

THE



Hongkong's Government
GAZETTE.

NEW SERIES.

VICTORIA, SATURDAY, 16TH AUGUST, 1856.

VOL. II. No. 59.

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 subjoined Draft Ordinance, as amended by the Legislative Council on the 11th Instant, is hereby published for general information.

By Order,

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

Council Room, Victoria, Hongkong, 13th 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.

[August, 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. So much of 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, as is not now in force within this Colony, shall, from and after the passing hereof, come into force within the same. Extends 18 & 19
Vict., c. 42, to this
Colony.

II. All Instruments whatsoever filed or recorded in any Foreign Court of Justice or Consulate shall be admissible in evidence within this Colony, upon being proved in like manner as Documents filed or recorded in any Foreign Court are now proveable; and all Documents whatsoever filed or recorded in any Foreign Court or Consulate under this or any other Ordinance shall, when so proved and admitted, be holden as authentic and effectual for all purposes as the same would be holden in such Court or Consulate. Foreign Instruments.

III. 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, or the impracticability of serving process on, 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 absent or
too ill to be produced.

IV. 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 the said Court or Person shall think fit so to direct; in which case the said Witness shall be sworn according to his Conscience. But every Heathen 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 Witness, whether sworn or unsworn, 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
order of the Court.

Contradictory Statements by the same Witness may be punished as Perjury.

V. 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, and whether before the same Court or Person, or before any other Court or Person, 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.

Or (if before the Supreme Court or Petty Sessions) summarily, unless they shall direct a Prosecution.

VI. If the Court before which the Statements in Section Five 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, either direct a Prosecution of the same for Perjury, and commit the Offender unless he shall give bail for trial at the next Sessions of the Court so committing, or treat the same as a Contempt of Court, and forthwith proceed summarily to punish the same, either by Fine not exceeding for every such Offence Two Hundred Dollars, or by Imprisonment with or without hard labour for a term not exceeding for every such Offence Six Calendar Months, which Punishment shall be in lieu of all other Penalties hereby provided.

Not necessary in such cases to ascertain the truth of such statements.

VII. In Proceedings under Sections Five and Six 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.

VIII. 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.

IX. 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.

Ordinances No. 4 of 1851, (§§ 5, 6, & 7,) and No. 14 of 1856, § 2, amended and confirmed; and Ordinances No. 1 of 1851, and No. 4 of 1854 repealed.

X. 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;—Section Two of Ordinance No. Fourteen of 1856, is hereby amended by inserting the word 'First' before the word 'Schedule';—And Ordinances No. One of 1851 and No. Four of 1854 are hereby repealed.

'Witness' defined.

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

No. 85.

GOVERNMENT NOTIFICATION.

Notice is hereby given, that the Privilege for Quarrying Stone throughout the Island, on the usual Conditions, for the period of One Year from the 1st September next, will be submitted to Public Competition, at the Office of the Chief Magistrate of Police, at 1 P.M., on Monday, the 25th Instant.

The Upset Price, calculated from the Tenders already received, will be intimated at the time of Sale. Payments in Dollars, to be made into the Colonial Treasury, Quarterly in advance.

By Order,

L. D'ALMADA E CASTRO,
for the Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 15th August, 1856.

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憲

照得本港承攬開採石山頭人于本年英九月初一日起如舊核計一年為期例應行招諭新人承充於本年英八月廿五日下午二點鐘在巡理廳衙門將此石稅出投前出示諭分東西兩段各段出投現今歸埋一段照舊歲章程由稟內察核至低之價者投時聲明納稅銀按四季准予每季首月初一日照數詣公庫呈納為此合行出示曉諭闔港人等知悉各宜恪遵毋任遲疑觀望自悞特示

咸豐一千八百五十六年八月十五日示

No. 86.

GOVERNMENT NOTIFICATION.

Notice is hereby given, that the Privilege of Salt-weighing throughout the Island, for the period of One Year from the 1st September next, will be submitted to Public Competition, at the Office of the Chief Magistrate of Police, between the hours 1 and 2 P.M., on Monday, the 25th Instant.