

the case may require, to any person or persons who shall be willing to purchase or take the same respectively, and also to do any other act, matter, or thing in relation to any such messuages, lands, tenements, and hereditaments which they or he shall deem beneficial for the Public Service in relation thereto or for the better management thereof which might be done by any person or persons having a like interest in any such messuages, lands, tenements, or hereditaments.

VI. It shall be lawful for the said Commissioners for executing the Office of Lord High Admiral aforesaid for the time being, or the Lord High Admiral aforesaid for the time being, and they are hereby authorized and empowered to bring, prosecute, and maintain any action, suit, or other proceeding at law or in equity, for recovering possession of any messuages, lands, tenements, or hereditaments, by this Ordinance vested in them or him as aforesaid, and to distrain or sue for any arrears of rent which shall have or shall become due for or in respect thereof, under any demise from the said Commissioners or Lord High Admiral, or any person or persons on their or his behalf, or on behalf of Her Majesty, and also to bring, prosecute, or maintain or to defend any other action or suit in respect of, or in relation to, the said messuages, lands, tenements, or hereditaments, or any trespass or encroachment committed thereon, or damage or injury done thereto; and that in every such action or suit the said Commissioners shall be called "The Commissioners for executing the Office of Lord High Admiral of Great Britain and Ireland," without naming them; and no such action or suit shall abate, by the death, resignation, or removal of such Commissioners, or any of them, or of such Lord High Admiral, any law, custom, or usage to the contrary notwithstanding: And the said Commissioners, or Lord High Admiral shall be entitled to recover costs for and on behalf of Her Majesty, where judgment shall be given for the Crown, and shall be liable to pay costs where judgment shall be given against the Crown, in any such action, suit, or other proceeding in like manner, and subject to the same rules and provisions as though such action, suit, or other proceeding had been had between subject and subject:

Power to sue and distrain in respect of such Lands given to Commissioners, and as to costs of suit.

VII. Provided always, that nothing in this Ordinance contained shall empower or be construed, deemed or taken to empower the Lord High Admiral or the Commissioners aforesaid for the time being to sell or dispose of (otherwise than by way of surrender to Her Majesty, Her Heirs, or Successors) any property reserved or granted by His Excellency the Governor for naval or public purposes and held or accepted by the Lord High Admiral or the Commissioners aforesaid for the time being under any Grant, Lease, License or Appropriation made by the Governor on that behalf.

No property reserved by the Governor for Naval purposes to be alienable except by way of surrender.

Passed the Legislative Council of Hongkong, this 26th Day of May, 1863.

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

HONGKONG.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

No. 4 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.

W. T. MERCER.

*An Ordinance to repeal Ordinance No. 1 of 1853 and to provide Gaols and Debtors' Wards, and for the due control of Prisoners therein.*

Title.

[26th May, 1863.]

Whereas the present Gaol is insufficient for the Prisoners now incarcerated therein and it is advisable to repeal the Ordinance No. 1 of 1853 and to provide further Prison accommodation and for due management and control of Prisoners: Be it therefore enacted by His Excellency the Acting Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Preamble.

I. The Ordinance No. 1 of 1853 intituled "An Ordinance for the Regulation of the Gaol of Hongkong" is hereby repealed.

Ordinance No. 1 of 1853 repealed.

Governor authorized to set apart Parts of present Gaol for "The Victoria Gaol" and other Parts for Debtors' Ward.

II. So much and such Parts of the present Gaol in Victoria as His Excellency the Governor shall from time to time by order in writing direct for the purpose shall be set apart and be used for a Gaol and shall be called the "Victoria Gaol," and so much and such parts of the said present Gaol as His Excellency the Governor shall from time to time by order in writing direct for the purpose shall be set apart and used for a Debtors' Ward or Prison and shall be called the Debtors' Ward in the Victoria Gaol.

Governor authorized to set apart all or part of Stone Cutters' Island for a Gaol and Hulk to be treated as part of such Gaol.

III. It shall be lawful for His Excellency the Governor by order in writing under his hand to appropriate and set apart the whole or so much and such parts of Stone Cutters' Island in the Harbour of Victoria as His Excellency shall from time to time direct for a Gaol, which shall be called the "New Gaol," and until the said "New Gaol" shall be finished and for such further time as His Excellency the Governor shall think fit a certain Hulk now in course of being fitted for the purpose of receiving Prisoners to be employed on the said Island shall be treated as forming part of the said lastmentioned Gaol.

Governor authorized to set apart any other sites for Gaol and Debtors' Ward.

IV. It shall be lawful for His Excellency the Governor by order in writing under his hand from time to time hereafter to appropriate and set apart any other site or sites within the said Colony as and for a Gaol or Gaols and a Debtors' Ward or Debtors' Wards which sites respectively shall be called by such names respectively as shall in any such order be specified.

Governor authorized to determine the use of the said Gaol and Debtors' Wards.

V. It shall be lawful for His Excellency the Governor from time to time by order in writing to determine the use of the said Gaol and Debtors' Ward and of such other Gaols and Debtors' Wards as shall have been formed as aforesaid or of any or either of them for the purposes of a Gaol and Debtors' Ward respectively and to dedicate the same sites respectively for any other purposes.

Penalty on Persons other than those duly authorized for landing on or approaching Stone Cutters' Island.

VI. From and after the passing of this Ordinance no Person shall land upon the said Island called Stone Cutters' Island except a Justice of Peace, an Officer of Police or such Persons as shall be duly authorized by an order signed by the Colonial Secretary; and no Vessel shall without sufficient reason approach to within the distance of One hundred yards from the said Island except Police Boats, Commissariat Boats, Boats belonging to Her Majesty's Ships of War, or Boats carrying Justices of the Peace or persons employed in the service of this Government, or persons duly authorized as above; and any Person who, contrary to this Ordinance, shall land on the said Island or shall being in any Vessel wilfully approach within the said distance from the said Island shall incur a penalty of not exceeding Five hundred Dollars.

How Superintendents and Staff for each Gaol to be appointed.

VII. Each Gaol shall be under the care and control of an Officer to be styled the Superintendent of such Gaol, who shall be assisted by a Staff to be appointed from time to time by His Excellency the Governor, and such portion of any Gaol as shall be set apart for the confinement of Debtors shall be further subject to the supervision and authority of the Sheriff of the Colony; and it shall be lawful for the Governor to appoint a Superintendent General of Prisons, if he shall think fit.

Rules, &c., to be made.

VIII. All Persons within the said Gaols and Debtors' Wards respectively already constituted or hereafter to be constituted shall be subject to such general and special Rules and Regulations and to such penalties and punishments respectively as are hereinafter authorized or as shall be laid down and imposed by Rules and Regulations to be passed and authorized in manner hereinafter provided.

Gaol Rules now in use to continue until altered as after provided for.

IX. The Rules now in use for the Regulation of the Gaol of Victoria shall continue in force for the Government of all Gaols and Debtors' Wards in this Colony until the same shall be modified as hereinafter provided, and a copy of the said Rules shall be continually displayed within the said Gaols and Debtors' Wards respectively in some conspicuous place where they may be with facility seen and read by the Inmates of the said Gaols and Debtors' Wards, and a Copy shall also be appended to the Justices' Visiting Book in every Gaol.

Alteration of Rules provided.

X. Such Regulations shall be from time to time revised or added to as may be found necessary, and for this purpose it shall be competent for His Excellency the Governor in Executive Council to make such revisions or additions, or for any number of Justices of the Peace, not less than three, of whom a Police Magistrate shall be one to meet, and frame such revisions or additions as may be considered expedient; provided that such amended Regulations shall not have effect until they shall have been approved by His Excellency the Governor, and it shall be the duty of the Police Magistrate to forward such amended Regulations to the Colonial Secretary. Provided

Limitation of Penalties in Rules, &c.

also that no greater penalties shall be imposed for any breach of any Prison Rule than to the extent hereby provided.

XI. It shall be lawful for the Superintendent of any Gaol to punish by Imprisonment in a Solitary Cell for not exceeding Three Days on Bread and Water or Rice and Water, or, if the Prisoner be under conviction of Felony, to punish by moderate corporal punishment not exceeding Twelve Strokes of a Rattan, any Prisoner whom he may find after due investigation to have been guilty of any of the following offences or of any breach of Prison Regulation or Discipline:

Assault and Battery.

Profane Cursing or Swearing or using indecent, violent or insulting Language.

Indecent, irreverent, or disorderly behaviour.

Idleness or Negligence in Work or wilful Damage to or mismanagement of it.

Wilful damage to any Cell, Ward or Room, or to any Gaol Furniture or Property

whatsoever.

XII. If a Prisoner be guilty of any of the above Offences or of a breach of Gaol Regulations or Discipline for the due punishment of which the Superintendent of any Gaol may deem the powers vested in him insufficient, it shall be lawful for such Superintendent in conjunction with any Justice of the Peace for the said Colony after inquiry to punish such Prisoner by close or Solitary Confinement on Bread and Water or Rice and Water for not exceeding Fourteen Days, or, if the Prisoner be under conviction for Felony or have within Three Months next previous been guilty of a similar Offence, by personal correction not exceeding Thirty-six Strokes.

XIII. No corporal punishment shall be inflicted without the written Certificate of the Medical Officer that the Prisoner can receive the punishment without injury to his health; and no such punishment shall be inflicted until after the expiration of Twelve Hours after the Prisoner shall have been sentenced thereto under the two Sections next preceding, and no Corporal Punishment shall be inflicted on any Prisoner confined for debt or on first class misdemeanants.

XIV. If any Person shall introduce into any Prison or wilfully convey in any manner to or within the reach of any Prisoner, whether within or without the Gaol Walls, any intoxicating Drink, Tobacco, Opium, Letter or other articles not allowed by the Rules of such Prison, he shall pay a penalty not exceeding Twenty-five Dollars, and such articles shall be confiscated.

XV. When any Magistrate or Court shall sentence a Prisoner to hard labour, the same shall mean hard labour (in chains if necessary) within or without the Prison Walls in such mode as the Superintendent of such Gaol shall with the sanction of His Excellency the Governor appoint, and if a Prisoner be sentenced to hard labour within the Prison, the same shall mean similar labour imposed in a similar manner within or without the Prison Walls, and if a Prisoner be sentenced to Imprisonment, the same shall mean Imprisonment with labour of such light description within the Prison Walls as may be appointed by the Superintendent under the sanction of His Excellency the Governor; but Prisoners charged with Crime or Offence confined for want of Sureties or to take their trial shall not be under any obligation to labour beyond such labour as may be reasonably proper for the purpose of preparing their own food and keeping their Persons and Dress in a proper state, and keeping their Cells clean. If any Prisoners for Debt or on Civil process or under committal for trial shall request to be employed in labour, the Superintendent of the Gaol may respectively employ them in such Work as may seem to him suitable.

XVI. All penalties imposed hereby or by any Rules and Regulations to be in force under this Ordinance shall be sued for and recovered under Ordinance No. 10 of 1844.

Passed the Legislative Council of Hongkong, this 26th Day of May, 1863.

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