

RESOLUTION OF CONDOLENCE ON THE DEATH OF H. I. H. EMPRESS FREDERICK, PRINCESS ROYAL.—The Governor addressed the Council as follows:—

Honourable Members of the Legislative Council of Hongkong.—I have summoned you to-day that I may propose to you as representing this community a resolution expressing our respectful sympathy with His Majesty the King and His Imperial Majesty the German Emperor on the death of the Dowager Empress FREDERICK of Germany, Princess Royal of England. When in those sad days in January the son and grandson met at Osborne to mingle their tears over the deathbed of our great Queen, we did not expect that within eight months the two august monarchs would once more find themselves involved in a common sorrow at the death of a beloved mother and sister—a bereavement that has placed two nations in mourning and has touched millions of German and British hearts with a common sentiment of sympathy. England has not forgotten the infinite charm of the Princess Royal with her far-reaching sympathies, and history will do justice to the great abilities and admirable qualities of the Dowager Empress FREDERICK and to the gentle fortitude with which Her Majesty bore in her later years afflictions and sufferings from which no human being, however exalted, is exempt. To us the melancholy duty presents itself of tendering to His Majesty the King and His Imperial Majesty the German Emperor our respectful condolences, and I beg to propose for your acceptance the following resolution:—

“That the Members of the Legislative Council of Hongkong desire humbly to express to His Majesty the King and His Imperial Majesty the German Emperor the sorrow with which they have received the intelligence of the death of the Dowager Empress FREDERICK of Germany, Princess Royal of England, and their deep sympathy with their Majesties in their bereavement.”

Mr. CHATER in seconding said:—

Your Excellency,—I beg to second the resolution, and in doing so, I am convinced that I represent the wishes of the community in general, including the Chinese. The loss sustained by His Majesty the King is a severe one, and that by the Emperor WILLIAM still more so. The King has lost a dear sister, and the Emperor his beloved mother. The death of the Empress FREDERICK has been felt deeply in both Great Britain and Germany. As Princess Royal of England she made herself very popular, and in the Fatherland she very soon earned the esteem and affection of the people. In this Colony, Sir, we have a large German community, and we unite with them in condoling with the Sovereigns of the two countries in their great loss. This is the second time within the present year that the two nations have been drawn together by calamity. Let us hope that the feeling of sympathy and friendship will go on, deepening and broadening, not by losses of this kind, but by a forward movement of growing mutual regard, the result of better acquaintance. With these remarks, Sir, I beg to second the resolution.

The Resolution was unanimously accepted.

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

HENRY A. BLAKE,
Governor.

Read and confirmed, this 29th day of August, 1901.

C. CLEMENTI,
Acting Clerk of Councils.

GOVERNMENT NOTIFICATION.—No. 461.

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

C. CLEMENTI,
Acting Clerk of Councils.

Council Chamber, Hongkong, 29th August, 1901.

A BILL

ENTITLED

An Ordinance to further amend the Jury Consolidation Ordinance, 1887.

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

1. This Ordinance may be cited as the Jury Consolidation Ordinance, 1887, Amendment Ordinance, 1901. Short title.
2. Section 12 of the Jury Consolidation Ordinance, 1887, (hereinafter referred to as the principal Ordinance), is hereby amended by substituting for the words "the number to be drawn from the ballot box in the first instance shall be twenty-four" the words "the number to be drawn from the ballot box shall be seventeen". Amendment of sec. 12 of the Jury Consolidation Ordinance, 1887, No. 18 of 1887.
- 3.—(1.) The words from "If either the plaintiff" down to and including the words "the special jury panel" in section 13 of the principal Ordinance are hereby repealed. Amendment of sec. 13 of the Jury Consolidation Ordinance, 1887.
- (2.) The remaining portion of the same section is hereby amended by substituting for the words "Provided that the party applying for such special jury" the words "The party applying for a special jury".
4. Section 29 of the principal Ordinance is hereby amended by substituting for the words "ten dollars each for every trial" the words "twenty-five dollars each for each day of every trial". Amendment of sec. 29 of the Jury Consolidation Ordinance, 1887.

Objects and Reasons.

The object of clause 3 of this Bill is to abolish the present privilege reserved to each of the parties to a civil action of striking off the names of six special jurors without cause being shown; it being alleged that such a privilege is liable to abuse.

The above privilege having been withdrawn, it seems undesirable that more than seventeen jurors should be summoned on a special jury, in view of the fact that the panel of special jurors is so small, and accordingly clause 2 of the Bill reduces the number of special jurors summoned from 24 to 17.

Clause 4 of the Bill increases the remuneration of special jurors to twenty-five dollars a day for each day of the trial.

H. E. POLLOCK,
Acting Attorney General.

A BILL

ENTITLED

An Ordinance to amend The Probates Ordinance, 1897. (No. 3 of 1897.)

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

Short title. 1. This Ordinance may be cited for all purposes as The Probates Amendment Ordinance, 1901.

Amendment of sec. 14 of No. 3 of 1897. 2. Section 14 of The Probates Ordinance, 1897, is hereby amended by adding the following paragraph to the end thereof, namely:—

“In case of the death of any citizen of the United States of America in the Colony of Hongkong, without having, in such Colony, any known heirs or testamentary executors by him appointed, the Official Administrator shall at once inform the nearest Consular officer of the United States of America of the circumstance, in order that the necessary information may be immediately forwarded to persons interested. The said Consular officer shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent heirs or creditors until they are otherwise represented.”

Objects and Reasons.

The object of this Bill is to carry out the instructions of the Secretary of State for the Colonies (C.O.D. General, dated 21st June, 1901,) as to the amendment of our local Probate Law for the purpose of embodying the provisions of Article 3 of the Convention between the United Kingdom and the United States of America, relative to the disposal of real and personal property, to which Convention this Colony has adhered.

The Articles of the Convention in question, which was signed at Washington on the 2nd March, 1899, and the ratifications of which were exchanged at Washington on the 28th July, 1900, run as follows:—

“ARTICLE I.

Where, on the death of any person holding real property (or property not personal), within the territories of one of the Contracting Parties, such real property would, by the laws of the land, pass to a subject or citizen of the other, were he not disqualified by the laws of the country where such real property is situated, such subject or citizen shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and to withdraw the proceeds thereof without restraint or interference, and exempt from any succession, probate, or administrative duties or charges other than those which may be imposed in like cases upon the subjects or citizens of the country from which such proceeds may be drawn.

ARTICLE II.

The subjects or citizens of each of the Contracting Parties shall have full power to dispose of their personal property within the territories of the other by testament, donation, or otherwise; and their heirs, legatees, and donees, being subjects or citizens of the other Contracting Party, whether resident or non-resident, shall succeed to their said personal property, and may take possession thereof either by themselves, or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the citizens or subjects of the country where the property lies shall be liable to pay in like cases.

ARTICLE III.

In case of the death of any subject of Her Britannic Majesty in the United States, or of any citizen of the United States of America in the United Kingdom of Great

Britain and Ireland, without having, in the country of his decease, any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest Consular officer of the nation to which the deceased person belonged of the circumstance, in order that the necessary information may be immediately forwarded to persons interested.

The said Consular officer shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent heirs or creditors until they are otherwise represented.

ARTICLE IV.

The stipulations of the present Convention shall not be applicable to any of the Colonies or foreign possessions of Her Britannic Majesty unless notice to that effect shall have been given, on behalf of any such Colony or foreign possession, by Her Britannic Majesty's Representative at Washington to the United States' Secretary of State within one year from the date of the exchange of the ratifications of the present Convention.

It is understood that, under the provisions of this Article, Her Majesty can in the same manner give notice of adhesion on behalf of any British Protectorate or sphere of influence, or on behalf of the Island of Cyprus, in virtue of the Convention of the 4th June, 1878, between Great Britain and Turkey.

The provisions of this Convention shall extend and apply to any territory or territories pertaining to or occupied and governed by the United States beyond the seas only upon notice to that effect being given by the Representative of the United States at London, by direction of the Treaty-making power of the United States.

ARTICLE V.

In all that concerns the right of disposing of every kind of property, real or personal, subjects or citizens of each of the High Contracting Parties shall, in the dominions of the other, enjoy the rights which are or may be accorded to the subjects or citizens of the most favoured nation.

ARTICLE VI.

The present Convention shall come into effect ten days after the day upon which the ratifications are exchanged, and shall remain in force for ten years after such exchange. In case neither of the High Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of ten years of the intention to terminate the present Convention, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

Her Britannic Majesty or the United States shall also have the right separately to terminate the present Convention at any time, on giving twelve months' notice to that effect in regard to any British Colony, foreign possession, or dependency, as specified in Article IV, which may have acceded thereto.

ARTICLE VII.

The present Convention shall be duly ratified by Her Britannic Majesty and by the President of the United States, by and with the approval of the Senate thereof, and the ratifications shall be exchanged in London or in Washington."

H. E. POLLOCK,
Acting Attorney General.

A BILL

ENTITLED

An Ordinance to amend The Merchant Shipping Consolidation Ordinance, 1899 (Ordinance 36 of 1899).

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

- Short title and construction. **1.** This Ordinance may be cited for all purposes as The Merchant Shipping Amendment Ordinance, 1901, and shall be read and construed as one Ordinance with The Merchant Shipping Consolidation Ordinance, 1899, which is hereinafter referred to as the principal Ordinance.
- Amendment of section 2 of 36 of 1899. **2.** Section 2 of the principal Ordinance is hereby amended by omitting the word "Chinese" before the word "junks", in the paragraph commencing with the word "Ship".
- Amendment of sub-section (4.) of section 4 of 36 of 1899. **3.** Sub-section (4.) of section 4 of the principal Ordinance is hereby amended by inserting after the words "The master of any British, or Colonial ship", the following words namely:—
"or of any Foreign ship holding a passenger certificate under section 10 of this Ordinance".
- Transposition of the order of sub-sections (5.) and (6.) of section 4 of 36 of 1899. **4.** The order in which sub-section (5.) and sub-section (6.) of section 4 of the principal Ordinance occur in that Ordinance is hereby transposed, so that sub-section (6.) becomes sub-section (5.) and sub-section (5.) becomes sub-section (6.).
- Amendment of sub-section (10.) of section 4 of 36 of 1899. **5.** Sub-section (10.) of section 4 of the principal Ordinance is hereby amended by inserting the word, "British" before the words "mercantile marine".
- Amendment of sub-section (18.) of section 4 of 36 of 1899. **6.** Sub-section (18.) of section 4 of the principal Ordinance is hereby amended by omitting sub-section (a.) thereof and by making the present paragraphs (b.), (c.) and (d.), paragraphs (a.), (b.) and (c.) respectively.
- Amendment of sub-section (1.) of section 5 of 36 of 1899. **7.** Sub-section (1.) of section 5 of the principal Ordinance is hereby amended by inserting the word "foreign" before the words "ships whose flag".
- Amendment of sub-section (2.) of section 8 of 36 of 1899. **8.** Sub-section (2.) of section 8 of the principal Ordinance is hereby amended by substituting the word "two" for the word "five".
- Amendment of sub-section (3.) of section 8 of 36 of 1899. **9.** Sub-section (3.) of section 8 of the principal Ordinance is hereby amended as follows, namely:—
(i.) By inserting the words "or are placed in improper vessels" before the words "he shall give";
(ii.) By omitting the full stop after the word "detained" at the end of the sub-section, and by adding the following words to the sub-section, namely:—
"until the certificate is produced, and if the ship proceeds to sea, the owner, master, or consignee of the ship shall, for each offence, be liable to a fine not exceeding two hundred dollars."
- Amendment of sub-section (7.) of section 8 of 36 of 1899. **10.** Sub-section (7.) of section 8 of the principal Ordinance is hereby amended by inserting the word, "foreign" before the words "ship whose flag".
- Amendment of sub-section (2.) of section 9 of 36 of 1899. **11.** Sub-section (2.) of section 9 of the principal Ordinance is hereby amended by inserting the word "British" after the words "master of any" and before the word "ship".
- Amendment of sub-section (4.) of section 9 of 36 of 1899. **12.** Sub-section (4.) of section 9 of the principal Ordinance is hereby amended as follows:—
(i.) By substituting the words "a statutory declaration" for the words "oath or solemn declaration";
(ii.) By converting the full stop at the end of the sub-section into a comma and by adding the following words at the end of the sub-section:—"and any master of a ship making any such statutory declaration containing any false statement shall be guilty of a misdemeanor."

13. Paragraph (a.) of sub-section (2.) of section 10 of the principal Ordinance is hereby amended by inserting the words "passenger certificates or" before the words "survey and other certificates". Amendment of paragraph (a.) of sub-section (2.) of section 10 of 36 of 1899.
14. Sub-section (7.) of section 10 of the principal Ordinance is hereby amended by inserting the words "otherwise than is permitted by this Ordinance" before the words "to any such surveyor". Amendment of sub-section (7.) of section 10 of 36 of 1899.
15. Sub-section (8.) of section 10 of the principal Ordinance is hereby amended as follows:—
- (i.) In (b.) (v.), by substituting the word "limits" for the word "limit" and
- (ii.) In (b.) (vii.), by substituting the words "in the case of a British or Colonial ship, she" for the words "the ship". Amendment of sub-section (8.) of section 10 of 36 of 1899.
16. Sub-section (15.) of section 10 of the principal Ordinance is hereby repealed. Repeal of sub-section (15.) of section 10 of 36 of 1899.
17. Sub-section (23.) of section 10 of the principal Ordinance is hereby repealed and the following new sub-section is hereby substituted therefor:—
- "If any person knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or passenger ship's certificate, he shall in respect of each offence be guilty of a misdemeanor". Amendment of sub-section (23.) of section 10 of 36 of 1899.
18. Sub-section (3.) of section 14 of the principal Ordinance is hereby amended by substituting the words "with deck and load lines" for the words, "as required by this section". Amendment of sub-section (3.) of section 14 of 36 of 1899.
19. Sub-section (6.) of section 14 of the principal Ordinance is hereby amended by substituting the words "with deck and load lines" for the words "under this section". Amendment of sub-section (6.) of section 14 of 36 of 1899.
20. Section 18 of the principal Ordinance is hereby amended as follows, namely:—
- (1.) In paragraph (a.) by substituting a comma for a full stop at the end thereof and by adding thereto the words "and, if there is no such Consular officer, on the master of the ship". Amendment of section 18 of 36 of 1899.
- (2.) In paragraph (b.)—
- (i.) By inserting the following words before the words "may require", namely:—"and, if there is no such Consular officer, the owner, agent or master of the ship".
- (ii.) By inserting before the words "may select", the words "or the owner or agent or master".
- (3.) By amending paragraph (c.) so as to read as follows:—
- "Where the owner, or agent, or master of the ship appeals to the Court of Survey, the Consular Officer, on the request of such owner or agent or master, or, if there is no such Consular Officer, the owner or agent or master may nominate any competent person or persons to be a member or members of the Court of Survey, not exceeding two."
21. Sub-section (2.) of section 19 of the principal Ordinance is hereby amended by inserting the word "British" before the words "mercantile marine". Amendment of sub-section (2.) of section 19 of 36 of 1899.
22. Sub-section (14.) of section 19 of the principal Ordinance is hereby amended by adding the following paragraph at the end thereof, namely:—
- "(d.) It may make such order as it thinks fit respecting the costs of the investigation, or any part thereof, and such order shall be enforced by the Court in the same way as an order for costs under The Magistrates Ordinance 1890." Amendment of sub-section (14.) of section 19 of 36 of 1899.
23. Sub-section (3.) of section 22 of the principal Ordinance is hereby amended by inserting the words "including ships of war of any Foreign nation" after the words "all ships". Amendment of sub-section (3.) of section 22 of 36 of 1899.

- Amendment of sub-sections (1.) and (3.) of section 23 of 36 of 1899. **24.** Section 23 of the principal Ordinance is hereby amended as follows, namely:—
- (i.) In sub-section (1.) by substituting the words “by the owners or agents of any such vessel of any such costs and expenses, charged or incurred by the Government, as the Governor in Council may think fit”, for the words “of any costs charged or incurred for the medical attendance and maintenance of any person removed to any hospital or other place”.
- (ii.) In sub-section (3.) by inserting the words “and expenses” after the word “costs”.
- Amendment of sub-section (3.) of section 25 of 36 of 1899. **25.** Sub-section (3.) of section 25 of the principal Ordinance is hereby amended by substituting the letters “Y F” for the letters “P C”.
- Amendment of sub-section (1.) (a.) of section 33 of 36 of 1899. **26.** Paragraph (a.) of sub-section (1.) of section 33 of the principal Ordinance is hereby amended by omitting the word “electric” before the word “cables”.
- Amendment of sub-section (10.) of section 36 of 36 of 1899. **27.** Sub-section (10.) of section 36 of the principal Ordinance is hereby amended so as to read as follows:—
- “(10.) It shall not be lawful for any person, without the permission in writing of the Governor, to keep, except at the Government Gunpowder Depot, for any time, however short, any quantity of gunpowder or other explosives: Provided nevertheless that any person may keep for his private use only and not for sale any quantity of gunpowder not exceeding 20 lbs. and any number of safety cartridges not exceeding 5,000.”
- Amendment of sub-section (9.) of section 37 of 36 of 1899. **28.** Sub-section (9.) of section 37 of the principal Ordinance is hereby amended by inserting the words “between sunset and sunrise” after the words “when at anchor” and before the word “carry”.
- Amendment of sub-section (10.) of section 37 of 36 of 1899. **29.** Sub-section (10.) of section 37 of the principal Ordinance is hereby amended by inserting the words “by him” after the word “cancelled”, in the first paragraph thereof, and by deleting the second paragraph thereof and by substituting the following paragraphs therefor:—
- “It shall also be lawful for the Governor in Council at any time, for any cause which he may in his discretion think fit, to suspend for such time as he may think fit or to cancel the licence granted by the Harbour Master to any steamship under this section and the Harbour Master shall be notified by the Colonial Secretary of any such suspension or cancellation, and shall inform the owner of such steamship accordingly.
- The owner of any such steamship, who shall refuse or neglect to give up the licence of the said ship after having been informed by the Harbour Master that the same has been suspended or cancelled, shall be liable to a penalty not exceeding one hundred dollars.
- It shall be lawful for the Harbour Master or Government Marine Surveyor at any time to go on board any steamship licensed under this section for the purpose of inspecting the same.”
- Suspension or cancellation of licence. **30.** Sub-section (12.) of section 37 of the principal Ordinance is hereby amended by inserting the words “of payment” after the words “in default”.
- Refusal to give up licence. **31.** Sub-section (25.) of section 37 of the principal Ordinance is hereby amended by omitting the words “as well as all other steamships”.
- Power to inspect. **32.** Section 39 of the principal Ordinance is hereby amended as follows:—
- (i.) In sub-section (7.), by inserting the words “of payment” after the words “in default”.
- (ii.) In sub-section (8.),
- (a.) By inserting a comma after the words “for junks”, and
- (b.) By inserting the words “or place in port”, after the words “former anchorage”.
- Amendment of sub-section (12.) of section 37 of 36 of 1899. **33.** Sub-section (12.) of section 37 of the principal Ordinance is hereby amended by inserting the words “of payment” after the words “in default”.
- Amendment of sub-section (25.) of section 37 of 36 of 1899. **31.** Sub-section (25.) of section 37 of the principal Ordinance is hereby amended by omitting the words “as well as all other steamships”.
- Amendment of sub-sections (7.) and (8.) of section 39 of 36 of 1899. **32.** Section 39 of the principal Ordinance is hereby amended as follows:—
- (i.) In sub-section (7.), by inserting the words “of payment” after the words “in default”.
- (ii.) In sub-section (8.),
- (a.) By inserting a comma after the words “for junks”, and
- (b.) By inserting the words “or place in port”, after the words “former anchorage”.
- Amendment of section 40 (a.) of 36 of 1899. **33.** Sub-section (a.) of section 40 of the principal Ordinance is hereby amended by omitting the words “market boats and” before the word “junks”.

34. Sub-section (1.) of section 41 of the principal Ordinance is hereby repealed and the following new sub-section is hereby substituted therefor:—

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

New sub-section substituted for sub-section (1.) of section 41 of 36 of 1899.

35. Sub-section (5.) of section 41 of the principal Ordinance is hereby repealed and the following new sub-section is hereby substituted therefor:—

“(5.) Where for the purposes of this Ordinance any document is to be served on any person, that document may be served—

(a.) in any case by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode; and,

(b.) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the same for him on board that ship with the person being or appearing to be in command or charge of the ship; and,

(c.) if the document is to be served on the master of a ship, where there is no master, and the ship is in the Colony, on the managing owner of the ship, or, if there is no managing owner, on some agent of the owner residing in the Colony, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship; and

(d.) any person who obstructs the service of any document on the master of a ship shall be liable to a penalty not exceeding one hundred dollars, and if the owner, agent, or master of the ship is a party or privy to such obstruction he shall be guilty of a misdemeanor”.

New sub-section substituted for sub-section (5.) of section 41 of 36 of 1899.

Service of documents.

36. The following new section shall be inserted in the principal Ordinance immediately after section 45, which shall bear the following heading, and shall be numbered 46 (sections 46 and 47 of the principal Ordinance being re-numbered sections 47 and 48 respectively):—

“*Application of Ordinance to Ships propelled by electricity or other mechanical power.*”

“46. Any provisions of this Ordinance applying to steamships shall apply to ships propelled by electricity or other mechanical power with such modifications as the Governor may prescribe for the purpose of adaptation.”

New section inserted after section 45 of 36 of 1899.

Application of Ordinance to ships propelled by electricity, &c.

37. Table E. in the Schedule to the principal Ordinance is hereby amended by adding the following Regulations at the end of that table; namely:—

“REGULATIONS

With reference to the engagement and discharge of the Masters and Engineers of Steam-ships under sixty tons.

1. In these Regulations the word “launch” means a steam-ship under sixty tons in this Colony.

2. Every launch owner shall report to the Harbour Master the name of, and number of the certificate held by, every launch Master and Engineer engaged by him, within 48 hours of such engagement.

Amendment of Table E. in the Schedule to 36 of 1899.

3. Every launch owner shall report to the Harbour Master the name of, and number of the certificate held by, every launch Master and Engineer discharged by him, giving the reason for such discharge, within 48 hours of such discharge.

4. Every launch Master and Engineer, holding a certificate, shall, on engagement, produce such certificate to the Harbour Master for registration, and shall pay for such registration a fee of fifty cents for the use of the Government.

5. Every launch Master and Engineer shall, on discharge, report such discharge to the Harbour Master within 48 hours of such discharge, producing his certificate.

6. A record shall be kept in the Harbour Master's Office, setting forth the dates of each engagement and discharge of each certificated launch Master and Engineer, the reason for his discharge, and all complaints and charges against him, and any punishments awarded in respect thereof by the Marine or other Magistrate, or by the Harbour Master. Such record shall be open to inspection by launch owners or their representatives.

7. These Regulations shall not apply to launches belonging to His Majesty or in the service of any Foreign Government.

8. Any launch owner, Master, or Engineer, respectively, committing any breach of these Regulations shall, for each such breach, be liable, upon summary conviction before a Magistrate, to a penalty not exceeding twenty-five dollars."

New Table L. substituted in the Schedule to 36 of 1899.

38. The following new Table L. is hereby substituted for Table L. in the Schedule to the principal Ordinance:—

TABLE L.

QUARANTINE REGULATIONS

Under Section 23.

1. In these regulations, the term "Health Officer" means the Health Officer of the Port, or any other medical officer, duly authorised to act for or assist him, or in charge of any place set apart for the detention and seclusion of persons actually suffering from disease; the term "Vessel" includes British and Foreign ships of war, as well as all other vessels; the term "port or place at which any infectious or contagious disease prevailed" means a port or place proclaimed to be such by order of the Governor in Council published in the Gazette, from the date of such proclamation. The words "infectious or contagious disease" shall, for the purposes of these regulations, mean cholera, choleraic diarrhoea, small-pox, typhus fever, yellow fever, bubonic plague, and any such other epidemic disease as the Health Officer may consider to imperil the safety of the passengers or crew. The term "infected vessel" shall mean any vessel which has a case of any of the above mentioned diseases on board or on which one or more cases of any such diseases shall have occurred within a period of twelve days previous to the date of arrival of the vessel in the waters of this Colony, except in the case of cholera when such period shall be seven days instead of twelve; the term "suspected vessel" shall mean any vessel on which one or more cases of any of the above mentioned diseases shall have occurred at the time of departure or during the voyage, but on which no fresh case has occurred within a period of twelve days, or in the case of cholera seven days, previous to the date of arrival of the vessel in the waters of this Colony; the term "healthy vessel" shall mean any vessel which, having come from a port or place at which an infectious or contagious disease prevailed, has had no death from, and no case of any such disease on board while at such port or place or during the voyage therefrom, or on arrival.

2. Every "infected", every "suspected" and every "healthy" vessel on entering the waters of this Colony shall fly and keep flying a yellow flag (letter Q in the International Code of Signals) and shall not communicate with the shore until granted pratique by express written order of the Health Officer who shall board every such vessel and shall examine all the passengers and crew thereof. Provided nevertheless that any such vessel, which is on a voyage to any other place and which has held no communication with the shore except as permitted by these regulations, may, with the written consent of the Health Officer, proceed on such voyage or tranship her passengers for the purpose of completing such voyage.

3. Every "infected", every "suspected" and every "healthy" vessel shall, unless previously granted pratique, proceed at once to the Quarantine Anchorage and shall not remove therefrom, except from stress of weather, until released by order of the Health Officer. No vessel which is compelled to leave the Quarantine Anchorage from stress of weather shall communicate except by signals with the shore or with any other vessel, and such vessel shall return to the Quarantine Anchorage immediately such stress of weather has subsided; Provided that in case of stress of weather involving probable actual danger to the vessel, the vessel may remove for a time, but shall be deemed nevertheless for all purposes to be subject to all other regulations applicable to such vessels.

No such vessel shall enter the Harbour limits before 6 a.m. or after 6 p.m.

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

Western Boundary.—A line drawn from the western side of Stonecutters' Island to the western side of Green Island (on the Admiralty Chart marked as the harbour boundary).

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

Eastern Boundary.—A north and south line drawn from a white mark on south side of Stonecutters' Island until it reaches the southern boundary.

Northern Boundary.—The five-fathom line of soundings.

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

6.—(a.) On the arrival of an "infected" vessel at the Quarantine Anchorage the Health Officer shall medically examine all persons on board such vessel and shall arrange for the removal of any persons suffering from any of the above mentioned diseases to a hospital, and the removal of any dead bodies for burial. The passengers and crew shall then be kept under observation either on board such vessel or at an Observation Station to be hereafter appointed by the Governor in Council, or shall be permitted to land, and be kept under surveillance, at their residences on shore, at the discretion of the Health Officer: Provided that such observation or such surveillance shall in no case extend for a longer period than ten days, or in the case of cholera five days, from the date of arrival of the vessel in the waters of this Colony. The Health Officer shall then forthwith proceed with the disinfection of the vessel and with the disinfection or destruction of such of the merchandise on board and of the baggage and personal effects of the passengers and crew as he may deem necessary, and the Master of every such vessel shall comply with any instructions that the Health Officer may give as to the disinfection and pumping out of bilge water, the disinfection of drinking water tanks, and the provision of a proper and adequate supply of fresh drinking water.

Provided that any person certified by the Health Officer to be suffering from any illness which such Officer suspects may prove to be infectious or contagious disease may either be detained on board the ship or may be taken to some hospital or other place appointed for the purpose and detained there for a period not exceeding two days, in order that it may be ascertained whether his illness is or is not infectious or contagious: and that during such period the vessel may be treated as an "infected" vessel.

(b.) On the arrival of a "suspected" vessel at the Quarantine Anchorage, the Health Officer shall medically examine all persons on board such vessel. The passengers and crew shall, if found to be free from any infectious or contagious disease, be permitted to land but shall be kept under surveillance at their residences on shore for such period of time as the Health Officer may deem necessary: Provided that such surveillance shall in no case extend for

a longer period than ten days, or in the case of cholera five days, from the date of arrival of the vessel in the Harbour limits of Victoria. The Health Officer shall then proceed with the disinfection of the vessel and with the disinfection or destruction of such of the merchandise on board and of the baggage and personal effects of the passengers and crew as he may deem necessary: and the Master of every such vessel shall comply with any instructions that the Health Officer may give as to the disinfection and pumping out of bilge water, the disinfection of drinking water tanks, and the provision of a proper and adequate supply of fresh drinking water.

(c.) "Healthy" vessels shall be visited and the passengers and crew medically examined by the Health Officer, and if found to be free from any infectious or contagious disease, such vessels shall be admitted to free pratique immediately on arrival, irrespective of the nature of their bill of health. The Master of every such vessel shall comply with any instructions that the Health Officer may give as to the disinfection and pumping out of bilge water, the disinfection of drinking water tanks, and the provision of a proper and adequate supply of fresh drinking water. The passengers and crew may, moreover, at the discretion of the Health Officer, be kept under surveillance for a period of time not exceeding ten days from the time of leaving the infected port.

7. If any vessel in the waters of this Colony is known to have any case of any infectious or contagious disease on board, or is a vessel which, in the opinion of the Health Officer, ought, according to these regulations, to be placed under observation, the Health Officer shall order such vessel to the Quarantine Anchorage, and the Master or person in charge of such vessel shall thereupon hoist a yellow flag (letter Q in the International Code of Signals) upon such vessel and remove the vessel to the Quarantine Anchorage, and all the regulations applicable to "infected" vessels shall apply to such vessel.

8. In case of a vessel arriving in the waters of this Colony having on board the body of any person who has died from any infectious or contagious disease the body shall be disposed of in such manner as may be ordered by the Health Officer; and the Master of the vessel shall carry out such orders as the Health Officer may give him in relation to the disposal of the body.

9. No person shall leave any "infected" or "suspected" vessel, or hold communication except by signals from such vessel with the shore, or with any other vessel, or boat, or take or send any person or thing whatsoever out of the vessel, until the express written permission of the Health Officer has been communicated to the Master or other person having the control of the vessel, and such precautions as the Health Officer may require have been observed.

10. No person other than the Health Officer, or persons in his boat, shall approach within thirty yards of any "infected" or "suspected" vessel, or hold any communication except by signals with such vessel or with any person on board of it, or receive, or take any person or thing whatsoever, directly or indirectly, from the vessel or from any person on board of it, without having first received the express written permission of the Health Officer, and observing such precautions as the Health Officer may require.

11. No person placed on board the *Hygieia* shall leave the same or hold communication except by signals with any vessel or boat, or take or send any person or thing whatsoever out of the *Hygieia* without having first received the express written permission of the Health Officer, or Medical Officer in charge, and observing such precautions as such Officer may require.

12. No person other than the Health Officer, or Medical Officer in charge, or persons expressly deputed by them, shall go on board or approach within thirty yards of, or hold communication except by signals with, the *Hygieia* or with any person in it, or receive or take anything whatsoever, directly or indirectly, from the *Hygieia* or from any person in it, without having first received the express written permission of the Health Officer, or Medical Officer in charge, and observing such precautions as such Officer may require.

13. The Captain Superintendent of Police, and any officers that he may appoint for the purpose, may order any person leaving or coming from any "infected" or

"suspected" vessel or from the *Hygeia*, or taking or sending any person or thing whatsoever from any such vessel, to remain in, or return to, and to return such persons or things to such vessel or to the *Hygeia*, and may, by such necessary force as the case requires, compel any person neglecting or refusing to observe such order to obey the same.

14. Nothing in these regulations shall render liable to detention, disinfection, or destruction, any article being part of any mails conveyed under the authority of the Postal Administration of any Government, or shall prejudicially affect the delivery in due course of any such mail to the Post Office.

15. Where a vessel is a Chinese Passenger Ship (as defined by Ordinance No. 1 of 1889), or has passengers on board who are in a filthy or otherwise unwholesome condition, or is overcrowded with passengers, emigrants or otherwise, the Health Officer may, if in his opinion it is desirable with a view to checking the introduction of any infectious or contagious disease, and on his certifying to that effect, order such vessel to proceed to the Quarantine Anchorage or to such place as he may direct, and may detain under observation or surveillance the passengers and crew for such period, not exceeding ten days from the arrival of the vessel, as he may direct: and if the vessel is also an "infected" or "suspected" vessel, the measures prescribed in regulation 6 (a) and 6 (b) respectively may also be enforced.

16. Any costs and expenses charged or incurred by the Government for the medical attendance and maintenance of any person, whether on the ship's articles or not, who is removed to the *Hygeia*, or any other hospital or place from any vessel, under these regulations, for Medical Treatment or surveillance, or for the burial of any person who may die on any vessel, or of any dead body found on board any vessel, or for the cleansing and disinfection of any vessel or of the merchandise on board any vessel, or of any part of the vessel or of her merchandise, including the hire of any necessary labour, boats, junks, hulks, premises on shore and disinfecting appliances shall be paid to the Government on demand by the owners or agents of the vessel.

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

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

19. The preceding regulations (with the exception of Nos. 15 and 16) shall not apply to any vessel which has on board as Surgeon or Medical Officer a Medical practitioner who is entered on the articles of agreement or any similar document, if after entering the waters of this Colony the Master of the vessel signs a certificate, in the form A. appended to these regulations, to the effect that there has been no sickness of an infectious or contagious nature on board such vessel within a period of twelve days previous to the date of arrival of the vessel within the waters of this Colony, and if the Surgeon or Medical Officer of the vessel after entering the waters of this Colony signs a certificate, in the form B. appended to these regulations, to the same effect, with the addition that he has seen every person on board such vessel within the twelve hours immediately preceding his signature thereto. In default, however, of either of such certificates being signed the preceding regulations shall apply.

Any master, and any surgeon or medical officer of any such vessel who shall sign any such certificate as aforesaid containing any false statement and any person signing any such certificate as Surgeon or Medical Officer of the vessel when not duly entered on such articles or document as aforesaid shall be deemed to be guilty of a breach of these regulations and may be proceeded against and punished accordingly.

Form A.

S.S. _____

I hereby certify that there has been no sickness of an infectious or contagious nature on board the S.S. _____ within a period of twelve days previous to the date of her arrival in the waters of the Colony of Hongkong.

Dated the _____ day of _____, 190 _____,
at _____ o'clock _____ m.

Master

S.S. _____

Form B.

S.S. _____

I hereby certify that there has been no sickness of an infectious or contagious nature on board the S.S. _____ within a period of twelve days previous to the date of her arrival in the waters of the Colony of Hongkong; and I further certify that I have seen every person on board within the twelve hours immediately preceding my signature hereto.

Dated the _____ day of _____, 190 _____,
at _____ o'clock _____ m.

Surgeon or Medical Officer,

New paragraph 4 substituted in Table M. in the Schedule to 36 of 1899.

39. Table M. in the Schedule to the principal Ordinance is hereby amended as follows:—

- (i.) In paragraph 3 by substituting the words "Gas Works" for the words "Sailors' Home".
- (ii.) By substituting the following paragraph for paragraph 4:—

"4. The Northern Fairway lies between and is defined by the two Northern lines of mooring buoys West of Kowloon Peninsula running in an E.S. Easterly direction."

Amendment in paragraph 11 of Table M. in the Schedule to 36 of 1899.

40. Paragraph 11 of Table M. in the Schedule to the principal Ordinance is hereby amended by substituting "9 or 10" for "10 or 11".

Amendment in Table N. in the Schedule to 36 of 1899.

41. Table N. of the principal Ordinance is hereby amended by substituting the words "Blake Pier" for the words "Pedder's Wharf".

Amendment of Table U. in Schedule to 36 of 1899.

42. Table U. in the Schedule to the principal Ordinance is hereby amended as follows, namely:—

- (i.) In paragraph 8 by substituting the words "conveying or in the employ of" for the words "employed in the conveyance of" and further by deleting the words "or in tow of a steam-launch or other vessel so employed".
- (ii.) In paragraph 10 by inserting the words "if required" after the word "photograph".
- (iii.) In paragraph 35 by substituting the figures "40" for the figures "43" in the line referring to 1st class boats.

"His Majesty" substituted for "Her Majesty".

43. Wherever the words "Her Majesty" occur in the principal Ordinance and in any Rules or Regulations made thereunder the words "His Majesty" shall be substituted therefor.

Objects and Reasons.

Most of the amendments, which are introduced into the Merchant Shipping Ordinance, 36 of 1899, by this Bill, have arisen out of recommendations made by the Colonial Office and by the Board of Trade.

A few amendments, however, (see clauses 2, 23, 24, 27, 29, 37, 38, 39, 40, 41 and 42) have been inserted for reasons which have suggested themselves locally, and it will be convenient to deal with such amendments at the outset.

Clause 2.—The word “Chinese” has been omitted before the word “junks”, because it was thought that the continuance of the use of the term might, in some cases, lead to misconception as to whether the nationality or the build of the ship was intended to be aimed at by the word “Chinese”.

Clause 23.—The words “including ships of war of any Foreign nation” have been added because it might be necessary, in certain eventualities, for the places of mooring of foreign ships of war to be controlled.

Clause 24.—The amendments effected by this section in section 23 of Ordinance 36 of 1899 have been rendered necessary by the alterations effected in the Quarantine Regulations by the new Table L (see clause 40 of this Bill).

Clause 27.—This amendment was suggested by the Captain Superintendent of Police. There seems to be no sufficient reason why *any person* should be permitted to have up to 20 lbs. of gunpowder and up to 2,000 safety cartridges, in this Colony. The exception, therefore, as to gunpowder and safety cartridges has, by this amendment, been confined to any person keeping gunpowder and safety cartridges for his private use only, the number of exempted safety cartridges being raised from 2,000 to 5,000 because such a stock as the latter is sometimes kept for sporting purposes.

Clause 29.—The amendment effected by this section was intended to meet difficulties which have been caused by crews of launches running to Mirs Bay or Deep Bay behaving in a disorderly manner towards the crews or passengers of other competing launches.

Clause 37.—The object of the amendment in Table E., which is effected by this section, is to incorporate in Table E. certain Regulations which were made under Ordinance 26 of 1891.

Clause 38.—This corresponds generally with the provisions recently sanctioned by the Secretary of State with the following exceptions, namely:—

- (i.) Paragraph 16 is wider in its terms as to costs and expenses, and
- (ii.) Paragraph 19 has been added so as to exempt vessels carrying a Medical Practitioner from the necessity of going into the Quarantine Anchorage, if certain certificates are given.

Clause 39 (i.)—This amendment is due to the shifting westwards of the Buoys.

(ii.)—This amendment is owing to a defect in the former definition of the Northern Fairway.

Clause 40.—This puts right a previous clerical error.

Clause 41.—Pedder's Wharf has been taken over by the Ferry Company, and Blake Pier has been erected since the passing of Ordinance 36 of 1899.

Clause 42 (i.)—The object of this amendment is to prevent a vessel, employed on business, from being exempted from the provisions of Table U by obtaining a tow from a pleasure-boat.

(ii.)—The words “if required” are added, in order to obviate the necessity for a photograph in every case.

(iii.)—“43” was a clerical error for “40”.

Having now dealt with the reasons for the amendments suggested locally I pass on to consider those which were recommended by the Secretary of State and by the Board of Trade.

Clause 3.—It was suggested by the Board of Trade that the words in question should be inserted so as to render the master of a foreign ship liable to the same penalty as the master of a British ship.

- Clause 4.*—This transposition was suggested by the Board of Trade as being a more logical order of sequence.
- Clause 5.*—The practice always has been to treat the corresponding expression in the corresponding provisions of Ordinance 26 of 1891 as applying to the British mercantile marine, but, in deference to the views of the Board of Trade the word “British” has been inserted for the sake of greater clearness.
- Clause 6.*—It was pointed out by the Board of Trade that the provisions of sub-section (a.) of section 18 clashed with the provisions of sub-section (10.) of section 41.
- Clause 7.*—This amendment makes sub-section (1.) of section 5 correspond with sub-section (2.) of the same section.
- Clause 8.*—This amendment was made so as to make the penalty of two hundred dollars correspond with the penalty of £20 in the English Merchant Shipping Act, 1894.
- Clause 9.*—These amendments were suggested by the Board of Trade so as to bring our local law altogether into line with section 202 of the English Act of 1894.
- Clause 10.*—The word “foreign” is inserted so as to make sub-section (7.) of section 8 correspond with section 5.
- Clause 11.*—The word “British” is inserted so as to prevent the master of a foreign ship from applying under this sub-section.
- Clause 12.*—It was pointed out by the Board of Trade that no provision was made in sub-section (4.) of section 9 for punishing a party making a false declaration.
- Clause 13.*—It was pointed out by the Board of Trade that a special reference to passenger certificates would make it clearer that they were intended to be included in paragraph (a.) of sub-section 2 of section 10.
- Clause 14.*—This amendment was suggested by the Board of Trade in order to make it abundantly clear that a Surveyor was not liable to any penalty for receiving the authorized fees.
- Clause 15.*—(i.) This amendment corrects a clerical error.
(ii.) This amendment is made because foreign ships are not bound by our laws as to deck and load lines.
- Clause 16.*—It was pointed out by the Board of Trade that sub-section (15.) of section 10 had no clear or definite meaning, and it has accordingly been repealed.
- Clause 17.*—The practical effect of this amendment is to omit from sub-section (23.) of section 10 certain provisions as to forgery which would clash with the provisions of sub-section (10) of section 41 of the Ordinance.
- Clauses 18 and 19.*—These amendments have been made so as to render a marking which complies with British or Colonial law sufficient.
- Clause 20.*—The amendments effected by this clause in section 18 of the Ordinance are intended to meet the case of a ship arriving in this Colony which is unrepresented by a Consular Officer.
- Clause 21.*—The word “British” has been inserted for the sake of greater clearness, by desire of the Board of Trade. It has always been the practice to read the corresponding provision of Ordinance 26 of 1891 as applying to the British mercantile marine only.
- Clause 22.*—It was pointed out by the Board of Trade that no provision was made in the Ordinance for the ordering of costs of the investigation to be paid.
- Clause 25.*—The new signals are “Y F” and not “P C” as formerly.
- Clause 26.*—It seems desirable that all cables should be covered by the provision of the paragraph in question.
- Clause 28.*—This supplies an accidental omission, which was pointed out by the Board of Trade.
- Clause 30.*—The addition of the words “of payment” makes better drafting.

Clause 31.—It is thought better to omit any reference to steamship in this sub-section inasmuch as the whole section applies to steamships not exceeding sixty tons, especially as, if the words which are omitted, were left in, it might be argued that they were intended to apply to H. M. Ships or to foreign ships of war.

Clauses 32 and 33.—These are a few minor amendments, suggested by the Board of Trade, and do not appear to call for any comment.

Clause 34.—It was suggested by the Secretary of State that, inasmuch as certain of the provisions of our local Ordinance differed from English legislation, it would be advisable, in order to prevent any contention being raised as to certain provisions of our Merchant Shipping Ordinance being *ultra vires*, to specifically repeal so much of the provisions of the English Merchant Shipping Acts as are inconsistent with the provisions of Ordinance 36 of 1899. Accordingly four and a half lines have been added to the commencement of sub-section (1.) of section 41 for the purpose of meeting the above point.

Clause 35.—The Board of Trade thought that the provisions of the English Act as to service of documents (see section 696 of the Merchant Shipping Act of 1894) had better be adopted in this Colony, for the sake of uniformity.

Clause 36.—This provision is borrowed from the Home Act, section 743, and has been introduced on the suggestion of the Board of Trade.

H. E. POLLOCK,
Acting Attorney General.

A BILL

ENTITLED

An Ordinance to amend the law relating to the manufacture of gunpowder and of fireworks, and to regulate the sale and conveyance of gunpowder.

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

1. This Ordinance may be cited for all purposes as “The Gunpowder and Fireworks Ordinance, 1901.” Short title.

2. In this Ordinance:—

“Gunpowder” means the common or black variety and includes nitro-compound explosives: Interpretation.

“Fireworks” means what is usually understood by the term fireworks and includes Chinese crackers:

“Occupier” includes any number of persons and body corporate; and in the case of any manufacture includes any person carrying on such manufacture: (The Explosives Act, 1875, section 108.)

The expression “factory magazine” means a building for keeping the gunpowder or fireworks made in the factory. (Ibid.)

3. No person shall manufacture or cause to be manufactured any gunpowder within such limits or parts of this Colony as may be prescribed by any Rules made by the Governor-in-Council. Manufacture of gunpowder, etc., prohibited within certain limits.

4. Outside such limits or parts no person shall manufacture or cause to be manufactured in this Colony any gunpowder, except at a factory established on the site and in the manner specified in a licence for the same granted under this Ordinance. Penalty for manufacture of gunpowder without licence.

The fee for any such licence shall be twenty-five dollars per annum payable in advance. Fee.

5. An applicant for a licence under section 4 shall, if required to do so, submit for the approval of the Governor a statement accompanied by a plan (drawn to scale) of the proposed factory and the site thereof (which plan shall be deemed to form part of, and to be in this Ordinance included in, the expression, licence). Application for licence for factory. (Explosives Act, 1875, section 6.)

The draft licence shall contain the terms which the applicant proposes to have inserted in the licence, and shall specify such of the following matters as are applicable, namely:—

- (a.) The boundaries of the land forming the site of the factory and either any belt of land surrounding the site which is to be kept clear, and the buildings and works from which it is to be kept clear, or the distances to be maintained between the factory or any part thereof, and other buildings and works; and
- (b.) The situation, character, and construction of all the mounds, buildings and works on or connected with the factory and the distances thereof from each other; and
- (c.) The nature of the processes to be carried on in the factory and in each part thereof, and the place at which each process of the manufacture, and each description of work connected with the factory, is to be carried on, and the places in the factory at which gunpowder and any ingredients of gunpowder, and any articles liable to spontaneous ignition, or inflammable or otherwise dangerous, are to be kept; and
- (d.) The amount of gunpowder and of ingredients thereof wholly or partly mixed to be allowed at the same time in any building or machine or any process of the manufacture or within a limited distance from such building or machine, having regard to the situation and construction of such building, and to the distance thereof from any other building or any works; and
- (e.) The situation of each factory magazine, and the maximum amount of gunpowder to be kept in each factory magazine, and in each such building as aforesaid; and
- (f.) The maximum number of persons to be employed in each building in the factory; and
- (g.) Any special terms which the applicant may propose by reason of any special circumstances arising from the locality, the situation or construction of any buildings or works, or the nature of any process, or otherwise.

The Governor, after examination of the proposal, may reject the application altogether or may approve of the draft licence, with or without modification or addition, and may grant to the applicant permission for the establishment of the factory on the proposed site.

Licences for manufacture of fireworks.
Fee.
Penalty.

6. The Governor may issue licences, which shall contain such terms and conditions as the Governor may in each particular case think fit, for the manufacture of fireworks, and for the storage of any ingredients to be used in connection with such manufacture.

An applicant for a licence to manufacture fireworks shall specify the proposed site and construction of the factory, and the amount of ingredients which he proposes to store in connection with the factory, and the maximum numbers of persons to be employed in each building in the factory.

The fee for any such licence shall be ten dollars per annum payable in advance.

No person shall manufacture or cause to be manufactured any fireworks except at a factory established on the site and in the manner specified in a licence for the same granted under this Ordinance.

Governor may amend licence.

7. The Governor may, at any time, in his discretion, amend any licence issued under this Ordinance or any of the terms thereof.

Governor-in-Council may cancel licence.

8. Any licence issued under this Ordinance may be cancelled at any time by the Governor-in-Council for any cause which the Governor-in-Council thinks fit; in the event of any such cancellation neither the licence fee nor any portion thereof shall be returned unless the Governor-in-Council shall so direct.

Regulation of factories for gunpowder and fireworks
(Ibid. section 9.)

9. In every factory for gunpowder or for fireworks:—
- (1.) The factory or any part thereof shall not be used for any purpose not in accordance with the licence; and
 - (2.) The terms of the licence shall be duly observed, and the manufacture or keeping or any process in or work connected with the manufacture or keeping

of gunpowder or fireworks shall not be carried on except in accordance with those terms ; and

- (3.) The factory and every part thereof shall be maintained in accordance with the licence ; and any material alteration in the factory, by enlarging or adding to the site, or by externally enlarging or adding to any building, or by altering any mound otherwise than by enlargement, or by making any new work, shall not be made except in pursuance of an amending licence granted under this Ordinance.

In the event of any breach (by any act or default) of this section in any factory,—

- (a.) All or any part of the gunpowder or ingredients thereof or fireworks or ingredients thereof in respect to which, or being in any building or machine in respect to which, the offence was committed, may be forfeited ; and
- (b.) The occupier shall be liable, upon summary conviction before a Magistrate, to a fine not exceeding in the case of the first offence five hundred dollars, and in the case of a second or any subsequent offence one thousand dollars, and in addition five hundred dollars for every day during which such breach continues, and, in default of payment of such fines, in the case of the first offence, to imprisonment with or without hard labour for a term not exceeding six months and in the case of a second or any subsequent offence to imprisonment for a term not exceeding twelve months.

10. No gunpowder shall be hawked, sold, or exposed for sale upon any highway, street, public thoroughfare, or public place.

Prohibition of the sale of gunpowder in highways. (Ibid, section 30.)

11. All gunpowder exceeding one pound in weight, when publicly exposed for sale or sold, shall be in a substantial case, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping, and the outermost receptacle containing such gunpowder shall have affixed the word "Gunpowder" in English or other European language or Chinese in conspicuous characters by means of a brand or securely attached label or other mark.

Sale of gunpowder to be in closed packages labelled. (Ibid, section 32.)

12. Fireworks kept or exposed for sale on any premises shall be placed under cover in boxes or in glass cases, secured so as to protect the fireworks from ignition.

Fireworks to be placed under cover.

13. The following general rules shall be observed with respect to the packing of gunpowder for conveyance :—

General rules as to packing of gunpowder for conveyance. (Ibid, section 33.)

- (1.) The gunpowder, if not exceeding five pounds in amount, shall be contained in a substantial case, canister, or other receptacle, made and closed so as to prevent the gunpowder from escaping ; and
- (2.) The gunpowder, if exceeding five pounds in amount, shall be contained either in a single package or a double package. A single package shall be a box, barrel, or case of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the gunpowder to escape. If the gunpowder is packed in a double package the inner package shall be a substantial case, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping, and the outer package shall be a box, barrel, or case of wood or metal or other solid material, and shall be of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the gunpowder to escape ; and
- (3.) The interior of every package, whether single or double, shall be kept free from grit and otherwise clean ; and
- (4.) Every package, whether single or double, when actually used for the package of gunpowder, shall not be used for any other purpose ; and
- (5.) There shall not be any iron or steel in the construction of any such single package or inner or outer package, unless the same is effectually covered with tin, zinc, or other material ; and

(6.) The amount of gunpowder in any single package, or if there is a double package in any one outer package, shall not exceed one hundred pounds, except with the consent of and under conditions approved by the Governor; and

(7.) On the outermost package there shall be affixed the word "Gunpowder" in conspicuous characters in English or other European language or Chinese by means of a brand or securely attached label or other mark;

In the event of any breach (by any act or default) of any general rule in this section, the gunpowder in respect of which this breach is committed may be forfeited, and the person guilty of such breach shall be liable, to a fine not exceeding two hundred dollars, and, in default of payment of such fine, to imprisonment with or without hard labour for a term not exceeding three months.

The Governor-in-Council may from time to time make, and when made repeal, alter, and add to, rules for the purpose of rescinding, altering, or adding to the general rules contained in this section or any of them; and the rules so made by the Governor-in-Council shall have the same effect as if they were enacted in this section.

Appointment
of Govern-
ment
Inspectors.
(Ibid, sec-
tion 53.)

14. The Governor may from time to time appoint any fit persons to be inspectors for the purposes of this Ordinance, and any such inspector is referred to in this Ordinance as a Government inspector.

Every order appointing an inspector shall be published in the Gazette.

Power of
Government
Inspectors.
(Ibid, sec-
tion 55.)

15. A Government inspector shall have power to make such examination and inquiry as may be necessary to ascertain whether this Ordinance is complied with, and for that purpose:—

(1.) He may enter, inspect, and examine any factory for gunpowder or for fireworks and every part thereof, at all times by day and night, but so as not to unnecessarily impede or obstruct the work in such factory, and may make inquiries as to the observance of this Ordinance and all matters and things relating to the safety of the public or of the persons employed in or about such factory; and

(2.) He may require the occupier of any factory which he is entitled, under this section, to enter, or a person employed by such occupier therein, to give him samples of any gunpowder, and fireworks, or of any ingredients thereof, or of any substance therein.

The occupier of every such factory, his agents and servants, shall furnish the means required by the inspector as necessary for every such entry, inspection, examination, and inquiry.

Any person who fails to permit a Government inspector to enter, inspect, examine, or make inquiries in pursuance of this section, or to comply with any requisition of such inspector in pursuance of this section, or who in any manner obstructs such inspector in the execution of his duties under this Ordinance, shall be liable, upon summary conviction before a Magistrate, to a fine not exceeding one thousand dollars for every offence, and, in default of payment of such fine, to imprisonment with or without hard labour for a term not exceeding one year.

Rules.

16. It shall be lawful for the Governor-in-Council, from time to time, to make such rules as he may deem expedient with regard to the manufacture of gunpowder and fireworks and the sale and conveyance thereof, and with regard to the limits within which such manufacture shall be entirely prohibited, and with regard to the structure, and working of and the precautions to be observed in any factory for gunpowder or fireworks, and also with regard to the storage of fireworks, and generally with regard to any matters which the Governor-in-Council may deem expedient for the better carrying out of this Ordinance. Such rules shall not come into force until published in the Gazette.

Notice of
accident.
(Ibid, sec-
tion 63.)

17. Whenever there occurs any accident by explosion or by fire in or about or in connexion with any premises licensed under this Ordinance the occupier of such premises shall forthwith send, or cause to be sent, notice of such accident and of the loss of life or personal injury (if any) occasioned thereby, to the Captain Superintendent of Police.

Every such occupier as aforesaid who fails to comply with this section shall be liable to a fine not exceeding two hundred dollars, and, in default of payment of such fine, to imprisonment with or without hard labour for a term not exceeding three months.

18. Any person contravening any of the undermentioned sections of this Ordinance, or any of the rules made under this Ordinance, shall be deemed guilty of an offence and shall be liable, upon summary conviction before a Magistrate, to the following penalties:—

(a.) For an offence against section 3 or section 4 or section 6, a fine not exceeding one thousand dollars for every day during which the unlawful manufacture is carried on, and, in default of payment of such fine, to imprisonment with or without hard labour for a term not exceeding one year, and, if the Magistrate thinks fit, forfeiture of all or any part of the gunpowder or ingredients thereof or of the fireworks or ingredients thereof, which may be found in or about the place where such unlawful manufacture is being carried on, or in the possession or under the control of any person convicted under section 3 or section 4 or section 6. Penalties.
(Ibid. section 4.)

(b.) For an offence against section 10 or section 11 or section 12 of this Ordinance or of any rule made thereunder, a fine not exceeding one hundred dollars, and, in default of payment of such fine, to imprisonment with or without hard labour for a term not exceeding two months, and all or any part of the gunpowder or fireworks hawked, sold, or exposed for sale in contravention of any of the provisions of any of the last mentioned three sections, or found in the possession of a person convicted under any of such sections, may be forfeited.

19. Any person who enters without permission or otherwise trespasses upon any factory, or the land immediately adjoining thereto which is occupied by the occupier of such factory, shall for every such offence, if not otherwise punishable, be liable to a fine not exceeding fifty dollars and, in default of payment of such fine, to imprisonment with or without hard labour for a term not exceeding one month and may be forthwith removed from such factory or land by any Police Officer or Constable or by the occupier of such factory, or any agent or servant of or other person authorized by such occupier. Trespass on factory, etc.
(Ibid. section 77.)

Any person other than the occupier of, or person employed in or about any such factory, who is found committing any act which tends to cause explosion or fire in or about such factory, shall be liable to a fine not exceeding five hundred dollars and, in default of payment of such fine, to imprisonment with or without hard labour for a term not exceeding six months. Committing act tending to explosion.

The occupier of any such factory shall post up on some conspicuous place or places a notice or notices warning all persons of their liability to penalties under this section: but the absence of any such notice or notices shall not exempt a person from a penalty under this section.

20. Any person who is found committing any act for which he is liable to a penalty under this Ordinance and which tends to cause explosion or fire in or about any factory, may be apprehended without a warrant by any Police Officer or Constable, or by the occupier of or the agents or servant of or other person authorised by the occupier of such factory, and be removed from the place at which he is arrested, and conveyed as soon as conveniently may be before a Magistrate. Apprehension without warrant.
(Ibid. section 78.)

21. Whenever it is made to appear to a Magistrate that there is reasonable cause to suspect that any offence is being committed against this Ordinance, such Magistrate may, by warrant under his hand, direct any Police Officer or Constable to enter, at any time, any building, premises or place, with such assistance and using such force as may be necessary, and to search the same and ascertain whether any such offence has been or is being committed. Search warrant.

If any gunpowder, ingredient of gunpowder, fireworks, or other thing is found, with regard to which there is reason to believe that any offence against this Ordinance has been or is being committed, such Officer or Constable may cause the same to be conveyed before the Magistrate or placed in safe keeping, and may also apprehend any

person so offending against this Ordinance or reasonably suspected of so offending, and the Magistrate may also, if he thinks fit, order all or any part of such gunpowder, ingredient of gunpowder, fireworks, or thing to be forfeited.

- Renewal of licence. **22.** Every licence issued under this Ordinance must be renewed annually.
- Exemptions. **23.** This Ordinance shall not apply to Government, Military, or Naval Stores.
- Repeal. **24.** All the unrepealed portions of Ordinance 1 of 1848 are hereby repealed.

Objects and Reasons.

The objects of this Bill, the main provisions of which are adapted from the English Explosives Act, 1875, (38 & 39 Vic. c. 17), are as follows:—

- (i.) To regulate the manufacture of gunpowder in this Colony, (see clauses 3, 4, 5, and 9).
- (ii.) To regulate the manufacture of fireworks, (see clauses 6 and 9).
- (iii.) To prohibit the sale of gunpowder in the street, (see clause 10).
- (iv.) To prohibit the sale of gunpowder, exceeding one pound in weight, except in closed and labelled packages, (see clause 11).
- (v.) To provide for fireworks, kept or exposed for sale, being placed under cover. It has not infrequently happened that a serious fire has been started in a shop owing to fireworks being exposed for sale, without any cover or protection, (clause 12).
- (vi.) To prescribe certain rules with respect to the packing of gunpowder for conveyance, (see clause 13).
- (vii.) To provide for the appointment of a Government Inspector and the powers of inspection to be exercised by him, (see clauses 14 and 15).
- (viii.) To confer power upon the Governor-in-Council to make rules with reference to certain matters, (see clause 16).

Clause 17 of the Bill provides for notice of accidents being given to the Police.

Clause 18 prescribes penalties for breaches of various clauses.

Clause 19 deals with trespasses upon any factory, or the land adjoining thereto and also provides for the punishment of any person doing on licensed premises any act tending to an explosion.

Clause 20 confers a power to apprehend without warrant, in certain cases.

Clause 21 provides for the issue of a search warrant, and the arrest of offenders, and the seizure and forfeiture of substances in respect of which an offence is committed.

Clause 22 provides for the annual renewal of licences.

Clause 23 excepts Government, Military, and Naval Stores from the operation of this Bill.

Clause 24 repeals all the unrepealed portions of Ordinance 1 of 1848.

The reason why this Bill does not deal with any magazines or stores for gunpowder, independently of a factory, is that the storing of gunpowder appears to be sufficiently covered by the Dangerous Goods Ordinance, 8 of 1873, as amended by Ordinance 39 of 1899.

Bags are not mentioned in clause 11 or clause 13 of the Bill, although included in the corresponding provisions in force in England. The reason for the omission is that the Chinese are in the habit of carrying about gunpowder in sugar bags which do not constitute sufficiently substantial and safe receptacles.

H. E. POLLOCK,
Acting Attorney General.