CAP. CIII.

An Act to amend an Act of the last Session of Parliament relating to the Sale of Spirits by unlicensed Persons and illicit Distillation in *Ireland*; and also to repeal so much of an Act of the Third and Fourth Years of His late Majesty as requires Persons applying for Licences for the Sale of Beer, Cider, or Spirits by Retail in *Ireland* to enter into a Bond with Sureties. [14th *August* 1855.]

'WHEREAS an Act was passed in the last Session of Parliament, Chapter Eighty-nine, to amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons and for the Suppression of illicit Distillation in *Ireland*, and it is expedient to amend the said Act as herein-after mentioned:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 17 & 18 Vict. c. 89.

I. So much of the Second and Fourth Sections of the said Act as directs that any Goods seized under the Provisions of the said Sections respectively shall be delivered to some Revenue Officer shall be and the same is hereby repealed. Part of Sect. 2 and 4 of recited Act repealed.

II. On the Conviction of any Person in relation to whose Offence any Goods shall have been seized under the Provisions of the said Sections respectively, such Goods shall be absolutely forfeited; or if any such Goods as aforesaid shall not within Fourteen Days after the making thereof be claimed, by Application in Writing to the Inspector or Superintendent of Police, or to the County Inspector or Sub-Inspector, by whom or within whose District such Goods shall have been seized, then, although no Conviction shall have taken place, such Goods shall be absolutely forfeited: Provided always, that if any such Claim shall be made in the Manner and within the Time herein directed and limited in that Behalf, and no such Conviction as aforesaid shall have been or shall be made, then such Goods so seized shall be proceeded upon to Condemnation by Information before any Justice or Justices of the Peace, in like Manner as in the Case of Goods seized under the Provisions of any Act relating to Duties of Excise; and all such Goods seized which shall be absolutely forfeited or condemned on Information, as herein provided, may either be destroyed, or be disposed of and the Proceeds thereof applied in such Manner as the Commissioners of Inland Revenue shall think fit to direct in that Behalf. Disposal of Seizures made under the said Sections.

III. All Penalties recovered by Officers of the Constabulary by virtue of the Powers conferred by the Thirteenth Section of the said Act of the last Session of Parliament, as well as all Penalties recovered in Cases of immediate Arrest for any Offence committed against the said Act of the First and Second Years of His late Majesty, shall be paid into the Hands of the Sub-Inspector of Constabulary, or other Person appointed for the Purpose by the Inspector General of the Constabulary Force in *Ireland*, and by him handed over to the nearest Collector of Inland Revenue, for the Use of Her Majesty, after deducting and paying thereout all reasonable Expenses. Penalties recovered by Constabulary in certain Cases to be paid to Collector of Inland Revenue.

IV. 'And whereas by Section Seven of an Act passed in the Session of Parliament holden in the Third and Fourth Years of His said late Majesty's Reign, Chapter Sixty-eight, Persons applying for any Licence for the Sale of Beer, Cider, or Spirits by Retail in *Ireland* are required to enter into a Bond, with Sureties, conditioned as in such Section is mentioned, and it is expedient to relieve such Applicants from the Burden of entering into such Bond and providing such Sureties:' Be it enacted, That the said Section Seven of the said last-mentioned Act shall be and the same is hereby repealed. Section 7 of 3 & 4 W. 4. c. 68., requiring Bonds to be given by Applicants for Licenses in Ireland, repealed.

CAP. CIV.

An Act for the Regulation of *Chinese* Passenger Ships. [14th *August* 1855.]

'WHEREAS Abuses have occurred in conveying Emigrants from Ports in the *Chinese* Seas: And whereas it is expedient to prevent such Abuses:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Definition of certain Terms herein mentioned.

I. In the Construction of this Act the Term "*Chinese* Passenger Ship" shall include every Ship carrying from any Port in *Hong Kong*, and every *British* Ship carrying from any Port in *China* or within One hundred Miles of the Coast thereof, more than Twenty Passengers, being Natives of *Asia*; the Word "Colony" shall include all Her Majesty's Possessions abroad not being under the Government of the *East India* Company; the Word "Governor" shall signify the Person for the Time being lawfully administering the Government of such Colony; the Term "Legislature of *Hong Kong*" shall signify the Governor and Legislative Council or other Legislative Authority of the same for the Time being; the Word "Ship" shall include all Sea-going Vessels; the Terms "Commander" and "Master" of any Ship shall include any Person for the Time being in command or charge of the same; the Term "Emigration Officer" shall include every Person lawfully acting as Emigration Officer, Immigration Agent or Protector of Emigrants, and every Person authorized by the Governor of any *British* Colony to carry out the Provisions of this Act; and the Term "*British* Consul" shall include every Person lawfully exercising Consular Authority on behalf of Her Majesty in any Foreign Port.

Legislature of Hong Kong to make Regulations respecting Passenger Ships, &c.

II. It shall be lawful for the Legislature of *Hong Kong*, by any Ordinance to be by them enacted for that Purpose, to make Regulations respecting *Chinese* Passenger Ships, and, in the Case of *British* Ships, respecting the Treatment of the Passengers therein while at Sea, and until such Enactment the Regulations contained in Schedule (A.) to this Act annexed shall be in force: Provided always, that no such Ordinance shall come into operation until Her Majesty's Confirmation of the same shall have been proclaimed in *Hong Kong* by the Governor thereof.

Governor of Hong Kong to declare Length of Voyages.

III. It shall be lawful for the Governor of *Hong Kong* to declare, by Proclamation, for the Purposes of this Act and of the said Regulations, what shall be deemed to be the Duration of the Voyage of any *Chinese* Passenger Ship, and by such Proclamation to alter the Scales of Dietary, Medicines, and Medical Comforts contained in the aforesaid Schedule (A.)

No Chinese Passenger Ship to clear out on Voyage of more than Seven Days without Emigration Officer's Certificate and Copy of Regulations, nor until Bond be given to Crown.

IV. No *Chinese* Passenger Ship shall clear out or proceed to Sea on any Voyage of more than Seven Days Duration until the Master thereof shall have received from an Emigration Officer a Copy of the aforesaid Regulations, and a Certificate in the Form contained in Schedule B. to this Act annexed, or in such other Form as may be prescribed by the said Legislature, which Copy and Certificate, with any Documents to be attached thereto (herein-after designated as Emigration Papers,) shall be signed by the said Emigration Officer, nor until the Master shall, with Two sufficient Sureties, to be approved by the said Emigration Officer, have entered into a joint and several Bond in the Sum of One thousand Pounds to Her Majesty, Her Heirs and Successors, in the Form contained in Schedule C. to this Act annexed, or in such other Form as shall be prescribed by the said Legislature.

Penalty of Bond, when recoverable.

V. The said penal Sum of One thousand Pounds shall be due and recoverable notwithstanding any Penalty or Forfeiture imposed by this Act or by the aforesaid Regulations, and whether such Penalties or Forfeitures shall have been sued for and recovered or not.

Commander of Ships of War, &c. may search Ships, or require Production of Papers.

VI. It shall be lawful for the Commander of any of Her Majesty's Ships of War, or for any Emigration Officer, Custom House Officer, or *British* Consul, to enter and search any *Chinese* Passenger Ship (being a *British* Vessel or within *British* Jurisdiction) so long as such Ship shall have any Passengers on board, and for Forty-eight Hours afterwards, and in case such Ship shall be engaged on a Voyage of more than Seven Days Duration, to require the Production of the Emigration Papers of such Ship, and to examine all Persons on board of the same, in order to ascertain whether the Provisions of this Act and of the Regulations aforesaid have been complied with; and any Person who refuses to allow, attempts to avoid, or obstructs any such Entry, Search, or Examination, or who knowingly misleads or deceives any Person lawfully making any such Search or Examination, or who, being the Master of the Ship or having the Emigration Papers in his Custody, fails to produce the same when required as aforesaid, shall be deemed guilty of a Misdemeanor.

VII. In

VII. In case of any Neglect or Refusal to comply with any of the Provisions of this Act or any of the Regulations aforesaid, or to perform any Stipulation in any of the Contracts made with the Passengers, the Master of the Ship, and any other Person who may have been guilty of or have aided or abetted such Neglect or Refusal, shall each be deemed for each Offence guilty of a Misdemeanor. Penalty for Neglect to comply with Regulations, &c.

VIII. If any *Chinese* Passenger Ship clears out or proceeds to Sea on any Voyage exceeding Seven Days in Duration without such Emigration Papers as aforesaid, or if the Emigration Papers of any *Chinese* Passenger Ship are forged or fraudulently altered, such Ship shall, if she is a *British* Ship, or if, not being a *British* Ship, the Offence is committed and the Ship is seized in Her Majesty's Dominions or in the Territories of the *East India* Company, be forfeited to Her Majesty. Ship to be forfeited for clearing without Emigration Papers, or for Forgery of such Papers.

IX. Every Person who commits or aids or abets in committing any Act or Default by which any *Chinese* Passenger Ship may become liable to Forfeiture shall be liable to a Penalty not exceeding One hundred Pounds for each Offence. Penalties in addition to Forfeiture.

X. It shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of Customs, or any *British* Consul, to seize and detain any Ship which has become subject to Forfeiture as aforesaid, and bring her for Adjudication before the High Court of Admiralty in *England* or *Ireland*, or any Court having Admiralty Jurisdiction in Her Majesty's Dominions or in the Territories of the *East India* Company, and such Court may thereupon make such Order in the Case as it thinks fit, and may award such Portion of the Proceeds of the Sale of any forfeited Ship as it thinks right to the Officer bringing in the same for Adjudication, or to any Persons damaged by the Act or Default which has rendered the Ship liable to Forfeiture. Mode of enforcing Forfeiture.

XI. No such Officer as aforesaid shall be responsible, either civilly or criminally, to any Person whomsoever, in respect of the Seizure or Detention of any Ship that has been seized or detained by him in pursuance of the Provisions herein contained, notwithstanding that such Ship is not brought in for Adjudication, or, if so brought in, is declared not to be liable to Forfeiture, if it is shown to the Satisfaction of the Judge or Court before whom any Trial relating to such Ship or such Seizure or Detention is held that there are reasonable Grounds for such Seizure or Detention; but if no such Grounds are shown, such Judge or Court may award Payment of Costs and Damages to any Party aggrieved, and make such other Order in the Premises as he or it thinks just. Officer not liable for any Seizure made on reasonable Grounds.

XII. It shall be lawful for the Court before which any Ship liable to Forfeiture under this Act is proceeded against to impose such a pecuniary Penalty as to the same Court shall seem fit, in lieu of condemning the Ship, and in such Case to cause the Ship to be detained until the Penalty is paid, and to cause any Penalty so imposed to be applied in the same Manner in which the Proceeds of the said Ship, if condemned and sold by Order of the Court, would have been applicable. Fine may be substituted for Forfeiture.

XIII. All Misdemeanors and other Criminal Offences punishable under this Act shall be dealt with, tried, and judged of in the same Manner as Misdemeanors and other Offences punishable under the Merchant Shipping Act, 1854, and all the Rules of Law, Practice, or Evidence applicable to the last-mentioned Misdemeanors and Offences shall be applicable to Misdemeanors and other Offences under this Act. Mode of Procedure in Criminal Cases.

XIV. Any Court, Justice, or Magistrate imposing any Penalty under this Act for which no specific Application is herein provided may, if it or he thinks fit, direct the whole or any Part thereof to be applied in compensating any Person for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty is imposed, or in or towards Payment of the Expenses of the Proceedings; and, subject to such Directions or specific Application as aforesaid, all Penalties recovered in the United Kingdom shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom; and all Penalties recovered in any *British* Possession shall be paid over into the Public Treasury of such Possession, and form Part of the Public Revenue thereof. Application of Penalties.

Written Declarations of Commanders, &c. primâ facie Evidence.

XV. In any legal Proceeding taken under this Act or in respect of the Bond hereinbefore required any Document purporting to be the written Declaration of any *British* Consul, or of the Commander of any of Her Majesty's Ships of War, or to be a Copy of the Proceedings of any Court of Justice, shall, without any Proof of Signature, be received in Evidence, in case it shall appear that such Copy or Declaration, if produced in the United Kingdom, was officially transmitted to One of Her Majesty's Principal Secretaries of State, or, if produced in any Colony, was officially transmitted to the Governor thereof: Provided always, that no Person making such written Declaration as aforesaid shall be capable of receiving a Share of any Penalty or Forfeiture which shall be procured by such written Declaration.

Short Title.

XVI. This Act may be cited for any Purpose whatever under the Name of the "*Chinese* Passengers Act, 1855."

Commencement of Act.

XVII. This Act shall come into operation as soon as it shall have been proclaimed in *Hong Kong* by the Governor thereof, or if not so proclaimed, on the First Day of *January* next ensuing.

SCHEDULE (A.)

Regulations respecting Chinese Passenger Ships.

Note.—The wilful and fraudulent Breach of any of these Regulations by the Person in charge of any Chinese Passenger Ship is punishable by Forfeiture of the Ship, and every Person concerned in such Breach is liable to a Fine of One hundred Pounds for each Offence.

I. No Chinese Passenger Ship shall clear out or proceed to Sea on any Voyage of more than Seven Days Duration without a Certificate from an Emigration Officer; and such Certificate shall be in the Form provided by the Chinese Passenger Act, 1855.

II. No Emigration Officer shall be bound to give such Certificate in respect of any Chinese Passenger Ship till Seven Days after receiving Notice that the Ship is to carry Passengers, and of her Destination, and of her proposed Day of Sailing, nor unless there are on board a Surgeon and Interpreter approved by such Emigration Officer.

III. After receiving such Notice the Emigration Officer shall be at liberty at all Times to enter and inspect the Ship, and the Fittings, Provisions, and Stores therein, and any Person impeding him in such Entry or Inspection, or refusing to allow of the same, shall be liable to a Fine of not more than One hundred Pounds for each Offence.

IV. The Emigration Officer shall not give his Certificate unless he shall be satisfied,—

(1.) That the Ship is sea-worthy, and properly manned, equipped, fitted, 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 the Space appropriated to the Passengers in the 'Tween Decks contains at the least Twelve Superficial and Seventy-two Cubical 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 Year and Twelve Years:

(3.) That a Space of Five Superficial Feet per Adult is left clear on the Upper Deck for the Use of the Passengers:

(4.) That Provisions, Fuel, and Water have been placed on board, of good Quality, properly packed, and sufficient to supply the Passengers on board during the declared Duration of the intended Voyage, according to the following Scale:—

Dietary Scale

Rice	lbs.	1½	per diem.
Salted Provisions,—			
Wholly Pork; or			
⅔ Pork and ⅓ Fish; or	„	½	do.
⅓ Pork, ⅓ Beef, and ⅓ Fish			
Salted Vegetable or Pickles	„	½	do.
Water, Imperial Quarts	-	3	do.
Firewood	lbs.	2	do.
Tea	oz.	⅛	do.

(5.) That

(5.) That Medicines and Medical Comforts have been placed on board according to the following Scale:

SCALE OF MEDICINES AND MEDICAL COMFORTS:

For every 100 Passengers, and in like Proportion for any greater or less Number.

Calomel	3 oz.	Senna Leaves	8 oz.
Blue Pill	2 „	Blistering Plaister	8 „
Rhubarb Powder	2 „	Sulphur Sublimed	16 „
Compound Jalap Powder	12 „	Sulphur, Ointment	12 lbs.
Ipecacuanha Powder	12 „	Linseed Flour	4 „
Opium	2 „	Country Soap	24 oz.
Dover's Powder	2 „	Castor Oil	6 Bottles.
Magnesia	2 „	Oil of Peppermint	2 oz.
Epsom Salts	6 lbs.	Adhesive Plaister, spread	2 Yards.
Chloride of Lime	20 „	Simple Ointment	16 oz.
Tartar Emetic	4 Drams.	Ringworm Ointment	16 „
Quinine	2 oz.	Jeremie's Opiate	2 oz. Phial.
Antimonial Powder	0½ „	Aromatic Spirits of Hartshorn	4 „
Extract of Colocynth, Compound	1 „	Cholera Pills in Phial	12 Drams.
Carbonate of Ammonia	1½ „	Cubebs Powder	4 lbs.
Assafœtida	1 „	Sweet Spirits of Nitre	16 oz.
Camphor	1½ „	Copaiba	16 „
Camphorated Liniment	16 „	Sulphate of Copper	2 „
Catechu	2 „	Sulphate of Zinc	1 „
Prepared Chalk	2 „	Lunar Caustic	4 Drams.
Tincture of Opium	8 „	Lime Juice	36 Quarts.
Turpentine	16 „	Rum or Brandy	36 „

INSTRUMENTS, &c.

1 Set of Amputating and other Surgical Instruments (if there be any Person on board competent to use them).	1 Silver Catheter.
1 One Ounce Glass Measure.	1 Spatula.
1 Minim Glass Measure.	1 Dressing Scissors.
1 Pestle and Mortar (Wedgewood).	1 Infusion Box.
1 Set of Weights and Scales (Grains in Box).	1 Quire of Country Paper.
1 Set of common Splints.	1 Penknife.
1 Set of Bleeding Lancets.	2 Metal Bed Pans.
	2 Trusses for Hernia, Right and Left.
	2 Small Syringes.
	4 Ounces prepared Lint.
	2 Pieces Cloth for Bandages.

V. The Master of any Chinese Passenger Ship being a British Ship and proceeding on a Voyage of more than Seven Days Duration shall, during the whole of the intended Voyage, make Issues of Provisions, Fuel, and Water, according to the aforesaid Dietary Scale, 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 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 them without unnecessary Delay to the Destination to which they have contracted to proceed.

VI. The Emigration Officer shall not give his Certificate until he shall have mustered the Passengers, and have ascertained to the best of his Power that they understand whither they are going, and comprehend the Nature of any Contracts of Service which they have made; he shall also take care that a Copy of the Form of such Contracts, or an Abstract of their Substance, signed by himself, is appended to the said Certificate: If any of the Passengers are in bad Health, or insufficiently provided with Clothing, or if the Contracts are unfair, 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, may order all or any of the Passengers to be re-landed.

SCHEDULE (B.)

EMIGRATION OFFICER'S CERTIFICATE, &c.

I hereby authorize the Chinese Passenger Ship to proceed to Sea for the Port of in ; and I certify that the said Ship can legally carry Adults, and that there are on board Passengers, making in all Adults, viz., Men, Women, Male Children, and Female Children, such Children being between the Ages of One and Twelve Years; that the Space set apart and to be kept clear for the Use of such Emigrants is as follows:—On the Upper Deck Superficial Feet, being [*here describe the Space*], and in the Between Decks Superficial Feet, being [*here describe the Space*]; that the Ship is properly manned and fitted, and that the Means of ventilating the Part of the Between Decks appropriated to Passengers are as follows [*here describe the Means of Ventilation*]; that the Ship is furnished with a proper Quantity of good Provisions, Fuel, and Water for Days Issues to the Passengers according to the *annexed Dietary Scale, and with a proper Quantity of Medicines, Instruments, and Medical Comforts, according to the *annexed Scale of Medical Necessaries; that I have inspected the Contracts between the Emigrants and their intended Employers (the Terms of which are annexed to this Certificate), and consider them reasonable; that no Fraud appears to have been practised in collecting the Emigrants; and that there are on board a Surgeon †[and Interpreter] approved by me, and designated [respectively and]

‡ [The Master of the Ship is to put into and for Water and fresh Vegetables.]

(Signed) ,

Dated this Day of 18 . Emigration Officer.

* These Scales must be those prescribed by the Regulations in Schedule A.

† In case the Ship has been authorized to proceed without an Interpreter omit the Part between Brackets, and add "and that the Ship has been authorized to proceed without an Interpreter."

‡ The Part between Brackets is to be inserted or not, as may be required.

SCHEDULE (C.)

FORM OF BOND TO BE GIVEN BY THE MASTERS OF CHINESE PASSENGER SHIPS.

Know all Men by these Presents, That we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the Sum of One thousand Pounds of good and lawful Money of Great Britain, to be paid to our said Sovereign Lady the Queen, Her Heirs and Successors; to which Payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, Administrators, and every of them, firmly by these Presents.

Sealed with our Seals.

Dated this Day of 18 .

Whereas by the Chinese Passenger Act, 1855, it is enacted, that before any Chinese Passenger Ship shall clear out or proceed to Sea on a Voyage of more than Seven Days computed Duration, the Master thereof shall, with Two sufficient Sureties to be approved by an Emigration Officer, enter into a Bond to Her Majesty, Her Heirs and Successors, in the Sum of One thousand Pounds.

Now the Condition of this Obligation is this, that if (in respect of the Ship , whereof is Master) all and every of the Requirements of the said Chinese Passenger Act, and of the Regulations contained in Schedule (A.) to the said Act annexed, or enacted by the Legislature of Hong Kong, shall be well and truly observed and performed [*in like Manner as the same ought to be observed and performed in case the said Ship were a British Ship, and the said a British Subject], then this Obligation to be void, otherwise to remain in full Force and Effect.

Signed, sealed, and delivered by the above-bounden and , in the Presence of .

* This Clause to be inserted only in the Case of a Foreign Chinese Passenger Ship.