

GOVERNMENT NOTIFICATION.

The following Ordinance "for Penal Servitude," which was read a second time, and passed this day through the Committee of the Legislative Council, is published for general information.

By Order,

L. D'ALMADA E CASTRO,
Clerk of Councils.

Council Room, Victoria, Hongkong, 10th June, 1858.

HONGKONG.

ANNO VIGESIMO PRIMO VICTORIÆ REGINÆ.
No. of 1858.

By His Excellency SIR JOHN BOWRING, Knight, LL.D., Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, Her Majesty's Plenipotentiary and Chief Superintendent of the Trade of British Subjects in China, with the Advice of the Legislative Council of Hongkong.

An Ordinance for Penal Servitude.

[May, 1858.]

Be it enacted and ordained by His Excellency the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Until Places of Transportation are appointed, Penal Servitude may be substituted.

I. Where no Place hath been or shall hereafter be appointed by Her Majesty or Her Governor of Hongkong, whereunto Offenders convicted in this Colony, and being under Sentence or Order of Transportation, may according to Law be sent or transported, every such Offender shall (subject to Section Three) be kept in Penal Servitude within the said Colony for any Period not exceeding a Period of the same duration as the Term or Terms, or unexpired Portion of the Term or Terms, of Transportation under which the said Offender now is or shall hereafter be; and until no such Place as aforesaid is appointed, and so often as no such Place shall be hereafter appointed as aforesaid, any Offender who, but for this Ordinance, might have been sentenced to Transportation shall (subject to Section Three) be liable to be sentenced to be kept in Penal Servitude for a Period or Periods not exceeding a Term or Terms of the same Duration as the Term or Terms of Transportation to which such Offender would, but for this Ordinance, have been liable, and subject to the same Discretion on the part of the Court.

Laws of Transportation to apply to Offenders under Penal Servitude.

II. All Laws and Gaol Regulations relating to the Removal, Transportation, Care, Custody, Management, Employment, and Discipline of Offenders under Sentence or Order of Transportation, and the punishment of such Offenders if at large without lawful cause, whilst the said Sentence or Order is in force, and all other Laws relating to such Offenders, shall apply to Offenders kept in Penal Servitude.

Computation of Time

III. Any of the said Offenders may be removed and transported to any such Place as aforesaid during his Term of Punishment, and the whole of the time (if any) during which he may have been kept in Penal Servitude or Imprisonment during the Term specified in his Sentence or Order shall be computed and allowed unto him in determining the Duration of his Term of Transportation.

Gangs made responsible for escapes.

IV. In case any Offender kept in Penal Servitude shall escape, under Circumstances which, being proved by lawful evidence before the Court of Petty Sessions, shall satisfy the said Court that any other Offender with whom, or Offenders with or amongst whom, the said Offender was at the Time of his said Escape, might, if so disposed, have prevented him from effecting or attempting it, the said Court shall have power to order and adjudge that any Term of Penal Servitude not exceeding Three Years shall be allotted unto every such Offender: in addition to, and by way of increase of, the Periods or Period still unexpired of the Punishment to which such Offender as last aforesaid was liable at the Time of the said Escape.

Certain Convict Prison Laws extended to this Colony.

V. The Laws for the time being in force within England for the Prevention or Punishment of the Offences of Prison Breach, Escape, Rescue, and bringing or carrying in or out of prohibited Articles, when committed, attempted, or allowed by, or with reference to, or in favor of, Prisoners ordered to be detained in Convict Prisons, shall be applicable to the like Offences, when committed or attempted by, or with reference to, or in favor of, Offenders kept in Penal Servitude, whether original or substituted as aforesaid.

Power to His Excellency in Council to make Regulations.

VI. His Excellency The Governor in Executive Council is hereby empowered from time to time to make, alter, repeal, or revive such Regulations (in any manner, not being inconsistent with this Ordinance) for the Diet, Clothing, Maintenance, Employment, Instruction, Discipline, Correction, Removal, and Discharge of Offenders undergoing the said Punishment of Penal Servitude, and for the Duties and Conduct of their Keepers and Overseers, and other the Officers employed in or about the Premises, as to His said Excellency in Council shall in the Premises seem meet; yet so as that every such Regulation, Alteration, Repeal, and Revivor, be forthwith notified in the *Hongkong Government Gazette* for general information.

Power of Imprisonment not affected by this Ordinance.

VII. The Jurisdiction to sentence Offenders to Imprisonment with or without hard Labour, and the Execution of such Sentences, are not affected by this Ordinance.

No. 25.

GOVERNMENT NOTIFICATION.

In consequence of Instructions dated Foreign Office, April 17th 1858, from The Earl of Malmesbury, Her Majesty's Principal Secretary of State for Foreign Affairs, it is hereby announced that Her Majesty's Consuls or Consular Officers in Charge at all the legal Ports in China, are appointed Agents for Emigration.

It will be the Duty of the Consular Authorities to take special care that the humane provisions of the "Chinese Passengers' Act" are rigidly observed, by all Her Britannic Majesty's Subjects, and their neglect adequately punished. Her Majesty's Government is fully alive to the abuses and cruelties which, in too many instances, have been associated with Coolie Emigration, and which have assumed an appalling magnitude; and Her Majesty's Plenipotentiary and Chief Superintendent of Trade is directed to "instruct Her Majesty's Consular Authorities, to use the utmost diligence in concert with the Chinese Authorities, in order that all British subjects who may be found carrying on an unlawful trade in Coolies may be arrested, and punished to the extent of the powers conferred on them by Her Majesty's Order in Council, of the 13th of June, 1853."

By Order,

G. W. CAINE.

Superintendency of Trade, Victoria, Hongkong, 8th June, 1858.