

THE

Hongkong



Government

GAZETTE.

NEW SERIES.

VICTORIA, SATURDAY, 9TH AUGUST, 1856.

VOL. II. No. 58.

GOVERNMENT NOTIFICATION.

The Contract for publishing this *Gazette*, entered into on the 24th September, 1853, was terminated on the 30th ultimo; and notice is hereby given, that a NEW SERIES of this *Gazette* will be published hereafter, to commence from the 7th instant, under a New Contract, and that

“THE HONGKONG GOVERNMENT GAZETTE”

will, as before, be the only Official Organ for PROCLAMATIONS, NOTIFICATIONS, and PUBLIC PAPERS, of this Government.

By Order,

W. T. MERCER, Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 2d July, 1855.

GOVERNMENT NOTIFICATION.

The following Draft Ordinance, read a first time at a Meeting of the Legislative Council on the 31st Ultimo, is published for general information.

By order of His Excellency The Governor in Council,

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

Council Room, Victoria, Hongkong, 7th August, 1856.

HONGKONG.

ANNO VIGESIMO VICTORIÆ REGINÆ.

No. of 1856.

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 amending the Law of Evidence and Trial by Jury.

[July, 1856.]

Be it enacted and ordained by His Excellency the Governor of Hongkong, with the Advice of the Legislative Council thereof, in manner following, that is to say:—

I. The Act of Parliament passed in the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Forty-two, relating to Oaths administered and Notarial Acts done by Diplomatic and Consular Agents, shall, from and after the passing hereof, come into force within this Colony for all purposes whatsoever. Extends 18 & 19-
Vict., c. 42, to this
Colony.

II. Whenever it shall appear to the satisfaction of the Supreme Court, or of the Court of Petty Sessions, that the Person conducting a Criminal Prosecution on behalf of the Crown is merely, by reason of the illness or absence from the Colony of a Person whose Deposition shall have been duly taken in the matter, before or on the Committal of the Prisoner to take his Trial upon such Prosecution, unable to produce the said Person as a Witness upon the said Trial, then and in such case the said Deposition may be read at the said Trial as Evidence against the said Prisoner, if the said Court shall think fit. Depositions may be
read at Trial when
the Witness is too ill
to be produced.

III. A Heathen Witness, in any Court or before any Person empowered to administer an Oath, shall not be sworn either before or upon giving his testimony, unless such Witness shall of his own accord express his desire to be sworn, and unless the said Court or Person shall accede to such his desire, in which case the said Witness shall be sworn according to his conscience. But every such unsworn Witness shall, before the taking of his said Evidence, be by, or by the order of, the said Court or Person duly warned to speak the Truth, and informed of the Penalties to which, in case he shall not speak the Truth, he will become liable; it being hereby declared and enacted, that the Penalties of Perjury shall be deemed and taken to apply to False Testimony given by any such unsworn Witness in any case where, if he had given the same upon Oath, he would by Law have thereby become liable to the same. Heathen Witnesses
not to be sworn but by
their express desire.

IV. Where two or more conflicting or contradictory Statements of Fact, or alleged Fact, have been made by one and the same Witness before any Court or Person empowered as aforesaid, either at the same Examination or at two or more Examinations, an Indictment or Information may be presented or exhibited against him, charging him with having, on the Day or Days of his said Examination or Examinations, wilfully and knowingly made the said conflicting or contradictory Statements, and setting forth the short material purport or effect thereof respectively; and if such Witness shall be thereof convicted in whole or in part, he shall suffer the Penalties of Perjury. Contradictory State-
ments by the same
Witness may be pun-
ished as Perjury.

Or (if before the Supreme Court or Petty Sessions) Summary. V. If the Court before which the Statements in Section Four mentioned, or the last of them, shall have been so made shall happen to be the Supreme Court, or the Court of Petty Sessions, such Court may, if it shall think fit, treat the same as a Contempt of Court under Section Twenty-eight of Ordinance No. Six of 1845, and forthwith proceed summarily to punish the same in manner therein mentioned, which Punishment shall be in lieu of all other Penalties hereby provided.

Not necessary in such cases to ascertain the truth of such statements. VI. In Proceedings under Sections Four and Five of this Ordinance, it shall not be necessary to enquire, state, or prove the respective Truth or Falsehood of any such Statements.

Materiality of False Testimony not essential to constitute the Offence of Perjury. VII. The Materiality of any False Testimony to the issue or matter in question shall not be deemed essential in determining the character of the Offence thereby committed; and every Person guilty of False Testimony shall, without regard to the Materiality or Immateriality thereof to any such issue or matter, suffer the Penalties of Perjury, if the Jury at his Trial shall think fit to convict him of his said Offence.

Shortening the form of Indictments and Informations for Perjury, &c. VIII. Matters of Inducement, and Averments, whether Affirmative or Negative, shall no longer be introduced into Indictments or Informations for Perjury, False Witness, or False Declaration; and it shall be sufficient to charge therein, according to the facts, that the Defendant, on the day or days, falsely, knowingly and wilfully stated before the Court or Person empowered as aforesaid, the matters alleged to be false, setting forth the same shortly, and according to the substantial effect thereof.

IX. Section Five of Ordinance No. Four of 1851 is hereby amended, by substituting the word 'February' for the word 'January';—Sections Six and Seven of the same Ordinance are hereby revived and confirmed;—And Ordinances No. One of 1851 and No. Four of 1854 are hereby repealed.

X. The word 'Witness' in this Ordinance shall extend to every person whose Answer, Deposition, Affidavit or other Declaration upon Oath, either *civd voce*, in writing, or upon record, may be taken or might have been taken but for this Ordinance.

No. 84.

GOVERNMENT NOTIFICATION.

Tenders will be received at this Office for the conveyance of *Twenty-four* Chinese Convicts to Singapore. This number may be increased during the ensuing week.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 1st August, 1856.

No. 80.

GOVERNMENT NOTIFICATION.

Notice is hereby given, that the term for which License has been granted for the Privilege of Salt-weighing throughout the Island will expire on the 31st proximo; and that Tenders for the same privilege, for the period of One Year from the 1st September next, will be received at this Office up to Noon, on Friday the 15th proximo.

The Amount of the accepted Tender is to be paid into the Colonial Treasury in Quarterly Payments, and in advance.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 22d July, 1856.

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憲

咸豐六年七月廿二日示

照得本港承攬秤鹽斤頭人於本年八月三十日核計一年期滿照例應行招諭新人承充爲此示諭闔港人等知悉凡有願充作造監斤頭者具稟聲明每年繳納餉銀若干於華英八月十五日前赴本署將稟投遞候彙齊察核以輸稅銀最多者准充其鹽稅銀按四季准于每季首月初一日照數詣公庫呈納各宜恪遵毋任遲疑觀望自悞特示

No. 81.

GOVERNMENT NOTIFICATION.

Notice is hereby given, that the term for which License has been granted for the Privilege of Quarrying Stone throughout the Island will expire on the 31st proximo.

For the Year commencing 1st September next, this License will be divided; and for this purpose the Island will comprise two Districts,—the one Eastward of the Sookunpoo Bridge in a line South towards Middle Island, and the other the places Westward of such line.