



THE HONGKONG

# Government Gazette.

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## VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONGKONG.

No. 1 OF 1863.

SATURDAY, 17<sup>TH</sup> JANUARY, 1863.

PRESENT:

His Excellency the ACTING GOVERNOR, and all the Members.

The Council met to-day by special Summons.

The Minutes of the Council held on the 29th December last, were read and approved.

Read a first time a Bill, entitled "An Ordinance to amend certain provisions in Ordinance No. 6 of 1862, intituled 'An Ordinance to abolish the Office of Chief Magistrate, and to appoint and define the duties of two Police Magistrates.'"

Read a first time a Bill, entitled "An Ordinance for Vesting all Estates and Property occupied by or for the Naval Service of the United Kingdom of Great Britain and Ireland in this Colony in the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, of the said United Kingdom for the time being."

The Council adjourned to Tuesday, the 27th instant, at noon.

W. T. MERCER,  
*Acting Governor.*

Read and approved, this 27th Day of January, 1863.

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

### GOVERNMENT NOTIFICATION.

The following Bills, read a first time before the Legislative Council, are published for general information.

By Order,

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

Council Chamber, Hongkong, 29th January, 1863.

### HONGKONG.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

No. of 1863.

By His Excellency WILLIAM THOMAS MERCER, Esquire, Acting Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council of Hongkong.

*An Ordinance to amend certain provisions in Ordinance No. 6 of 1862, intituled "An Ordinance to abolish the Office of Chief Magistrate, and to appoint and define the duties of two Police Magistrates."*

Title.

[ , 1863.]

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

Repeal of §4 of Ordinance No. 6 of 1862.

Crimes and Offences triable by Police Magistrates.

Power to commit to Supreme Court.

This Section to be construed as if it had been §4 of No. 6 of 1862.

§5 of Ordinance No. 6 of 1862 repealed.

Punishment.

With or without Solitary Confinement.

Corporal punishment may be added.

This section to be construed as if it had been §5 of No. 6 of 1862.

I. Section 4 of Ordinance No. 6 of 1862 is hereby repealed.

II. Each of the two Police Magistrates shall have power to hear, try and determine in a summary manner any of the Crimes and Offences undermentioned committed within this Colony or its Dependencies or the Harbors thereof, that is to say: all Cases of Assault, Assault and Battery, Burglary, Larceny, knowingly receiving Stolen Property, knowingly uttering or having possession of with intent to utter counterfeit Silver or Copper Coin current in this Colony, where the amount of Property so stolen, received, uttered or passed with intent to utter does not exceed in value the sum of Fifty Dollars; all Cases of extorting Money or Property by threatening to accuse any Person of any indictable Offence or by Threats of injury to his, her, or their Person or Property; all Cases of Breach of Prison, Escape or Rescue, Combinations among Artisans, Workmen or Servants (domestic or otherwise) relating to their employ or work, Riotous Assemblages with intent to injure any Person, House, Place or Furniture; and all attempts or endeavours to commit any of the Crimes or Offences above enumerated: Provided always that should it appear at the hearing that any Case would be properly visited with a heavier punishment than this Ordinance permits, it shall be lawful for the Magistrate to commit the Case for trial at the Supreme Court, and this Section shall be read and construed as if the same had originally been Section 4 of the said Ordinance.

III. Section 5 of the same Ordinance No. 6 of 1862 is hereby repealed.

IV. It shall be competent for a Police Magistrate to award as punishment for any such Crime or Offence imprisonment in any Gaol of this Colony for any period not exceeding Six Calendar Months with or without Hard Labour or any Fine not exceeding Fifty Dollars or both Fine and Imprisonment not exceeding these limits, and it shall be lawful for the Magistrate to direct any portion of such imprisonment not exceeding One Month in the whole to be Solitary, but that such Solitary Imprisonment shall not exceed Fourteen consecutive Days, and further when any Male Offender shall be convicted under the said or this Ordinance of either of the Offences next hereinafter specified a second time or under aggravated circumstances, that is to say: indecent exposure of his Person, indecent Assault, Assault with intent to rob, Assault in a Brothel, Assault at or in connexion with any riotous Assemblage, or for malicious injury to Property, it shall be lawful for the Magistrate to order and direct that in addition to any other Punishment to which such Male Offender shall be sentenced that such Offender shall be Once or Twice publicly or privately whipped. This section shall be read and construed as if the same had originally been Section 5 of the said Ordinance.

## HONGKONG.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

No. of 1863.

By His Excellency WILLIAM THOMAS MERCER, Esquire, Acting Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council of Hongkong.

Title. *An Ordinance to amend Ordinance No. 8 of 1862, intituled "An Ordinance to provide for the management and control of a Post Office for the Colony of Hongkong."*

[ , 1863.]

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

Masters of Vessels to receive and carry Mails.

Penalty.

I. The Master or Person in charge of a Vessel about to leave the Harbour for any port or place other than ports or places on the Canton River or Macao, shall receive all such Mail Bags, Boxes, and Letters as the Postmaster General or other Officer of the Post Office shall bring to or on board such Vessel and shall give a receipt for the same in the form prescribed in Schedule C. hereto annexed, and shall duly deliver the same respectively to the Postmaster or other person having charge of the Mails at the port or place to which such Bags, Boxes, or Letters are directed. In case any such Master or other person shall refuse or wilfully neglect to receive any such Bag, Box, or Letter or in case he shall wilfully neglect to carry or to deliver any such Bag, Box, or Letter, he shall for every such Offence forfeit a Sum not exceeding Dollars recoverable before a Police Magistrate, unless the Postmaster General on a representation made to him of the circumstances of the case shall consent with the sanction of His Excellency the Governor to waive the enforcement of such penalty. This section shall be read and

construed as if the same had originally been added to Section 16 of the said Ordinance No. 8 of 1862, and the said Schedule C. hereto shall be read and construed as if the same had originally been Schedule C. to the same Ordinance.

II. Section 18 of the Ordinance No. 8 of 1862, is hereby repealed.

§18 of No. 8 of 1862 repealed.

III. It shall be lawful for the Postmaster General to register in this Colony Correspondence posted for transmission to any place out of the limits of this Colony in like manner and form as the same were registered by the Postmaster before the Third day of May, 1862, and to demand and receive in respect of every Letter or Book Packet registered in this Colony the Sum of Six Pence, one-half thereof to be by him retained and accounted for to and for the use of this Colony, and the other half thereof to be by him retained and accounted for and paid over to the Imperial Postmaster General and all registered Correspondence and the Registration thereof shall be subject to all such and the same Rules and Regulations as were in force respecting the same on the said Third day of May, 1862, or as shall from time to time be hereafter enacted or provided in respect thereof by any Statute of the Imperial Parliament or by Her Majesty's Postmaster General or by His Excellency the Governor. This Section shall be read and construed as if the same had originally been Section Eighteen of the said last mentioned Ordinance.

Registration of Letters.

This Section to be construed as if it had been §18 of No. 8 of 1862.

IV. In case any Person other than an Officer of the Post Office shall knowingly deliver or cause to be delivered on board of any Vessel announced to sail for any port or place other than ports and places on the Canton River or Macao, any Letter or Letters or Book, Bag or Package containing any Letter or Letters other than such as is or are by Law expressly permitted to be carried otherwise than through the Post, every such Person shall forfeit for every Letter or Parcel carried separately or contained in a larger Box or Package a Sum not exceeding Dollars to be recoverable before a Police Magistrate. In case the Master or Person in charge of a Vessel shall receive on board of any Vessel for the purpose of being carried or shall carry any Letter or Letters or any Bag, Box or Package containing any Letter or Letters other than such as is or are by Law expressly permitted to be so carried otherwise than through the Post, every such Person shall forfeit for every Letter or Parcel carried separately or contained in any Bag, Box or Package a Sum not exceeding Dollars to be recoverable before a Police Magistrate.

Penalty for delivering Letters to Master to be carried except through the Post.

Penalty on Master for carrying Letters not sent through Post.

V. In case any Officer of the Post Office shall suspect that any Letter or Letters not authorized by Law to be carried otherwise than through the Post Office to be on board any Vessel about to leave the said Harbour without having been subjected to postage, it shall be lawful for such Officer to detain such Vessel, and the Master thereof shall, subject to a penalty of Dollars to be recovered before a Police Magistrate, detain such Vessel for a reasonable time, and thereupon the Postmaster General shall be required to attend on board, and if in his opinion there is reasonable suspicion that a Letter or Letters is or are on board other than such as is or are subjected to the Post or as is or are otherwise legally on board, it shall be lawful for the said Postmaster General to search the said Vessel for Letters, and for that purpose he shall have authority to open any Bag, Box or Package on board such Vessel which he may suspect to contain any Letter, and in case he shall find any such Letter as is hereby authorized to be searched for, it shall be lawful for him to open the same and to detain the same until the same shall be claimed by the Person or Persons who shall have sent the same by some writing under his or their hand or hands, claiming the same as belonging to him or them and upon such evidence as to the said Postmaster General shall be satisfactory.

Power to Postmaster General to search for and open Letters sent by Ship or Vessel otherwise than through the Post.

SCHEDULE C.

*Ship Letters between Her Majesty's Colonies, or between Her Majesty's Colonies and Foreign Ports, not passing through the United Kingdom.*

RECEIVED  
Postmaster General of Hongkong,

186 , of Mr.  
Ship Mail addressed  
and the said contain

Letters; which I promise

to deliver in its present state (the dangers of the Seas excepted) as soon as possible after my arrival.

Master of the