apathy of the country Chinese and their apparent indifference to their own interests.

Judging from the experience of the past twelve months it seems that nothing but demarcation will really stir up more than a very small fraction of the population to report their claims. Until they have actually been called out into the field and seen their holdings put in on a map they prefer to put off the evil day hoping possibly that they may remain forgotten until the evil day has passed and the unwelcome attentions of Government have been relaxed or diverted in some other direction.

The result of course in such a case is that all owners of land become trespassers against the Crown and that such rights as they might have hoped to establish lapse and become vested in the Government.

2. It is now my duty to submit for His Excellency's information a short report as to the nature of such rights as appear to have existed in the Island before the Convention.

Seventy-six out of seventy-seven—the total number of claims received—are such as call for no special remark. In No. 74, however, it appears that the members of a branch of the Tang family of Kam T'ia claiming descent from one Tang Ku Nam lay claim as his descendants to the whole of Ts'ing I Island.

I have taken special pains to go thoroughly into this case because it seems a very typical example of the curious and unwarrantable pretensions to the ownership of very large tracts of country which are perhaps the most striking feature in the economy of what we call the New Territory.

It appears from evidence I have taken that no members of this family reside on the Island—that they have no cultivation there or houses, nor have they any other interest than the collection of a fixed annual rent charge from the cultivators. This rent consisting nominally of 40 piculs of grain is regularly commuted into a money payment based on the current price of padi in Hongkong at the Winter Solstice. It is not pretended that this payment has ever been increased within the memory of any of the inhabitants, although it is quite certain and is freely admitted by the cultivators that additions have from time to time been made to the area of land under cultivation. Its incidence is shared among the various family cultivating padi on the Island according to the area and value of their holdings.

3. I made enquiries of both parties as to how the payment originated in the first instance and as to what explanation of its continuance was generally accepted among themselves. The Tang family replied that the whole Island has been their property for the last 200 years, but that they have never demanded any larger payment because of their knowledge of the poverty of the inhabitants. The cultivators on the other hand declare that they have been saddled with this payment because their ancestors—the pioneers of cultivation on the Island—were few and unimportant and therefore unable to resist the demands of the powerful Tang family for a payment to which they were in no way entitled.

4. No deed was produced by the Tang representatives at the time of my examination into their claim, but they put forward a Certificate in the form usually issued by District Magistrates when land changes hands in China, wherein mention is made of 66 mau of land. The land however is described as being situated in three different localities, namely, Ngau Ku Tun, Ts'ing I Island and Ts'uen Lung, and there is no indication as to what the area is in each place. Some tax receipts for the year before the Convention—the 24th year of Kwong Shui—show a tax on 98.5 mau, but as land all over the district may be put on the same receipt little reliance can be placed on this figure as a guide to the ownership.

It seemed therefore impossible without a reference to the San On Magistrate to ascertain definitely what the real amount of interest might be that was really possessed by the Tang family, and matters being thus at a dead-lock I thought it advisable to wait for more light.

5. Curiously enough however a few days ago members of another branch of the same clan—the Tangs of Kam Ti'n—brought to this office a document which appears to be the original deed described to me by the first claimants as missing. It is dated some seventy years earlier than the Certificate: which may be accounted for by the latter being a duplicate issue made at the instance of persons desiring some convenient evidence of title. This deed relates to land in three different localities and the area in each are as follows:—

(1) For a place, name illegible,	21.6	mau
(2) For Ts'ing I,	36.2	„
(3) For Ngau Ku Tun,	6.3	„
Total,	<u>64.1</u>	„

According to this deed, which is dated 1788, the real area of the land belonging to the Tangs of Kam Ti'n in Ts'ing I was only some 36.2 mau.

No other deed is produced or alleged to have ever existed and that this is the instrument to which the Certificate above mentioned relates may be concluded from the close approximation of the areas mentioned—64.1 mau in the deed and 65 mau in the Certificate dated more than half a century later. Further confirmation if it were necessary is afforded by the mention of three different localities in each. I cannot make up my mind whether this deed was purposely kept back by the persons who laid the claim under the apprehension that its production would dispose once and for all of their claims to the proprietorship of the whole Island. Possibly they told the truth when they said that they did not know where it was, but it is significant that it was eventually produced by a man who accused his kinsmen—the original claimants—of conspiring to sell the Island to other parties without giving him a share of the purchase money. He expressly declared that the fact of the deed having always been in his custody showed that he was entitled to at any rate a share of whatever his family might be entitled to possess in the Ts'ing I.

6. Apart from a prawn fishery in the sea adjoining the Island the Tangs seem not to have any other source of profit from Ts'ing I beyond the annual rent of 40 piculs of padi already mentioned.

It is true that they point to an old embankment which has been long in ruins and which they state marked the site of a fish pond which was constructed originally by an ancestor of theirs and has continued in the possession of their family until it was destroyed by a typhoon many years ago. There is however no reference to any fish pond in the only deed produced by them and we may fairly assume that if the construction of this work was ever known to and approved by the Chinese Government and if the claimant's interest in it had really survived its destruction by the elements they would now be able to produce some sort of proof of their ownership.

It only remains to mention that there is on the north-eastern side of the Island the site of an old brick kiln which the Tangs declare was worked by lessees of their own about ten years ago.

7. As regards the cultivators it is evident, I think, that they are the perpetual lessees of the Tang family to whom they are bound to pay 40 piculs of grain annually as long as they continue to cultivate the 36.2 mau of land originally taken by them on lease.

The Island has not yet been cadastrally surveyed and it is impossible to say how far they may have encroached on Crown land and what is the real area they have under cultivation. Meanwhile however they should be called on to pay the proper Crown Rent on 36.2 mau of land which amount they are entitled under the Rules made by His Excellency in Council to deduct from the rent they pay their landlords the Tangs.

Later on when their fields have been surveyed they will pay according to the actual areas they farm and I recommend that titles should then be issued to them as customary lessees of all the land they were in occupation of at the date of the Convention.

8. The Tang family should be told that their claim to the Island as a whole will not be allowed, but that they are entitled to collect the annual rent of 40 piculs of grain less the amount paid by the tenants as Crown Rent as long as their tenants continue in occupation of the Tang land.

As an act of grace they might, I think, be allowed to take up the site they desire which was once in their occupation not exceeding one acre in extent for the purpose of a brick or lime kiln on the north-eastern shore of the Island.

9. There are two more claims—Nos. 76 and 77—to which I should like to allude briefly. They relate to fishing grounds on the coast of Ts'ing I, but as the representative of the claimants has produced no tax receipts to substantiate his claim and has failed to call his vendor to vouch for the original sale although expressly called on by me to do so as soon as possible, I do not think that they need further consideration.

10. Should my recommendations be approved it will be a matter of no great difficulty for me to prepare a short Rough Rent Roll which will suffice for the collection of Revenue until the cultivation has been surveyed and the titles properly adjusted.

There is no doubt that the trees on the Island have been used by the cultivators as their property for some generations. They should, I think, be allowed to continue this practice for the present on the express understanding that no area is to be denuded of its forest without the express sanction of Government.

In conclusion I think that the Colonial Government is fortunate in the possession of a fine Island, easily accessible in all weathers and comprising considerably more than a thousand acres of hill and level land well wooded and watered. There would be ample room for plague and other cemeteries were it thought desirable to establish them there and this could be arranged without in any way interfering with the various sites available for factories, kilns, and residential areas.

I have the honour to be,

Sir,

Your obedient Servant,

H. H. J. GOMPERTZ,
Member of Court.

Appendix No. 3.

21st February, 1901.

1. This report treats of the progress of the Cadastral Survey from the 1st December, 1900, that being the commencement of the Survey season, up to the 15th February, 1901, compared with the area surveyed up to the same date last year.
2. But there was a large increase after this period last year when all the Surveyors were at work in the country around P'ing Shán, owing to very favourable circumstances, which do not prevail at the present time. These favourable circumstances were the (comparatively) very large sized fields into which the cultivated areas in those open Districts was divided. Owing to this the Surveyors were able to complete large out-turns every month. The country which is now being surveyed is broken; the fields are much smaller; and these difficulties will increase somewhat as the Cadastral Survey enters further into the hilly tract of country that remains to be dealt with.
3. The area surveyed cadastrally up to the 15th February, amounts to 3,600 acres. The area surveyed last year during the same period amounted to 6,000 acres. It will be seen that the area completed during the present year amounts to $\frac{3}{5}$ of that completed in the same period last year.
4. This deficiency is chiefly due to the Surveyors working with the demarcators—both the Survey and Rent Roll operations being carried on at one and the same time. Some proportion of this deficiency most also be attributed to the increase of scale and the fact that under present conditions the Field Surveyors are on the fixed salaries. The precise shares of the decrease in the out-turn this year, as compared with last year, cannot be exactly apportioned to each of the causes mentioned, because there have been, apart from these, other hindrances to continuous work, which make it very difficult to say with any degree of certainty whether the progress made up to the 15th February is that which might have been expected; or whether, now that the Surveyors have settled down to their work, it may not be found that they will make better progress. I allude to the original orders that holdings alone should be surveyed: than that individual fields should also be mapped with the holdings. The change of scale to 32 inches when the work was in progress on the 16"=1 mile scale is also accountable to some degree for the deficiency in the out-turn.
5. But the chief causes may be said to be the two operations of the Rent Roll and survey work which are being performed at one and the same time. And also, but to a very much smaller degree, the change of scale.
6. I do not see how these hindrances to rapid work can be removed if the Rent Roll operations are to progress and keep abreast of the surveys.
7. If it be granted that the surveys are to be dissociated from the Rent Roll work and are to be carried on irrespective of holdings, the same condition of things will come to pass that now exists with regard to the maps of the (say) 35,000 (thirty-five thousand) acres surveyed last year to the North of the Tai Mo Shán hills. These maps have been traced for the Land Court and the areas of individual fields have been calculated and recorded; but the Land Court cannot deal with those documents or that information because it possesses no establishment for that purpose. Therefore for all the immediate purposes of the Rent Roll those thirty-five thousand acres might almost have remained unsurveyed. Were the demarcation operations and the record of rights now going on to be severed from the survey work, there would be a larger mass of unusable material accumulating on the hands of the Land Court which would become stale and possibly even out of date by the time that the purely survey work was finished, and the staff set free, and placed at the disposal of the Land Court to enable that body to use the maps (and other information) to illustrate questions of title.
8. It would therefore be necessary to keep up a separate staff for the Land Court while the surveys were in progress (and afterwards) to deal with the maps and to compile areas of holdings, if it was desired to dissociate the two operations, but to keep the Rent Roll abreast of the surveys.
9. Any compromise would hasten the survey to a small extent at a sacrifice of the Rent Roll, with the present staff, for only 3 or 4 Field Surveyors could be spared from the survey to carry on demarcation in the wake of the Surveyors. This is the only compromise at all possible.
10. The question is complicated by considerations affecting the realization of the Crown Rent. It is one entirely for the decision of the Colonial Government. If the objects of the Rent Roll are being fully obtained by the present system then that system must continue in force. The cadastral work being undertaken for the Rent Roll alone.
11. With regard to the increase of scale from 16 to 32 inches: This became absolutely necessary as soon as the more open valleys had been surveyed. In the remaining portions excepting in over two localities the fields are situated on hill sides and in the glens and smaller valleys where they vary from 90 to 120, and perhaps more, to an acre. It is impossible to represent such minute detail on the 16 inches to a mile scale with any degree of utility. For purposes of the Rent Roll also it is necessary that dwelling lots should be shewn on the maps. Villages therefore are now surveyed in detail as well as the cultivated lands. On the 16 inches to a mile scale such detail surveys of villages are impossible. During the past year no villages have been surveyed in detail for this reason.
In India while the 16 inches scale is what generally adopted for the plains, this scale is rejected, when cadastral surveys in the Himalayas are undertaken, for larger scales. In the Himalayan valleys and even in the hillside cultivation the fields are larger than those in the hilly tracts of the New Territory. In the plains of India where the 16" scale is in general use for cadastral surveys, except in certain localities where local considerations compel the adoption of a larger scale, villages and towns are always surveyed (when necessary) on a larger scale and as a separate operation.
12. In the surveys in this Colony everything is being done in one operation by the Survey Staff except the demarcation on the ground of the boundaries of claims and the records of owners' names.

GEO. P. TATE.

Appendix No. 4.

WORK DONE BY THE PUBLIC WORKS DEPARTMENT IN THE
NEW TERRITORY, DURING THE YEAR 1900.

BUILDINGS.

1. The large permanent two-storied Police Station containing 11 rooms at Au-tau near Ūn Long, containing accommodation for 6 Europeans, 21 Indians and Chinese, was completed, the total cost being \$13,286.83.

2. Plans and estimates were prepared and a contract let for a similar Station, but rather smaller, at Shataukok near to Startling Inlet at the Northern Boundary of the Territory. The building was finished and occupied before the end of the year. The total expenditure on it in the year was \$9,100.15.

3. Plans and estimates were also prepared and a contract let for a similar Station at Sai Kung on Shelter Bay. The masonry was well advanced before the end of the year, but the work has been slow owing partly to much sickness among the workmen. The expenditure in the year on this Station was \$2,628.05.

4. P'ing Shán Police Station was finally completed at a total cost of \$13,514.15. It is similar to that at Au-tau.

5. The construction of a causeway to connect the hill on which the official quarters and the Police Station stand with an Island close to deep water at Táipó was undertaken under a contract amounting to \$4,887.70. The work when well advanced was twice partially destroyed by storms, and the contractor, who is unfortunately a man wanting in resources, has been disheartened and has made indifferent progress. The work will be finished this year. The expenditure in 1900 was \$2,030.72.

6. The matshed buildings at Táipó suffered severely in the somewhat severe gales which occurred in September and were almost destroyed in the typhoon of November. They have been restored and put in good order at a cost of \$1,051.

7. Telephone communication was extended to the temporary Police Station at San-t'in at a cost of \$944.04.

8. Shataukok Station was also connected with the Telephone system, the expenditure on it and other lines being \$852.

9. Táipó Road.—This road was completed down to sea level in the Shatin valley, a distance of 9 miles from Kowloon ferry, early in the year. The contractor who had constructed the road so far; and done good work, refused to go on with the next section except at very exorbitant increases in rates, nor was it found possible for some time to secure any contractor willing to take up the work at anything like reasonable rates.

However at last a man was found to take it on, but the progress during 1900 was not equal to that made in 1899. The 10th and 11th miles for a great part skirt the sea-shore of Shatin Inlet and some heavy bridging is necessary to carry the road over streams draining the southerly and easterly slopes of the Tái-mó-Shán range. The road is chiefly on embankment with the sea-face pitched with granite laid in mortar and pointed in cement. The masonry of the abutments and piers of the Tai Wai bridge, 3 spans of 30 feet clear, was completed in the year, and also that of the 30-foot bridge on the 10th mile. The eleventh mile is, for over 1,700 feet, carried on a causeway across a bay or arm of the sea so as to avoid a long detour. This was a difficult work, but has been successfully completed, and being shorter and more direct than a road hugging the sea-shore, will save in future maintenance. Except the fixing of the iron work, which had not arrived from England, on the large bridges, the road was practically completed and ready for traffic to 11½ miles from Kowloon in December. The trace was carried on to Táipó, and a foot-path opened along it, the total distance to Táipó by this road turns out to be 18 miles.

10. The renewal of Kowloon City Pier was completed, the total cost being \$5,829.

11. The survey of the New Territory proceeded during the year under Mr. TATE, his Assistant Mr. NEWLAND carrying out the cadastral work. Progress has not been rapid and the work will evidently cost much more than was anticipated by this Government on the report of the Surveyor General of India. The total area cadastrally surveyed in the year was about 41,000 acres, and the total expenditure in the year was \$32,455.26.

It was expected that at least Mr. TATE's work, namely the Trigonometrical Survey, would have been completed much sooner.

12. An iron and concrete bridge of two spans of 15 feet each was built on the Saikung Road just beyond Kowloon City.

13. The completed roads were well maintained during the year and were considerably used, that to Kowloon City proving that it met an urgent want of the constant stream of traffic pouring along it, and also on the cross road leading to Yaumati.

The Táipó Road has also come into use, persons visiting the New Territory, using it with carriages or jinrickshaws as far as Tai Wai on the 9th mile. Táipó is now easily within 4 hours' reach of Hongkong by road.

R. D. ORMSBY,
Director of Public Works.

HONGKONG, 4th March, 1901.

Appendix 5.

No. 70.

MEDICAL DEPARTMENT,
TÁIPÓ, 4th March, 1901.

SIR,—I have the honour to submit to you my annual Report upon my medical work done in the New Territory during the year 1900.

The total number of patients attended by me during the year was 1,267, of which 961 were new and 306 old cases. They are shown in the following table:—

CASES AMONG	NEW.	OLD.	TOTAL.
Villagers,	148	48	196
Police Department during visits,.....	174	63	237
Do. at Táipó,	129	...	129
Civil Department at Táipó,	42	...	42
Villagers about Táipó,	468	195	663
	961	306	1,267

The number of cases of vaccination performed by me during the year was 78. The four native vaccinators who have been practising for many years among the villagers show a return of 562 children successfully vaccinated by them.

With the intention of being able to bring, as nearly as possible, all the children in the Territory under immunity, these vaccinators are told to practise chiefly among the villagers who live far away from Police Stations and are, therefore, unable to come to me.

In order to avoid the danger of infection from the lymph taken directly from children to children, as they used to do, I supply these vaccinators with the Hongkong calf lymph.

“Fook Tau” the old method of acquiring immunity from small-pox is still practised among some of the Hakka people here by purposely blowing the dry scabs from the eruptions of small-pox into the nostrils of children to set up the disease all over the body in a more or less severe form. This is a very dangerous operation, and fatality is sometimes the result. I have strongly dissuaded them from doing this, and I now suggest that the authorities should take its suppression into consideration.

The worst season of malarial fever in the year was from May to the middle of November. Its prevalence coincided remarkably with the rainy season. This is due, I believe, to the paddy fields being filled with water at the time, and consequently affording an efficient breeding place to the anopheles larvæ. Towards the end of the year, when the weather was dry, the cases of malarial fever declined with marked rapidity while the larvæ could no longer be found in the fields.

I found the anopheles larvæ, which are now believed to be the carrier of malarial germs, in enormous quantities in the paddy fields close to all the Police Stations, sepecially at Shat'aukok and Táipó. In the latter place, for instance, 4 or 5 dozen of the larvæ (anopheles) can, during the height of the season, be collected from every 10 square feet of water. For the information of Dr. THOMSON I regularly forward to him the specimens of the larvæ for his examination.

As malarial fever was so obstinately prevalent among the Police in spite of every precaution being strictly observed, in order to improve the health of the Stations in the ensuing season, the main cause, I think, should be removed as far as possible. I therefore urge that the Government should take immediate steps, while the fields are still dry, to buy up all the fields close to Stations to the extent of at least one hundred yards from the Station and to fill them up with earth, or, to order that the fields in this vicinity be converted into kitchen gardens where stagnant water is of no necessity.

I have the honour to be,

Sir,

Your most obedient Servant,

HO NAI HOP.

Dr. JOHN BELL,
Acting Principal Civil Medical Officer,

&c.,

&c.,

&c.

Appendix No. 6.

No. 575

HONGKONG, 17th November, 1900.

SIR,—We have the honour to report for the information of His Excellency the Governor that in accordance with His Excellency's instructions we proceeded to Táipó on the afternoon of Monday, 12th instant, for the purpose of enquiring into the causation of the marked prevalence of Malarial Fever there recently; and returned to Hongkong on Wednesday evening.

2. We desire to acknowledge the courteous assistance rendered to us by Mr. MESSER, Mr. WOOD, Dr. HO NAI HOP and the police, enabling us to make the most of the short time at our disposal.

3. We already had before us the following statistics as to the prevalence of mosquitoes at Táipó during the preceding months:—

Date.	Mosquitoes caught	Anopheles.	Culex.
September 4,	50	1	49
" 19,	11	4	7
" 24,	62	23	39
October 4,	50	5	45
" 17,	37	33	4
" 21,	44	27	17
November 12,	55	33	22
Total,	309	126	183

i.e., Anopheles...40 %

Culex60 %

By special request there had been no selection of specimens, all those caught on the various dates named being sent for examination and classification; so that during the period between 4th September and the date of our visit 40 % may be taken as the actual average prevalence of the Anopheles among all mosquitoes found. The species is a larger one than that most common in Hongkong, and we identify it as Anopheles Sinensis.

4. From police records placed at our disposal we ascertained that the cases of Fever among the police during the last twelve months have been as follows:—

½ November, 1899,	5	2 Europeans, 7 Indians.
December, "	2	" "
January, 1900,	1	" "
February, "	2	" "
March, "	2	" "
April, "	0	" "
May, "	2	" "
June, "	5	" "
July, "	13	3 Europeans, 22 Indians.
August, "	27	" "
September, "	28	" "
October, "	17	" "
½ November, "	1	" 14 "

It is noteworthy, on comparison of this with the preceding table, that, while the enumeration of Anopheles rises to 60 % of all mosquitoes found at the date of our arrival at Táipó, Malarial Fever had almost disappeared. We attribute this rapid fall in the number of cases of fever during the period of the cutting of the second rice-crop, which we found in progress, and during which the previous experience of the police would have led to the expectation of an increased number of cases of Malaria, chiefly to the recent adoption of vigorous prophylactic medication with Quinine on two days successively at intervals of seven days.

5. We made careful search in all directions around the Government buildings and matsheds for breeding-places of Anopheles, our investigation extending over the adjoining paddy-fields as far as the river to the north, to the villages on the west, and across the river and up certain of the ravines beyond it on the south side.

We show the results of our search on the accompanying rough sketch-map,* the places where Anopheles larvæ were found being indicated with red ink. We believe that the negative results in the paddy-fields and in the whole river valley to the south were probably chiefly due to the washing away of larvæ by the rain-storm which accompanied the typhoon three days before our visit. The positions in which larvæ were actually found abundantly were in the narrow ditches around the uppermost paddy-fields, where the rain-washing would be least marked, and in a marshy sluggish stream, into which the paddy-fields drain, to the north-west of the Government buildings, where also the disturbance by the storm would be at a minimum.

We direct special attention to two important points: (1) that the breeding-pools that proved most resistant to the severe strain of the recent rain-storm, and which even at this late date in the year contain abundant larvæ, are within 80 yards from the Police Station and 40 yards from the matshed occupied by the Civil Staff; and (2) that the marshy stream above referred to is a permanent and prolific breeding-ground.

* Not printed.

6. We examined under the microscope the blood of ten children from the village nearest to the Police Station. At first we had some difficulty in obtaining the necessary specimens, but having finally persuaded a chair-coolie to bring his own son we presented the child with a five-cent piece, and let it be known that we were willing to pay for blood at the rate of five cents per drop, whereupon more children turned up than our time permitted us to deal with. Results were as follows:—

Sex.	Age.	Type of Parasite found.
m.	3	Benign Tertian Gamete.
f.	8	Benign Tertian Rosette.
m.	14	Nil.
m.	9	Nil.
m.	3	Aestivo-Autumnal Gamete.
m.	15	Nil.
f.	5	Young Aestivo-Autumnal.
m.	14	Young Aestivo-Autumnal.
m.	9	Nil.
m.	8	Nil.

Thus in 50 per cent. of the cases examined we found the parasites of Malaria; and when it is borne in mind that the amount of blood examined in any case did not exceed the size of a pin's head, and that in no case did time allow us to take a second specimen, it will be apparent that the actual prevalence of Malaria among the village children is probably greater than the percentage above named. Two cases were of benign type and three malignant, and while all five children were infective to the mosquito, rendering any anopheles feeding upon them capable of a few days later transmitting the disease to other persons, in two cases the form of the parasite that actually came under our observation was the gamete, *i.e.*, the form which when ingested by the mosquito is capable of undergoing metamorphosis in the body of that insect.

7. In the abundance of mosquitoes of the *Anopheles* genus above described, with their breeding-grounds almost close up to the Government buildings, and in the near proximity of an extensively infected native population, by which many of these mosquitoes are being continuously rendered infective to healthy persons who may be bitten by them, we have the factors that account sufficiently and conclusively for the fevers that have prevailed among the Government officers at Táipó.

We are of opinion that the seasonal increase of fever cases that has been observed at the time of ploughing, and at the period of harvesting the two rice-crops, is due to the disturbance at these times of mosquitoes usually resting among the grass or growing paddy, and feeding on Chinese coming within their reach, such disturbance resulting in their flying further afield and finding their way in larger numbers to the houses on the hills.

8. Having given our most careful consideration to the facts above stated, in all their bearings, we have come to the conclusion that all temporary measures for the improvement of the health of the station at Táipó should be superseded with as little delay as possible by a definite scheme for the complete eradication of the breeding-places of the *Anopheles* mosquito over a wide area surrounding the Police Station.

The district involved is too large to be efficiently dealt with by any culicicide; the cutting and clearing of long grass and shrubs from the hillside is only a subsidiary measure, though undoubtedly a useful one; the mosquito curtain, especially if put down an hour before dusk and kept down as long after sunrise, is a valuable preventive of the approach of mosquitoes at night, but with definite limits to its usefulness; and drugging with large quantities of quinine is manifestly undesirable as a permanent method of dealing with the matter.

We consider that we have no alternative but to recommend, as the one means of rendering the Police Station and its neighbourhood more healthy as regards Malaria, the acquirement and reclamation or efficient drainage of all the paddy-fields within a radius of 250 yards from the foot of the hills on which the houses stand, including to the north-west the whole of the marshy water-bed to which we have already referred as a large permanent breeding-place of the Malaria-bearing mosquito.

9. Finally, we recommend that the matsheds in use for the accommodation of the Civil Staff, affording as they do ready cover for adult mosquitoes, and also rendering the inmates liable to chills at night, should be replaced by permanent buildings; and we venture to suggest for the consideration of His Excellency that a more suitable and healthier site than those that have been proposed is available for the purpose. Observing that no permanent foundations for these buildings have yet been laid, and that an Island, 900 yards due east of the Police Station, and well removed from any considerable native population, is being connected with the mainland by a solid road and bridge, in order that a pier may be constructed from it to reach deep water, we made a careful examination of this island. We found no larvæ of mosquitoes, and should any breeding-places come to light after the thick undergrowth is cleared away, they could be readily eradicated. The location would probably be found convenient for executive purposes on account of the proximity of the proposed pier, and its isolation would render it much less malarious than either of the proposed sites even after the improvements we have suggested for the existing police station have been carried into effect.

It would be further conducive to the health of the Civil Staff, if the building were erected in two storeys, the ground floor to be used for office purposes, and residential quarters provided entirely on the upper floor.

We have the honour to be,

Sir,

Your most obedient Servants,

T. M. YOUNG,
M.B., F.R.C.S. Ed.

JOHN C. THOMSON,
M.D., M.A.

Dr. JOHN BELL,
Acting Principal Civil Medical Officer,

§c. *§c.* *§c.*

Appendix No. 8.

RETURN of CASES tried at Police Court, NEW TERRITORY, from 1st January to 31st December, 1900.

DEPENDANTS IN EACH CASE, AND SENTENCE, DECISION, OR ORDER MADE.

No. of Cases as recorded.	Total Number.		Convicted and Punished.		Discharged.		Committed for Trial at the Supreme Court.		Ordered to find Security.		Fined.		To be Imprisoned.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	In lieu of Fine with Hard Labour.	Peremptory with Hard Labour.
Ammunition—Being in possession of,—Ordinance 9 of 1900,	2	...	...	...	...	...	...	...	...	...	...	...	1	...
Arms—Carrying or having possession of, without a licence,	24	30	19	...	11	...	...	...	...	...	16	...	3	...
Assault—Causing grievous bodily harm,—Ordinances 4 of 1865 & 9 of 1897,	3	17	13	...	4	...	...	...	...	...	11	...	...	2
Do. —Common,	32	52	31	4	18	3	...	...	3	1	28	4	...	...
Do. —Indecent,	4	4	...	...	2	...	...	...	...	...	...	...	...	2
Banishment—Returning after,—Ordinance 8 of 1882,	2	...	2	...	...	...	...	...	...	...	...	...	...	...
Burglary—Ordinance 7 of 1865,	1	1	...	...	1	...	...	...	...	...	...	...	...	...
Burglary with violence—Ordinance 7 of 1865,	1	3	...	...	...	...	3	...	...	...	...	...	...	...
False Pretences—Obtaining goods or money by,	3	2	1	...	1	1	...	...	...	...	...	...	...	1
Felony—Found in dwelling-house by night with intent to commit,	2	2	2	...	...	...	...	...	...	...	...	...	...	2
House-breaking,	4	8	6	...	2	...	...	...	...	...	...	...	...	6
Larceny as a bailee,	1	1	1	...	...	...	...	...	...	...	...	...	...	1
Larceny—Common,	22	34	18	...	16	1	...	...	...	...	3	...	...	15
Do. —From a dwelling-house,	3	6	6	...	...	...	...	...	...	...	...	...	...	6
Do. —From the person,	2	8	7	...	1	...	...	...	...	...	...	...	...	...
Menaces—Demanding money by,	1	5	...	...	5	...	...	...	...	...	...	...	...	...
Stolen Goods—Receiving,	2	...	...	...	...	...	...	...	...	...	...	...	...	1
Decoying of Boys under the age of 14 years,—Ordinance 4 of 1865,	4	4	2	...	2	...	...	...	...	...	...	...	...	...
Boats—Unlicensed,—Ordinance 26 of 1891,	61	61	61	...	...	...	...	...	...	...	59	...	2	...
Bribery—Ordinance 16 of 1900,	1	1	1	...	...	...	...	...	...	...	...	...	...	1
Indecent and Obscene Pictures—Exhibiting,—Ordinance 10 of 1865,	1	1	...	...	...	...	...	...	...	...	...	...	...	1
Suicide—Attempting to commit,—Ordinance 10 of 1865,	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Dangerous Goods—Boat conveying, without attaching labels to cases containing the same,	3	3	3	...	...	...	...	...	...	...	...	...	3	...
Common Gaming-house—Keeping or playing in,—Ordinance 7 of 1891,	2	16	13	...	3	...	...	...	...	...	11	...	2	...
Dealing in Lotteries,	3	4	4	...	...	...	...	...	...	...	...	...	4	...
	185	267	192	5	67	7	5	...	3	1	135	4	18	39

Carried forward,

RETURN of CASES tried at Police Court, NEW TERRITORY,—Continued.

DEPENDANTS IN EACH CASE, AND SENTENCE, DECISION, OR ORDER MADE.																	
No. of Cases as recorded.	Total Number.		Convicted and Punished.		Discharged.		Committed for Trial at the Supreme Court.		Ordered to find Security.		Fined.		To be imprisoned.				
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	In lieu of Fine with Hard Labour.	Peremptory with Hard Labour.			
<i>Brought forward,</i>																	
185	267	13	192	5	67	7	5	...	3	1	...	135	4	18	...	39	1
26	26	...	25	...	1	...	...	...	...	...	...	19	...	6	...	...	...
1	1	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...	...
1	1	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...	...
1	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
4	5	3	3	...	1	...	...	...	1	3	...	...	...	...	...	...	...
2	2	...	1	...	1	...	...	...	...	...	...	...	...	1	...	...	...
4	5	...	...	...	5	...	...	...	...	...	...	...	...	...	...	...	...
1	1	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...	...
1	2	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...
33	29	4	22	...	7	...	...	...	...	...	...	13	1	9	...	3	...
7	7	1	5	...	2	...	...	...	...	...	...	1	...	4	...	1	...
1	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1	1	...	...	...	1	...	...	...	...	...	...	...	...	1	...	...	...
1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2	2	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...
1	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
8	15	...	1	...	13	...	...	...	...	...	...	1	...	...	...	...	...
283	372	21	254	10	106	7	7	...	4	4	...	175	5	40	4	39	1
Total,																	

Appendix No. 9.

ATTORNEY GENERAL'S OFFICE,
HONGKONG, 24th March, 1900.

Extract from Report on Ordinance 8 of 1900.

I have examined the accompanying Ordinance, entitled an Ordinance to facilitate the hearing, determination, and settlement of land claims in the New Territories, to establish a Land Court, and for other purposes, and I am of opinion that the Ordinance is one which is not contrary to the Governor's Instructions.

Objects and Reasons.

By Her Majesty's Order in Council of 20th October, 1898, it was ordered that the Territories within the limits and for the term described in the Convention of the 9th June, 1898, should be and the same were thereby declared to be part and parcel of Her Majesty's Colony of Hongkong in like manner and for all intents and purposes as if they had originally formed part of the said Colony.

It was understood by the Convention that there would be no expropriation or expulsion of the inhabitants and it, therefore, became necessary to constitute some tribunal which should have authority to deal with the numerous claims in relation to the land in the New Territories which were certain to be made on behalf of those inhabitants as well as by others. It seems clear that for the term mentioned in the Convention, namely 99 years, (from I presume the 1st July, 1898, when the Convention came into force) the land in the New Territories belongs to the Crown, subject to the allowance of *bonâ fide* titles existing when the new Convention came into force. Now, although, as pointed out in the Secretary of State's Despatch of the 6th January, 1899, "the examination into the titles should not be of too technical a nature and where lengthened occupation or improvements can be shown with no adverse claims from private individuals, a Government title should be granted even if no other is forthcoming," yet it is clear that claims must be looked into, to see if they are *bonâ fide*.

I should not be surprised to find claims asserted to nearly all the land, claims some of which would not have been allowed by the Chinese Authorities, if they had remained in possession.

It seems to me that the best way will be to deal liberally with *bonâ fide* claims, but it is not at all unlikely that there will be also some utterly groundless pretensions advanced to rights over large tracts of land and especially of foreshore; nor, from what I already hear, is it unlikely that, in some cases, forged Chinese documents will be forthcoming. Not only will simple rustics have to be dealt with but also various designing persons capable of appreciating the rise in the value of various parts of the land certain to take place in the near future when roads are completed and communication with Hongkong proper becomes easy.

The Ordinance is drawn, to a considerable extent, upon the lines of the Squatters Ordinance, 1890 (No. 27 of 1890), which has, I think, worked satisfactorily, but which could have worked more expeditiously had the Board been composed of fewer members. It is not always easy to get a quorum of at least three very busy men together from different departments for a fairly long sitting.

Bearing this in mind, Section 3 confers considerable jurisdiction on one member sitting alone. But, as there will also be some cases involving important principles or where the claims advanced are of considerable value, the addition of the second member, viz., a President, will give additional weight to the decisions of the Court when it is necessary for both members to sit together.

Section 4 provides for the appointment of a Registrar. If he has tact and knows the ways of the Chinese and their language he will greatly facilitate the successful working of the Ordinance.

Sections 5 and 6 are very similar to sections 4 and 6 of the Squatters Ordinance.

Section 7 sanctions friendly compromises of disputed rights.

Section 8 empowers the Court to make those who, by false claims or improper opposition, put the other side to unnecessary expense, pay the costs of witnesses, &c.

Sections 9, 10 and 11 are similar to Sections 7, 8 and 9 of the Squatters Ordinance.

Section 12 is intended to prevent Chinese in the New Territory who are not accustomed to lawyers being compelled either to pay what, to them, would be very large fees or else to find themselves at a disadvantage as compared with rival claimants who had long purses and had engaged legal assistance.

Section 13 will give an opportunity of dealing fairly with people who have squatted on land without any title and improved it and are willing to pay a small rent.

Section 14.—I think it important that all the inhabitants should feel that during the 99 years, they are holding from the Crown and not from the Emperor of China or the Chinese Authorities, but this clause leaves the Governor to settle the appropriate form of title.

Some Chinese may claim perpetual titles, but I have grave doubts whether those titles would have been recognised in China as lasting any longer than during such time as the rent was duly paid and the land cultivated or occupied.

The latter part of Section 14 (compare with section 12 of the Squatters Ordinance) is intended to meet such cases as, for instance, a man producing a sort of title from the Sun Oh Magistrate giving him vague fishing and foreshore rights for which his grandfather, as he alleges, paid some trifling sum. The use he makes of his claim is to "squeeze" the poor fishermen if they fish near his preserves and "squeeze" them again if they dry their nets on what he would call his foreshore. He alleges that his rights go to the top of the hill and I noticed that, in December, 1899, he appears to have sold his rights to two Europeans in Hongkong. Of course this will develop shortly into a claim to land and also large and valuable foreshore rights put forward by Europeans. The man in question not long ago let out his right for \$9 a year. It would certainly be to the public interest to clear the foreshore and waters of claims of this kind even if trifling compensation had to be given.

Section 15.—When in any District, the Land Court has got in and decided on all claims, persons occupying without any title may fairly be treated as trespassers from such date as may be notified by the Governor.

Section 16 gives a right of appeal when the value of the claim is over \$5,000. Section 17 leaves the settlement of forms of title to be granted to the Governor.

Sections 18, 19 and 20 deal with the numerous cases where the occupier has to pay in produce instead of money. This form of payment is undesirable and leads to unfair treatment of many of the occupiers and dissatisfaction.

Section 21 enables the Governor to make, from time to time, all such appointments as may be necessary for the proper efficiency of the Court.

W. MEIGH GOODMAN,
Attorney-General.

Ordinance No. 18 of 1900.

Objects and Reasons.

Ordinance 8 of 1900, providing for a Land Court for the purpose of hearing and determining claims in relation to land in the New Territories was assented to by the Governor on 28th March, 1900. It was duly submitted for Her Majesty's directions, and the Ordinance, generally, was approved; but the following amendments, on minor points, were suggested by the Secretary of State as desirable:—

- (a.) The substitution, in section 18, of the words "by the Governor in Executive Council" for the words "by the Court", in relation to the fixing the rate of money rent in substitution of rent in produce. This is because the Court is not intended to be a permanent institution.
- (b.) Provision being made, in section 19, for allowing payment of an annual money rent as an alternative to the payment of a capital sum, in cases of the redemption of a produce rent payable in perpetuity.
- (c.) The addition of a section providing that the Court shall be brought to an end as soon as the work for which it is appointed has been performed.

Ordinance 8 of 1900 is repealed by this Ordinance and re-enacted with the amendments mentioned. One other amendment has been made, at the suggestion of the Members of the Land Court. They thought it desirable that the value of disputed claims, which might be dealt with by one member of the Court, should be raised, with a view to expediting the business of the Court. The maximum has, accordingly, been raised from two hundred to five hundred dollars. Appointments made under Ordinance 8 of 1900 have been continued as valid, and, in order to prevent any confusion in citing Ordinance 8 of 1900 and the present Ordinance by their short titles, the short title to the present Ordinance has been changed to "The New Territories Land Court Ordinance, 1900."

W. MEIGH GOODMAN,
Attorney-General.

Ordinance No. 30 of 1900.

Objects and Reasons.

The portion of the New Territories, between Laichikok and Junk Bay which for the most part drains in a southerly direction from the Kowloon Mountain Range, is so closely connected with what used to be known as British Kowloon, that it is desirable that the laws in force in the latter should apply equally to the former district.

It may, at first sight, appear that it will be difficult to enforce compliance at once with *all the requirements* of some of the Ordinances which were declared by Ordinance No. 10 of 1899 not to apply to the New Territories. All that is really required, however, is consideration and tact in the administration of such laws; and the alternative would appear to be either to leave the district in question with no Sanitary, Building, or Licensing laws or else to pass new Ordinances applying only to that district. The latter course would be to make one set of laws applicable to the Colony generally, a second set to part of the New Territories, and a third set applicable to the rest of such New Territories.

It is difficult to see why laws applicable to the southern half of a village like Sam Shui Po, for instance, should not be equally capable of application to its northern half.

Section 4 is intended to meet cases, such as sections 13, 54, 55, and 57 of Ordinance No. 24 of 1887, where such expressions as "the villages and rural districts of Hongkong and Kowloon" are used; and section 5 deals with evidence.

W. MEIGH GOODMAN,
Attorney General.

Appendix No. 10.

NEW TERRITORY.

Statement of Revenue and Expenditure for 1900.

REVENUE.	
Fines,	\$ 644.00
Forfeitures,	21.20
Junk Licences,	8,390.75
Pawnbrokers,	3,150.00
Land Revenue,	289.80
Stone Quarry,	3,730.00
Crown Rent,	1,300.00
Rent of Government Buildings,	5.00
	\$ 17,530.75

EXPENDITURE.	
Personal Emoluments, Civil,	\$ 3,662.91
Other Charges, Civil,	2,095.41
Travelling and Subsistence Allowance, Civil,	455.50
Do. do., Police,	165.00
	620.50
Charter of Steam Launch,	13,200.00
Launches under Construction,	58,196.25
Expenses incurred by Naval Yard in connection with the taking over of the New Territory,	516.47
Furniture,	1,029.65
Laying of Telephone lines,	223.78
Tree planting,	2,925.78
Maxim Guns, &c.,	15,880.49
Tree planting,	86.04
Do.,	584.05
	670.09
Public Works Recurrent.—Maintenance of Roads,	904.00
Public Works Extraordinary.—Police Station, Saikung,	2,628.05
Do., Starling Inlet,	9,100.15
Táipó, Road,	60,755.17
Pier in Deep Water, Táipó,	2,030.72
Survey of New Territory,	36,734.41
Telephone lines,	852.21
Telephone line at Satin,	944.04
Continuation of Hunghom Road,	5,226.01
Path from Kowloon City to Kok Hang,	673.00
Stores for Public Works,	9,961.85
Police Station at P'ing Shán,	3,464.15
" " Au Tau,	2,956.83
" " Táipó,	1,935.36
Repairs, etc. to Police Stations at Ch'ung-Chau, Tái Ó, Kat Ó, etc.,	1,459.43
Miscellaneous Works,	1,332.01
Repairs, etc. to old Custom Station at Kau Pui Shek,	227.71
Compensation for crops and removal of house,	165.00
Cost of matsbeds and repairs at Kowloon, Tai Ó, Táipó, etc.,	805.15
Repairs to Temporary Land Court, and Survey Office at Kowloon,	363.70
Working on Telephone Lines,	527.55
Wages for Tracer, Watchmen, etc.,	1,069.60
Travelling Expenses,	218.80
Miscellaneous,	5.43
	143,436.33
	\$ 243,361.66

C. McI. MESSER,
Acting Colonial Treasurer.

12th July, 1901.

Appendix No. 11.

*Statement of Expenditure on the Police Establishment in the New Territory,
during the Year 1900.*

	\$	c.
Pay and Allowances—Land Force,	59,227.62	
Do. —Water Police,	19,470.96	
Office Furniture,	385.50	
Passages and Bonuses,	1,065.99	
Arms and Ammunition,	1,435.44	
Oil and Wick and Gas for Barracks,	869.01	
Clothing and Accoutrements,.....	4,572.91	
Bedding, Mess Utensils, &c.,.....	1,028.58	
Repairs of Launches and Boats,	1,443.37	
Coal, Oil, &c., for Launches,.....	3,083.34	
Meals for Prisoners in Cells,	80.84	
Burial of Destitute Dead,	6.10	
Conveyance of Police, Prisoners, &c.,	2,108.57	
Small Stores,	156.96	
Incidental Expenses,	1,684.99	
Secret Service,.....	206.50	
Rent of Police Stations,.....	336.00	
Disinfectants,	129.80	
	<u>\$102,292.48</u>	

11th April, 1901.

F. H. MAY,
Captain Superintendent of Police.

Appendix No. 12.

List of Officers who have worked in the New Territory during 1900.

NAME.	RANK.	DATE.
Mr. C. McL. Messer,	Land Officer,.....	The whole year.
Mr. E. R. Hallifax,	Magistrate and Asst. Supt. of Police,	Do.
Mr. H. H. J. Gompertz,	Member, Land Court,	May to December.
Mr. J. H. Kemp,	Registrar, Land Court,	May to November.
Mr. J. R. Wood,	Registrar, Land Court,	November to Dec.
Mr. B. W. Grey,	Temporary Land Surveyor,.....	The whole year.
Mr. S. R. Moore,	Demarcation Officer, Land Court,	November to Dec.
Mr. H. J. Watson,	Clerk in connection with the preparation of a rent roll for the cultivated por- tion of the New Territory.	April to July.
Mr. Ho Nai Hop,.....	Chinese Medical Officer,.....	The whole year.
Mr. Cheung Tsoi,	Chief Clerk and Interpreter to the Land Court.	May to December.
Mr. Tsoi Yeuk Shan,	Chief Chinese Assistant and Interpreter to Land Officer.	January to May, (Resigned).