

GOVERNMENT NOTIFICATION.

The following Ordinance, which was read a first time at a Meeting of the Legislative Council held this day published for general information.

By Order,

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

Council Room, Victoria, Hongkong, 21st April, 1859.

HONGKONG.

ANNO VIGESIMO SECUNDO VICTORIÆ REGINÆ.

No. of 1859.

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 to amend Ordinances No. 3 and No. 12 of 1858.

[April, 1859.]

Preamble.

Whereas it is desirable to amend Ordinances No. 3 of 1858, and No. 12 of 1858 respectively: Be it enacted and ordained by His Excellency the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

- Qualification for Practitioners in Law. I. Nothing in Ordinance No. 12 of 1858 shall operate to extend the List of Persons authorized by Ordinance No. 6 of 1845 to be admitted to practice in the Supreme Court of Hongkong, in any capacity.
- Period of Court Vacation changed. II. Section 3 of Ordinance No. 3 of 1858 is hereby amended, by substituting for the word "August" the word "September," and for the word "October" the word "November."

No. 40.

GOVERNMENT NOTIFICATION.

The following Letter, covering Mr May's Memoranda, (referred to in the Caldwell Enquiry Commission,) and explaining their temporary disappearance, is, with the Memoranda themselves, published, under direction of His Excellency The Governor, for general information.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 19th April, 1859.

HONGKONG, 12th March, 1859.

SIR,—I have the honour to enclose to you some Memoranda drawn up, as I was informed when they were given into my charge, by Mr May, Superintendent of Police in this Colony, upon the contents of certain Papers seized at the time that the convict Ma Tsoo-wong was taken into custody.

I shall with your permission explain, at length, how it has happened that the Memoranda in question have not been earlier produced. I must premise that, throughout, my statements are made to the best of my belief in their correctness, and that I cannot undertake to answer positively for every detail. It was, I think, in the autumn of 1857, on my return from Calcutta, whither I had accompanied Lord Elgin, that I was requested by His Excellency Sir John Bowring, the Governor of this Colony, to examine a large collection of Chinese books and papers on which a Memorandum had been prepared by Mr May. They had already been examined by Mr Mongan, then a Student Interpreter, and in charge of the Chinese Secretary's Office during my absence with the S. A. Mission, and had not been found by that gentleman to contain certain important papers noted in Mr May's Memoranda, and gravely reflecting on the character of Mr Caldwell.

It will be in your recollection that, although not in the service of the Colony, I have never made any difficulty about undertaking the work of translation or interpretation in its behalf, when called upon, and I had but one ground of hesitation in this instance. The bulk of these papers, which filled four or five large baskets, was such that I felt the task would be a most laborious one, and uncertain as I was about the movements of the Mission, and occupied as my time had already been and promised to be, I felt doubts about accomplishing it, were I to commence it.

Sir John Bowring and Dr Bridges, then Acting Colonial Secretary, both asked me more than once about the progress of my investigations, and my reply was, in every case, that the moment I could find the time I would go through the papers, but that the operation was one which it would not do to leave half finished, while, from the peculiar circumstances of the case, I could neither invite assistance in it, nor delegate to others any portion of the necessary enquiry.

I may add that it was my conviction, and I believe I expressed it, that nothing would result of advantage to the point to be established, from my examination of these papers. Mr Mongan, though many years my junior as a student of Chinese, was perfectly equal to the duty entrusted to him. He knew a great deal too much Chinese to have passed by such papers as the missing documents without notice; and I was, and am, perfectly satisfied that the papers either had not been in the collection when it was looked over by Mr May and his interpreter, or, if they were then in the collection, had been withdrawn from it before it was placed in Mr Mongan's hands. I beg to be understood to express no opinion as to whether the charge made was falsely made, or the papers in support of the charge made fraudulently abstracted. It is enough to say that I felt sure I should find nothing that Mr Mongan had not found.

However, for security's sake, I kept the baskets sealed and corded in my bed-room, and the Memoranda in the lid of my despatch box, and seeing at length, on the eve of my departure, that I should not have leisure to examine them, I had the baskets carried to the Chinese Secretary's Office, there to abide the orders of the Governor. The place of the Memoranda, (which must have been all the while in my despatch box,) I had forgotten, and was obliged to inform the Acting Colonial Secretary at the last moment that I had mislaid them. I must since have had them in my hands more than once, but did not notice them, to the best of my recollection, until some time in November or December last, when up the Yang-tsz-kiang.

On my return to Shanghai, last January, I happened to observe my name in a report of one of the cases connected with these papers tried before the Supreme Court, and found reference made to the missing Memoranda. I at once communicated to you in a private note the fact that the Memoranda were in my possession, and should have earlier forwarded to you the letter of explanation, which, as I then stated, I had drafted to cover the Memoranda now enclosed. Circumstances prevented its transmission as early as I had intended, and in the mean time I have received a note from Dr Bridges, enclosing, in printed form, certain portions of statements made by Mr Anstey and himself before the Court of Enquiry which sat last summer, and requesting me to declare whether his or Mr Anstey's version of a particular incident is the correct one.

I trust that I am guilty of no impropriety in availing myself of this opportunity to attempt an adjustment of the discrepancy to which Dr Bridges has drawn my attention.

Dr Bridges states—"On the 15th February, I recollect it as being the day the French Captain was buried, I was with Mr Wade three or four hours. We had some talk about the Ma-chow Wong case, and I distinctly understood from him that he had made no investigation of the books, and had no intention of doing so."

And again,—“Mr Wade never made any report to me as Acting Colonial Secretary, of the contents of the books and papers, and after he Executive Council had determined not to pardon Ma-chow Wong, did not intend to make any.”