

SUPPLY FOR 1902 BILL.—The Colonial Secretary moved the third reading of the Bill entitled An Ordinance to apply a sum not exceeding Three million Seven hundred and Thirty-seven thousand Seven hundred and Sixty-two Dollars and Twenty-six Cents to the Public Service of the Year 1902. The Acting Colonial Treasurer seconded.

Question—put and agreed to.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

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

HENRY A. BLAKE,
Governor.

Read and confirmed, this 25th day of November, 1901.

R. F. JOHNSTON,
Acting Clerk of Councils.

GOVERNMENT NOTIFICATION.—No. 725.

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

R. F. JOHNSTON,
Acting Clerk of Councils.

Council Chamber, Hongkong, 25th November, 1901.

A BILL

ENTITLED

An Ordinance to amend The Births and Deaths
Registration Ordinance, 1896.

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 Births and Deaths Registration Ordinance, 1901, and shall be read and construed as one Ordinance with Ordinances 16 of 1896 and 20 of 1898. Short title.

2. Section 12 of Ordinance 16 of 1896 is hereby amended by adding the following sub-section at the end thereof, namely:— Amendment of section 12 of Ordinance 16 of 1896.

“(f.) In any case where the Medical Officer of Health is not satisfied that the cause of the death of any person has been satisfactorily determined, it shall be lawful for the Medical Officer of Health to order the removal of any dead body to some suitable place set apart for the reception of dead bodies for the purpose of *post mortem* examination, and a *post mortem* examination may thereupon be held upon such body by such officer as may be appointed by the Governor for that purpose.” Power to hold *post mortem* examination.

Objects and Reasons.

This Bill is introduced with a view to more satisfactorily ascertain the cause of death in doubtful cases.

At present the power of ordering a *post mortem* examination appears to be confined to cases in which a Magistrate, sitting as Coroner, considers such an examination to be necessary (see the Coroners Abolition Ordinance, 17 of 1888).

H. E. POLLOCK,
Acting Attorney General.

A BILL

ENTITLED

An Ordinance to further amend the Law relating to Dangerous Goods.

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 as The Dangerous Goods Amendment Ordinance, 1901, and it shall be read and construed as one Ordinance with Ordinance 8 of 1873 as amended by Ordinances 8 of 1892 and 39 of 1899.

Amendment of section 5 of Ordinance 8 of 1873.

2. The new section 5 of Ordinance 8 of 1873, which was enacted by section 2 of Ordinance 39 of 1899, is hereby amended by substituting the word "phosphorus" for the words "aqua fortis, vitriol".

Amendment of sub-section (ii) of section 3 of Ordinance 39 of 1899.

3. Sub-section (ii) of section 3 of Ordinance 39 of 1899 is hereby amended by substituting "150°" for "200°".

Objects and Reasons.

The object of clause 2 of this Bill is to include phosphorus amongst dangerous goods, and to omit aqua fortis (nitric acid) and vitriol (sulphuric acid) from that category.

The object of clause 3 of this Bill is to facilitate the working of steamships and launches with petroleum fuel by lowering the test standard.

H. E. POLLOCK,
Acting Attorney General.

A BILL

ENTITLED

An Ordinance to facilitate the investment of Trust and other funds in the United Kingdom, in Hongkong Government securities.

WHEREAS by an Act of the Imperial Parliament known as the Colonial Stock Act, 1900, the securities in which a trustee may invest under the powers of the Act of that Parliament known as the Trustee Act, 1893, are declared to include any Colonial Stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, and with respect to which there have been observed such conditions (if any) as the Lords Commissioners of the Treasury of the United Kingdom may, by order notified in the London Gazette, prescribe;

And whereas the said Lords Commissioners of the Treasury of the United Kingdom have, by an Order dated December 6th, 1900, prescribed as two of the said conditions that a Colony shall provide by legislation for the payment, out of the revenues of the Colony, of any sums which may become payable to Stockholders under any judgment, decree, rule or order of a Court in the United Kingdom, and that the Colonial Government should place on record a formal expression of their opinion that any Colonial legislation which appears to the Imperial Government to alter any of the provisions affecting the stock to the injury of the Stockholder, or to involve a departure from the original contract in regard to the stock would properly be disallowed;

And whereas it is expedient that provision should be made to enable advantage to be taken of the said Acts in respect of investment of Trust Funds in Hongkong Government securities.

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

Definitions.

1. In this Ordinance the expression "Crown Agents" means the person or persons for the time being acting as Crown Agents for the Colonies in England or any one of them.

The expression "Colonial Stock Acts" means the Acts of the Imperial Parliament known as the Colonial Stock Acts, 1877 to 1900.

2. This Ordinance shall apply to all securities heretofore or hereafter created or issued on behalf of the Government of Hongkong to which for the time being the Colonial Stock Acts apply, and which are for the time being registered in the United Kingdom in accordance with the provisions of those Acts, each and all of which securities are hereinafter referred to as "Hongkong Government securities."

Application of Ordinance.

3.—(1.) Whenever by the final judgment, decree, rule, or order of any Court of competent jurisdiction in the United Kingdom, any sum of money is adjudged or declared to be payable by the Government of Hongkong in respect of any Hongkong Government securities, the Government shall forthwith pay that sum out of the funds in the hands of the Crown Agents belonging to the Government, without further appropriation than this Ordinance.

Provisions for payment of money due to Stockholders.

(2.) For the purposes of this section "final judgment, decree, rule, or order," means in case of appeal the final judgment, decree, rule, or order of the ultimate Court hearing the appeal.

4. In order to enable every such payment to be duly made, a certificate under the hands of the Crown Agents, specifying the sum so paid under order of any such Court, shall be sufficient authority to the Auditor General or other officer having the auditing of their accounts for passing such sum without further appropriation.

Certificate by Crown Agents.

5. If at any time hereafter an Ordinance is passed which appears to the Imperial Government to alter any of the provisions affecting the Government securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to those securities, that Ordinance will properly be disallowed.

Provision for disallowance of any Ordinance injuriously affecting Government securities.

6. This Ordinance may be cited as "The Trustee Investment in Hongkong Government Securities Ordinance, 1901."

Short title.

Objects and Reasons.

This Bill is introduced in accordance with the instructions contained in the Circular Despatch from the Secretary of State for the Colonies dated 7th September, 1901.

The Secretary of State considers it of the utmost importance to the Government of any Colony proposing to raise loans in England that it should be in a position to take advantage of the provisions of the Colonial Stock Act, 1900, because otherwise such Colony's Stocks would not be ranked as Trustee investments within the meaning of the Trustee Acts, and would be liable to fall into the position of a class of securities distinctly inferior to other Colonial Government Stocks which were Trustee Stocks.

Under the provisions of section 2 of the Colonial Stock Act, 1900, Colonial Stocks are not eligible for investment by Trustees unless they comply with such conditions as the Treasury may by order notified in the London Gazette prescribe.

The Lords Commissioners of Her Majesty's Treasury, have prescribed the following conditions under that section.

CONDITIONS.

1. The Colony shall provide by legislation for the payment out of the revenues of the Colony of any sums which may become payable to Stockholders under any judgment, decree, rule or order of a Court in the United Kingdom. (See clauses 3 and 4 of the Bill.)

2. The Colony shall satisfy the Treasury that adequate funds (as and when required) will be made available in the United Kingdom to meet any such judgment, decree, rule or order.

3. The Colonial Government shall place on record a formal expression of their opinion that any Colonial legislation which appears to the Imperial Government to alter any of the provisions affecting the stock to the injury of the Stockholder, or to involve a departure from the original contract in regard to the Stock, would properly be disallowed. (See clause 5 of the Bill.)

H. E. POLLOCK,
Acting Attorney General.

A BILL
ENTITLED

An Ordinance to authorize The Hongkong Rope Manufacturing Company, Limited, to construct a Tramway within the Colony of Hongkong.

Preamble. WHEREAS The Hongkong Rope Manufacturing Company, Limited, whose registered Office is situate at No. 19, Des Vœux Road, Victoria, in the Colony of Hongkong, are desirous of constructing a tramway in the said Colony for the purpose of loading and discharging goods, merchandise and cargo and have applied to the Government of the said Colony to confer upon them the necessary powers for so doing and it is expedient that such powers should be granted under and subject to the conditions, restrictions and provisions hereinafter contained:

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

Short title. 1. This Ordinance may be cited as The Rope Company's Tramway Ordinance, 1901.

Construction of tramway. 2. The Hongkong Rope Manufacturing Company Limited (hereinafter referred to as "the Company") may construct, lay down and maintain, subject to the provisions of this Ordinance and in accordance with the plan which has been deposited as hereinafter mentioned, the tramway hereinafter described with all proper signalling arrangements, crossings, passing places, sidings, junctions, rails, turn-tables, works and conveniences, and the Company and their assigns shall have the exclusive right to work and use the same.

The tramway authorized by this Ordinance is as follows:—

A partly single and partly double line commencing at a point (shown on the said plan) near to and to the South of the North-east corner of Inland Lot No. 906, thence passing (by a curve) in a Northerly direction along Smithfield and across the Praya in the position shown on the said plan and terminating upon the wharf intended to be erected in the position shown on the said plan.

Plan. 3. The plan hereinbefore referred to as having been deposited is the plan dated the 17th day of October, 1901, and deposited by the Company in the Office of the Director of Public Works.

Gauge of tramway. 4. The tramway shall be constructed on a gauge of two feet six inches in width, and with rails of such material and type as shall, before being laid down, be approved of by the Director of Public Works, and shall be laid and maintained in such manner that the uppermost surface thereof shall be on a level with the surface of the road. Provided that the Governor in Council may from time to time require the Company or their assigns to adopt and apply at their sole cost and charges such improvements in or additions to the tramway and all appliances connected therewith, including the motive power and trucks employed thereon, rails, sleepers, turn-tables, signalling arrangements and substructure, as experience may suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Company and their assigns shall with all reasonable despatch comply with any order made by the Governor in Council for the purpose of carrying out any such improvements.

Power to break up roads. 5. The Company and their assigns may from time to time for the purpose of making, forming, laying down, maintaining, renewing, altering, adding to, or removing, the tramway, or any part or parts thereof, open and break up any road subject to the following regulations:—

- (1.) They shall give to the Director of Public Works notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work.
- (2.) They shall not open or break up or alter the level of any road except with the authority of the Director of Public Works.

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

Completion of work and re-instatement of road.

(1.) They shall, with all convenient speed, complete the work on account of which they opened or broke up the same and (subject to the formation, maintenance, renewal, or alteration of, addition to, or removal of the tramway) fill in the ground and make good the surface, and restore the road to the satisfaction of the Director of Public Works.

(2.) They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted from sunset to sunrise.

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

7. The Company or their assigns shall maintain in good condition and repair, and at their proper level so as not to be a danger or annoyance to the ordinary traffic, the rails of which the tramway for the time being consists and the turn-tables and other appliances used in connection with the tramway, and the substructure upon which the same rests, together with the roadway between the rails of the tramway and so much of the roadway as extends eighteen inches beyond the rails of the tramway, which shall be laid with such materials and in such manner as the Director of Public Works may direct, and if the Director of Public Works shall from time to time or at any time hereafter alter the level of any road along or across which the tramway shall be laid, then and in such event and so often as the same shall happen the Company or their assigns shall at their own expense alter the rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered, and if the Company or their assigns make default in complying with this section they shall, for every offence, be liable, on summary conviction, to a penalty not exceeding twenty-five dollars, and in case of continuing offence to a further penalty not exceeding ten dollars for every day after the first day on which such default continues.

Penalty for not maintaining rails, roads, &c. at their proper level and in good condition.

8. If at any time after the commencement of the construction of the tramway the Company or their assigns shall fail to proceed therewith for a period of six months, or after the completion thereof shall disuse the same or any part thereof for six months, without affording the Governor in Council some satisfactory reason for the discontinuance or disuse of the tramway (as the case may be), it shall be lawful for the Governor in Council to abate and remove the same and restore the site to its former condition at the cost of the Company or their assigns and the amount of such cost shall be a debt due to the Government and shall be recoverable against the Company or their assigns.

Power for Governor in Council to abate and remove works in certain events.

9. Subject to the approval of the Governor in Council being first obtained the Company or their assigns may at any time and from time to time sell, assign and absolutely dispose of the tramway or any part or parts thereof and the rights conferred by this Ordinance to such person or persons or Corporation or Company by public auction or private contract, or partly by public auction and partly by private contract, and with, under, and subject to such terms and conditions in all respects as the Company or their assigns shall think fit, with power at any such sale to fix a reserve price for, or buy in, the same and when any such sale, assignment and absolute disposal has been made all the rights, powers, authorities, obligations and liabilities of the Company and their assigns in respect to the tramway or part or parts thereof sold, assigned and absolutely disposed of shall be transferred to, vested in and may be exercised by and shall attach to the person or persons or Corporation or Company to whom the same have been sold, assigned and absolutely disposed of in like manner as if the tramway or part or parts thereof sold, assigned and absolutely disposed of was or were constructed by such person or persons or Corporation or Company under the powers

Power to sell.

conferred upon him or them by this Ordinance, and in reference to the same he or they shall be deemed to be the Company.

Power to demise.

10. Subject to the approval of the Governor in Council being first obtained the Company or their assigns may at any time and from time to time demise the tramway or any part or parts thereof, together with the rights, powers and privileges conferred by this Ordinance, to such person or persons or Corporation or Company, for such term or terms of years or from year to year, or for any less period, and for such rent or rents and upon such terms and conditions in all respects as the Company or their assigns shall think fit to adopt, to take effect either in possession or reversion, and either with or without a premium or premiums as a consideration or considerations for such demise or demises.

Power to mortgage.

11. It shall be lawful for the Company and their assigns from time to time and at any time to borrow money on mortgage of all or any part of the tramway, and of the rights, powers and privileges conferred by this Ordinance, and for that purpose to assign or demise by way of mortgage all or any portion of the tramway to any person or persons or Corporation or Company, and to enter into all such covenants, provisoes, declarations and agreements as the Company or their assigns shall think fit and proper.

Duration of Ordinance.

12. The rights, powers and privileges granted by this Ordinance to the Company and their assigns shall continue in force for ten years to be computed from the 15th day of December, 1901. Provided always that the Governor in Council may from time to time, so often as the Governor in Council shall think expedient, by order to be published in the Gazette declare that the duration of such rights, powers and privileges shall be extended for any further term or terms not exceeding ten years at a time, and thereupon such rights, powers and privileges shall continue in force for such extended period.

Cessation of powers.

13. Upon the cessation of the rights, powers and privileges granted by this Ordinance it shall be at the option of the Governor in Council to purchase the tramway and works authorized by this Ordinance from the Company or their assigns for a price which shall be exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale, to be determined in case of difference by two arbitrators to be nominated one by the Governor in Council and the other by the Company or their assigns, and, in case the said arbitrators cannot agree, by an umpire to be agreed upon between them. If the Governor in Council does not exercise the option to buy within one month of such cessation as aforesaid the Company or their assigns shall at their own expense remove the tramway and works and restore the site thereof to its former condition, and in the event of their failure so to do within one year of the date of such cessation it shall be lawful for the Governor in Council to abate and remove the same and restore the site thereof to its former condition at the cost of the Company or their assigns, and the amount of such cost shall be a debt due to the Government and shall be recoverable against the Company or their assigns accordingly.

Saving of power to stop or divert traffic.

14. Nothing in this Ordinance contained shall be deemed to alter or affect the provisions of section 15 of Ordinance 25 of 1891.

Rights of public reserved.

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

Reservation of rights of the Crown and others.

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

Commencement of Ordinance.

17. This Ordinance shall come into force on the 15th day of December, 1901.

H. E. POLLOCK,
Acting Attorney General.

A BILL

ENTITLED

An Ordinance to further amend the Chinese Emigration Consolidation Ordinance, 1889.

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 Chinese Emigration (Amendment) Ordinance, 1901, and it shall be read and construed as one with the Chinese Emigration Consolidation Ordinance, 1889 (as amended by Ordinance No. 25 of 1889 and Ordinance No. 22 of 1890) hereinafter called the principal Ordinance, and the said Ordinances together with this Ordinance may be cited as the Chinese Emigration Ordinances, 1889 to 1901.

Short title and construction.

Emigration Boarding-houses.

2. No Chinese passenger shall without the sanction of the Emigration Officer be permitted to embark in this Colony (other than as a first or second class passenger) in any Chinese passenger ship on a voyage of more than seven days' duration unless he or she has been lodged in a boarding-house licensed under this Ordinance during a period of not less than 48 hours previous to the examination by the Emigration Officer, or Registrar General.

Chinese emigrants to embark from licensed boarding-house.

Provided nevertheless that the provisions of this section shall not apply in the case of a Chinese female when the Registrar General certifies that he is satisfied that such lodging at a boarding-house as aforesaid may be dispensed with.

3. It shall be lawful for the Registrar General to license a sufficient number of fit and proper persons to keep boarding-houses for Chinese emigrants or intending Chinese emigrants. Every such licence shall be granted for such period not exceeding twelve months and upon payment of such fee and upon such terms and conditions as may be prescribed by any bye-laws to be made under the immediately succeeding section of this Ordinance.

Licensing of boarding-houses.

Every boarding-house keeper licensed under this Ordinance shall enter into a bond, in the sum of one thousand dollars, with two sufficient sureties to be approved by the Registrar General, for the due observance of such terms and conditions.

Bond.

4. It shall be lawful for the Governor in Council to make bye-laws for the licensing, regulation and sanitary maintenance of such boarding-houses and by such bye-laws to require such register or other books to be kept as he deems expedient, with regard to Chinese emigrants or intended emigrants. All such bye-laws when made shall be published in the Gazette and when so published shall be as valid and binding as if contained in this Ordinance.

Power to make bye-laws for boarding-houses.

Any person committing a breach of any bye-law made under this Ordinance shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding one hundred dollars.

Penalty.

5. In the case of every Chinese male inmate of a boarding-house under the age of twelve years and in the case of every Chinese female inmate of a boarding-house who has declared to the keeper of such boarding-house his or her intention of emigrating, such keeper shall supply the Registrar General with a return giving the number, names, and descriptions of every such intending emigrant, the name of the Chinese passenger ship by which he or she intends to proceed and such further particulars concerning the said intending emigrants as the Registrar General may, from time to time, direct, and this return must be supplied at least 24 hours before the examination by the Registrar General. A similar return shall be supplied by such keeper to the Emigration Officer, at the time of their examination before him, of all emigrants other than males under the age of twelve years and other than females.

Return giving particulars of emigrants before embarkation.

6. The keeper of any boarding-house who shall knowingly furnish any false or incorrect return or other particulars required by this Ordinance or by any bye-law made thereunder, or who shall obtain or attempt to obtain by fraud, intimidation or force the shipment of any Chinese emigrant or intending emigrant, and any person aiding

Penalty for furnishing false returns, etc.

or abetting such keeper in so doing shall be liable upon summary conviction before a Magistrate to a fine not exceeding five hundred dollars or to imprisonment with or without hard labour for a term not exceeding one year, and any such keeper and his sureties shall also be liable to the enforcement of his and their bond, and the licence of any such keeper may be suspended or cancelled by the Registrar General.

Photographs.

Photographs of female emigrants and boys.

7. The keeper of every licensed boarding-house from which any intending Chinese male emigrant under the age of twelve years or any intending Chinese female emigrant is to be shipped shall attend at the Registrar General's Office or other place appointed for that purpose at the examination to be held by the Registrar General, and shall then furnish the Registrar General with two copies of the photograph of every such male emigrant and of every such female emigrant with the name, age and number of the said emigrants, the name of the ship by which they are going, and the date, entered on the back, as well as a list of such intending emigrants setting forth the name, sex, age, destination, occupation and such other particulars as may from time to time be required by the Registrar General.

Photographers.

8. It shall be lawful for the Registrar General to employ a certain number of fit and respectable photographers to furnish photographs of intending Chinese male emigrants under the age of twelve years and of intending Chinese female emigrants.

Personation.

Personation. Penalty.

9. Every person who falsely and deceitfully personates or aids and abets in falsely and deceitfully personating an emigrant or intending emigrant at any attendance before or examination by the Emigration Officer or the Registrar General, required by any law or regulation for the time being in force relating to Chinese emigration, shall be guilty of a misdemeanor and shall be liable, upon summary conviction, to a fine not exceeding two hundred and fifty dollars or to imprisonment with or without hard labour for a period not exceeding six months or to both.

Amendments.

Amendment of sections 10, 11 and 13 of Ordinance No. 1 of 1889.

10. Sections 10, 11, 13 and 21 of the principal Ordinance are hereby amended by striking out the words "in Council" after the word "Governor".

Substitution of new section 33 in Ordinance 1 of 1889. Contract ticket to be explained to passenger.

11. Section 33 of the principal Ordinance is hereby repealed and the following new section is hereby substituted therefor:—

"33. On every occasion of the delivery to any passenger of any such contract ticket as aforesaid, the passage broker who shall have engaged to provide such passenger with a passage shall—

(a.) In the case of every male passenger under the age of twelve years and of every female passenger attend with him or her at the office of or other place appointed by the Registrar General, in whose presence the contract ticket shall be delivered to such passenger, and who shall explain to all such passengers the true intent and meaning of such contract ticket with the object of ascertaining that they understand where they are going and that they are not acting under compulsion nor being influenced to emigrate by false representations.

(b.) In the case of every passenger, other than a male passenger under the age of twelve years or a female passenger, attend with him at the office of the Emigration Officer, in whose presence the contract ticket shall be delivered to such passenger, and who shall explain to him the true intent and meaning of such contract ticket with the object of ascertaining that he understands where he is going and is not acting under compulsion nor being influenced to emigrate by false representations.

Amendment of section 90 of Ord. No. 1 of 1889.

12. Section 90 of the principal Ordinance is hereby amended by striking out the words "under section 80" and substituting the words "under section 74".

13. Schedule I of the principal Ordinance is hereby repealed and the following new Schedule is hereby substituted therefor:—

Substitution of new Schedule for Schedule I of Ordinance 1 of 1889.

(I.)

Regulations referred to in section 46 respecting Chinese Passenger Ships proceeding on voyages of not more than 30 days' duration.

1. No Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' duration unless the master thereof shall have received from an Emigration Officer a copy of these regulations and a certificate in the form contained in schedule K, nor until the master shall have entered into the bond prescribed by section 4 of "The Chinese Passengers Act, 1855."

No ship to depart without certificate.

2. No Emigration Officer shall be bound to give such certificate till seven days after receiving notice that the ship is laid on for the conveyance of Chinese emigrants from the owners or charterers of the ship, or if absent, from their respective agents as provided in section 7 of the Ordinance.

Application for same.

3. After receiving such notice the Emigration Officer and any person authorized by him in that behalf shall be at liberty at all times to enter and inspect the ship, and the fittings, provisions, and stores therein, and any person impeding such entry or inspection, or refusing to allow of the same, shall be liable to a fine not exceeding one hundred dollars for each offence.

Inspection of ship.

4. The following conditions as to the accommodation of passengers shall be observed to the satisfaction of the Emigration Officer:—

Accommodation of passengers.

(1.) That the ship is in a state of perfect cleanliness and if necessary has been disinfected.

(2.) That the space appropriated to the passengers between decks is clean, properly lighted and ventilated, and contains at the least 9 superficial and 54 cubical feet on the upper between decks and on the lower between decks 18 superficial and 126 cubic feet of space for every adult on board; that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one and twelve years.

Ventilation, space, and height between decks.

(3.) That the accommodation for female passengers between decks is separate from that provided for male passengers.

Male and female passengers.

(4.) That a space of four superficial feet per adult is left clear on the upper deck for the use of the passengers.

Space on upper deck.

(5.) That a reasonable space is set apart properly divided and fitted up as a sick-bay or hospital, and that sufficient latrines, both as to condition and number, are provided in suitable parts of the ship.

Sick-bay, &c.

5. No part of the cargo or of the provisions, water or stores shall be carried on the upper deck, or on the passenger decks, unless in the opinion of the Emigration Officer the same is so placed as not to impede light or ventilation or to interfere with the comfort of the passengers nor unless the same is stowed and secured to the satisfaction of the Emigration Officer and the space thereby occupied or rendered unavailable for the accommodation of the passengers shall be deducted in calculating the space by which the number of passengers is regulated.

6. The Emigration Officer may, in his discretion, permit deck passengers to be carried, upon such conditions, as may, from time to time, be prescribed under instructions from one of His Majesty's Principal Secretaries of State, and until and subject to such instructions, upon the conditions following:—

Deck passengers.

(1.) A suitable awning with screen shall be provided on deck, sufficient for the protection of the passengers from the sun and from rain.

Awning.

(2.) The space appropriated to such deck passengers shall contain at the least sixteen superficial feet for every adult, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one and twelve.

Space.

(3.) In case deck passengers shall be carried in addition to other passengers for whom accommodation between decks shall be provided, the space to be appropriated for deck passengers shall be reckoned exclusively of the space of four superficial feet per

Reserved space.

adult required to be left clear on the upper deck for the use of such other passengers.

Provisions. 7. The following conditions as to provisions shall be observed to the satisfaction of the Emigration Officer:—

Scale. (1.) Provisions, fuel and water shall be placed on board of good quality, properly packed and sufficient for the use and consumption of the passengers, over and above the victualling of crew during the intended voyage, according to the following scale:—

For every passenger *per diem*:—

	not less than
Rice or bread stuffs,	1½ lbs.
Dried ^{and} / _{or} salt fish,	0½ „
Chinese condiments and curry stuffs, 1 oz.	
Fresh vegetables, which will keep for short voyages, such as sweet potatoes, turnips, car- rots, and pumpkins,	1½ lbs.
Firewood,	2 „
Water (to be carried in tanks or sweet casks),	1 gallon.

Articles of food mentioned in scale may be varied. (2.) The last preceding condition as to provisions shall be deemed to have been complied with, in any case where by the special authority of the Emigration Officer, any other articles of food shall have been substituted for the articles enumerated in the foregoing scale, as being equivalent thereto.

Passengers' own supplies. (3.) The passengers may supply their own provisions for the voyage and proper accommodation for the stowage, and sufficient cabooses for the cooking of such provisions must be allowed.

Contents of certificate. 8. The Emigration Officer shall not give his certificate unless he shall be satisfied:—

(1.) That the ship is sea-worthy, clean and properly manned, equipped, fitted, lighted and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

(2.) That suitable medicines and medical stores, provisions, fuel and water have been placed on board, of good quality, properly packed and sufficient in quantity to supply the passengers on board during the intended voyage.

(3.) That all the requirements of this Ordinance have been complied with.

(4.) That the intending passengers who are females or males under the age of twelve years have been passed by the Registrar General.

Powers of Emigration Officer. 9. The Emigration Officer may, at any time, enter and inspect the ship and the accommodation, provisions, and stores provided for the Chinese passengers, and may require the master or any other person to produce the licence, and the ship's papers for his inspection, and if he thinks necessary after inspecting the ship's papers, he may muster and inspect the Chinese passengers.

Power to withhold certificate. Examination of passengers and of contracts, if any. 10. Where the intended passengers or any of them are under contract of service the Emigration Officer shall take care that a copy of the form of any such contracts, or an abstract of their substance, signed by himself, is appended to the said certificate, and in all cases if any of the passengers are in bad health, or insufficiently provided with clothing, or if there is reason to suspect that fraud or violence have been practised in their collection or embarkation, he may detain the ship, and, if he shall think fit, order all or any of the passengers to be re-landed.

Emigration Officer may employ medical men, marine surveyors, and others. 11. The Emigration Officer may, if he shall think fit, before granting his certificate, employ any duly qualified medical practitioner, master mariner, marine surveyor, or other person whose professional assistance and advice he may require for the purpose of ascertaining whether the requirements of this Ordinance have been duly complied with, and the costs and charges of obtaining such assistance and advice shall be defrayed by the owners or charterers of the ship, whether the Emigration Officer shall grant his certificate or not.

Fees of professional persons employed. 12. The Emigration Officer shall, from time to time, fix a reasonable scale of fees and charges to be approved by one of His Majesty's Principal Secretaries of State, for the remuneration of any professional persons who may be employed by him under the last preceding regulation, and

pending the approval or disapproval of such scale, the fees and charges therein specified shall be payable, as if the same has been approved in manner aforesaid.

13. The owners or charterers of every ship shall pay such fees for the remuneration of the Emigration Officer, as may, from time to time, be ordered under instructions from one of His Majesty's Principal Secretaries of State, and until and subject to such instructions, the following fees shall be payable in addition to all costs and charges payable under regulation 11 of these regulations :—

Fees of Emigration Officer.

Upon the application for a certificate, \$25.00

Provided that for an Emigration Officer's certificate delivered at a second port on the same voyage for a ship which has already received a certificate at the first port the fee shall be only \$12.50, and provided always that no fees shall be payable to the Emigration Officer of Hongkong, but in lieu thereof the following stamp duties are hereby imposed, that is to say :—

Upon every application for a certificate under regulation 2 contained in this schedule, a stamp duty of.....\$ 1

Upon every certificate granted under regulation 1 of this schedule, a stamp duty of.....\$ 1

And *The Stamp Ordinance, 1901*, shall be read as if the stamp duties hereby imposed were inserted in the schedule thereof.

14. In case default shall be made by the owners or charterers of the ship in the payment of any fees, costs or charges to which they may be liable under this Ordinance and this schedule, the ship may be detained by the British Consul, or if in Hongkong by the Governor, until such fees, costs and charges shall have been paid.

Power to detain ship for non-payment of fees.

15. The Emigration Officer may withhold his certificate or revoke the same at any time before the departure of the ship, if it shall appear to his satisfaction that any particulars, contained in the application in writing which shall have been made for the same or any other particulars which may have been furnished to him by or on behalf of the owners, charterers, or master of the ship in relation thereto, are untrue, or that the conditions of this Ordinance have not been complied with; and in every such case it shall be lawful for the British Consul, or if in Hongkong for the Governor, to seize and detain the ship until the certificate, if already granted, shall have been delivered up to be cancelled.

In case of false particulars, ship may be detained and certificate cancelled.

16. The master of every British Chinese passenger ship shall, during the whole of the intended voyage, make issues of provisions, fuel and water, according to the aforesaid dietary scale, to all the passengers except such as have supplied themselves therewith, and shall not make any alteration except for the manifest advantage of the passengers, in respect of the space allotted to them as aforesaid, or in respect of the means of ventilation, and shall not ill-use the passengers, or require them (except in case of necessity) to help in working the vessel; and shall, in cases where a Medical Officer is not carried, issue medicines and medical comforts, as shall be requisite, to the best of his judgment, and shall call at such ports as may be mentioned in the Emigration Officer's clearing certificate for fresh water and other necessaries; and shall carry the passengers without unnecessary delay to the destination to which they have contracted to proceed.

Treatment of passengers at sea.

17. Before the arrival of any British Chinese passenger ship at the port for which the passengers have embarked the master shall cause the said passengers to be mustered for the purpose of ascertaining that there are none on board who are not in possession of an emigration contract ticket and included in the Emigration Officer's certificate and detailed list of passengers: if any such are found it shall be the duty of the master to hand them over to the proper authority to be dealt with according to law.

18. The master of every British Chinese passenger ship shall, within twenty-four hours after his arrival at the port of destination and at port of call, produce his emigration papers to the British Consul (if any) at such port, or where such port shall be in His Majesty's dominions then the master of every Chinese passenger ship shall produce the said papers to any officer appointed or authorized by the local Government in that behalf. It shall be lawful for such Consul or other officer to enter and inspect such ship, and in case the master shall obstruct or refuse to assist him

Production of emigration papers at port of destination.

in the discharge of such duty, or shall without reasonable cause fail to produce his emigration papers as aforesaid, he shall be liable to a fine of five hundred dollars, and the ship may be detained by the British Consul, or if in His Majesty's dominions, by the local Government, until such fine shall have been paid and the emigration papers shall have been given up.

British Consul deemed Emigration Officer where no such Officer is appointed.

Amendment of Schedule N. of Ord. No. 1 of 1889.

Suspending clause.

19. In all ports and places where no Emigration Officer shall have been appointed, the British Consul shall, until such appointment, and at all times pending the vacancy of such office, be deemed to be the Emigration Officer for the purposes of these regulations."

14. Schedule N. of the principal Ordinance is hereby amended by striking out the words "the above section" and substituting the words "section 74".

15. This Ordinance shall not come into operation unless and until the Governor notifies by proclamation, which shall be published in the *Gazette*, that it is His Majesty's pleasure not to disallow the same and it shall come into operation upon the date of such publication.

Objects and Reasons.

This Ordinance deals with four matters of some importance with regard to Chinese emigration. In order to further check abuses—

(a.) It provides for the examination of intending male emigrants under the age of twelve and of intending female emigrants before the Registrar General.

(b.) It provides for the licensing of boarding-houses for Chinese emigrants, and requires all such intending emigrants (except those who travel first or second class) to embark from such licensed boarding-houses, and it requires proper returns to be furnished by the keepers.

(c.) It requires that the Registrar General should be furnished with photographs of certain intending Chinese emigrants, namely, females and boys not over twelve years of age, and makes provisions for the appointment of respectable photographers for the purpose.

(d.) It makes fraudulent personation of intending emigrants a misdemeanour, and provides a punishment for this offence.

These provisions will, it is trusted, materially increase the protection it is desired to afford to Chinese emigrants against unscrupulous persons who may be tempted to take advantage of their ignorance.

Section 10 is intended to prevent the waste of time at present occasioned by requiring the matters mentioned in sections 10, 11, 13 and 24 of Ordinance No. 1 of 1889, to be brought before the Executive Council.

Sections 12 and 14 correct errors in the references to Sections of the principal Ordinances contained in Section 90 and Schedule N of such Ordinance.

H. E. POLLOCK,
Acting Attorney General.