

THE

Hongkong Government

GAZETTE.

NEW SERIES.

VICTORIA, SATURDAY, 23^d AUGUST, 1856.

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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.

HONGKONG.

ANNO VIGESIMO VICTORIÆ REGINÆ.

No. 15 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.

[22d 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, legally and properly filed or recorded in any Foreign Court of Justice or Consulate according to the Law and Practice of such Court or Consulate, and all Copies of such Instruments, shall be admissible in evidence within this Colony, upon being proved in like manner as Documents filed or recorded in any Foreign Court are proveable under this or any other Ordinance; and all Documents whatsoever so filed or recorded in any Foreign Court or Consulate, and all Copies of such Documents, shall, when so proved and admitted, be holden as authentic and effectual for all purposes of evidence 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.

V. Where two or more conflicting or contradictory Statements of Fact, or alleged Fact, have been wilfully and knowingly 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. Contradictory Statements by the same Witness may be punished as Perjury.

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

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

Materiality of False Testimony not essential to constitute the Offence of Perjury.

Shortening the form of Indictments and Informations for Perjury, &c.

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.

'Witness' defined.

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.

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 Falschood of any such Statements.

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.

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 insufficient 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.

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.

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.

JOHN BOWRING.

Passed the Legislative Council of Hongkong, this 22d Day of August, 1856.

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

No. 87.

GOVERNMENT NOTIFICATION.

In consequence of Regulations issued by the French Authorities, it is necessary that Persons intending to return to Europe *via* France, should be provided with Passports granted at the Port of Embarkation.

Passports will in consequence be issued to Her Majesty's Subjects by His Excellency The Governor at the Office of the Colonial Secretary. The Official Fee of Five Dollars, under Ordinance No. 5 of 1845, will be payable on the issue of each Passport.

Where the party applying for a Passport is unknown at the Government Offices, the Signature of Two Household-holders in the Colony will be necessary for his identification.

By Order,

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

Colonial Secretary's Office, Victoria, Hongkong, 21st August, 1856.

GOVERNMENT NOTIFICATION.

Diplomatic Department.

His Excellency The Chief Superintendent of British Trade in China has great satisfaction in publishing, for the information of all concerned, Translation of a Royal Decree of H.M.C. Majesty dated 29th April, emancipating from all restrictions the Exportation of Rice and Paddy from the Ports of the Philippine Islands designated in the said Decree.

By Order,

W. WOODGATE.

Superintendency of Trade, Victoria, Hongkong, 18th August, 1856.

EXTRACT FROM THE OFFICIAL BULLETIN OF THE PHILIPPINES OF 15th JULY, 1856.

OFFICIAL SECTION.—*Supreme Government of the Philippines.* From the Principal Department of State charged with the Affairs beyond the Seas, I have received, dated the 29th April last, the following Royal Order: Most Excellent Sr.—The Queen, whom God preserve! having been advised by Your communication No. 195, dated 7th September ultimo, as by the instructive information which accompanied it, and having Her attention constantly directed to the development of Agricultural Production, which has no other basis than consumption, and no more powerful channel than the freedom of mercantile transactions, has recognized that Your Ordinance of 29th August last is a decided improvement upon the measures formerly taken in times of scarcity,—and that for the future the error must cautiously be avoided of seeking to lower prices by the prohibition of exportation and other Official measures—since it is only by the liberty of exchange that the current prices of different markets can be levelled according to the laws which regulate supply and demand; and as Her Majesty (whom God preserve!) is of opinion that nothing is more likely to encourage agriculture in the Philippines than the demand for the markets of China, and that this demand will augment trade between the two countries, unless checked by partial interests,—has been pleased to decree as follows: 1st, The Trade in Rice and Paddy between the Ports and Provinces of the Philippine Islands shall in future be carried on in entire liberty, and without being subject to other rules and formalities than those established by the Superintendency for the embarkation or transfer of other articles of free traffic. 2d, The exportation of Rice and Paddy for foreign countries shall have effect from the following Ports,—Manila, in the Province of Tondo; Sual, in that of Pangasinan; Currimao, in that of North Ilocos; Salomaque, in that of South Ilocos; San Miguel, in that of Camarines,—and for those of Zamboanga, Iloilo, Casios, and Antique, in the provinces of the same name,—as in all others where a Custom House is established for foreign trade. 3d, For the export of Rice and Paddy, no special license is required from the government, nor other formalities than those adopted as a general rule for articles of free traffic.

By Royal order I communicate this to You, to give proper execution and effect to the same. And having advised the execution, I send it to You to give it the necessary publicity in the province You command.

God preserve you many years,
Manila, 15th July, 1856, P.A.D.E.G.G.

THE GENERAL 2d CABO MONTERO.

Copy, MARTINEZ.

True Copy,

W. WOODGATE.