

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.”

Anstey states,—“I heard His Excellency state on the 16th ultimo, as recorded in my letter of the 13th, that the reason why Ma-tsoo was not pardoned was that his accounts and papers were ascertained to contain such evidence of the man's systematic guilt as to make pardon impossible. Mr Caldwell having denied that they contained any evidence of guilt, it follows that Mr May's two Memoranda and Mr Wade's certificate were the materials which His Excellency had before him, and on which he formed his judgment. I know the Memoranda were in existence within a week before Mr Wade proceeded with Lord Elgin to the North. Mr Wade and I had a long conversation about them and their contents about that time, and he told me there was no doubt that the accounts and papers, which I had seen, were the evidence of the convict's guilt. He further stated,—“By-the-by, I have finished my certificate upon the whole of those papers, and I have either that he had sent them in or that he would send them in without delay.”

I am quite certain that I did not make any report upon the papers examined by Mr Mongan. I have shewn above why I did not, but I have not examined the papers until the last moment in the hope of having an interval of leisure which never came, and my abandonment ultimately of the matter to examine them was, I must think, due to this circumstance, and not, as Dr Bridges believes me to have stated, to the determination of the Council to let the law take its course with Ma-tsoo Wong. This is, however, a minor point of interest chiefly to myself; and I am perfectly correct in his main fact, viz., that no report was made and the intention of making one relinquished.

I cannot demonstrate that Mr Anstey was equally correct in stating that the Memoranda, now enclosed, were in existence when I was in the North with Lord Elgin. But in what follows, respecting a long conversation upon their contents, in which I am believed to have examined the accounts and papers contained beyond doubt evidence of the convict's guilt, I am obliged to assume that any such remarks on my part refer not to the papers of which Mr May's Memoranda are a sort of index, but to another collection concerning what is known as the *Beaver Case*. I perfectly well remember, just before General Ashburnham's departure in 1857, as I was in the act of preparing a report to the Governor upon some papers on which my opinion had been asked by His Excellency, that he sent for me while the Executive Council was sitting, and that I read to the Council my unfinished letter, and made some statements on which, if I mistake not, the Council concluded that there was no ground for extending to Ma-tsoo Wong the indulgence which it had been in contemplation to show him. My opinion is that these were the papers of the *Beaver Case*, and although the matter of them and their particular bearing on the case of Ma-tsoo have entirely passed from my recollection, I make little doubt that it was on these that I told Mr Anstey in some conversation that I had “finished my certificate,” or, more probably my report. This supposes of course a confusion of dates on the part of Mr Anstey, but with every confidence in Mr Anstey's powers of memory, and fully admitting the defectiveness with which I am in this respect compelled to charge my own, I must be allowed to assume his anachronism to be a greater possibility than that I should have told Mr Anstey that my report was ready on papers which I certainly never looked into.

In conclusion, I beg to express my regret that through my instrumentality documents of so important a character should have been so long withheld from the department to which they belong.—I have the honour to be, Sir, your most obedient servant,

THOMAS WADE,
Chinese Secretary to H. B. M. Plenipotentiary in China.

Honourable W. T. MERCER, Esq.,
Colonial Secretary.

- Expense book of a Lorcha Kum-hap-hone, are entries of receipts of monies, nearly \$1 per day, from certain gaming-houses at the end of 1856. From 3 lottery-offices pay daily 1480 cash per day.
- Book of payments from the Chum-shing-tong gambling, to the Sunon people of 200 cash per day, bearing the seal and that inscription, leaves torn out.
- Book from the Kum-shing-tong gambling-house, do. do., leaves torn out.
- Book bearing no seal or name, but payment of 100 cash per day to the Sunon people, on account of gambling; many entries.
- Book of loans, beginning of 1854, of small amounts lent to different people on security of different articles, at heavy interest, 7 to 14 per cent.
- Book of a few pages only, 10, 11 and 12-month accounts, year not mentioned, of ancient cash paid on account of provision; very large sum, 130,000 cash at one time.
- Book, Chay-yuen's account 1855. March, paid to Mr Stace \$50; the same month again \$50; gunpowder \$15; April, paid to Mr Stace \$50.
- Part of a paper, relative to a junk obtained from the Mandarin at Toong-chow, showing payments of amount to different Mandarins as follows, 45 taels to one, 17 taels to another, seeming to be expense of getting her back. Total, 370 taels. Part of the paper torn off.
- Expense paid in 10 shares.
- Paper of money received, in which the peculiar term Ancient Cash is mentioned. 583,000 one entry.
- Paper of payment to a lawyer of \$25 by Fook Yow.
- Memorandum of a small piece of paper bearing address to the Kwong-yik-loong, bearing the seal of the Yue-tai-shop, 4th July 1855.
- Deliver to the bearer of 16 taels, the gunpowder.
- Deliver from the Yet-sing shop to Kee Kee of one dozen Cherry brandy, half-dozen sherry, half-dozen lemon syrup.
- Letter written to Kum-kee by one named Awye, relative to the slave trade at Singapore and Penang, and having sold so many men.
- Paper addressed to Kum-kee, the seal not clearly discernible, on the subject of the steamer; when she arrives the thing in money will be paid.
- Agreement of a Lorcha chartered from Kum-kee, in which the latter holds three-tenths of the profits.
- Payment of \$25 by Afoo to lawyer—no date.
- Paper of different names of crews exchanging to three boats.
- Letter of money lent, \$22 and 8 tael, to a celebrated late pirate named Chu-Ahquai, now an officer of Chun-quih-tsik; this man was the first seized with extortion, who Mah-tsoo-wong aided to escape, for which Mah-chow-wong was apprehended.
- Man of the Sun-yook shop at Shek-tong-tsui of having sold to Kee-kee 64 cattie of gunpowder 33 taels 4.4 cand., 9 moon, also entry on the same paper of having received 30 cattie of sulphur from Kee-kee.
- Account of \$400 purporting to have been borrowed from Mr Stace by Wong Acheong for which Mr Stace is security, September 1856.
- Memo from the Luen-long-shop for Alum, sold on account of person addressed, 440 taels, 2d day, 12 moon no year. After paying 72 taels hire, and another sum of 72 taels, leaving a net balance 296 dividing between the two in equal shares.
- Man of money received, apparently for the Sunon people, from September to January, 109,000 cash; also showing payments to different small accounts, and one man in particular, a noted triad, Mak-tye.
- Paper purchase money for buying military rank—a memo.
- Memo from the Tai-loong shop to Kum-kee, dated 2 moon 30 day, no year, of different amounts received; and capital money of \$589 received from the latter.
- Paper from the owner of an Opium shop, soliciting Kum-kee's interference in the behalf of two men charged with robbing Mr Gibb of his money.
- Entries in a rough memorandum book, 11 day 4 month, 1855. 1 pickul of rice to Mr Caldwell.
- Day sold to a man nicknamed Lei-foo-mook 2 cannon.
- Day, 5 moon, 400 cash—watching a mandarin boat.
- Day, 2 guns lent.
- Day, 4 mo., paid on account of Wong-kow-man of a Tor Boat \$130 to Mr Caldwell.
- Day, lent to Wong-kow-man \$100, this boat divided into four shares, of which Wong-akee owns one, (this is written in the book.)
- Expenses paid on account of gunpowder, shot, and European liquors.
- Received from Atchow \$10 steamer money.
- Day, 1 steamer, \$17.
- Day, 1st month, received from Mr Caldwell \$17.
- Day, do. received by the hands of Mr Caldwell, \$120.
- Expense book of 1851, 1852.
- Mr Caldwell, acc. money received from or for 11 different amounts; total 616 taels, 4 mace, 6½ can.; only sums of money written.
- Day by Low Atuk to Mr Caldwell, \$160.
- Day, 5th month, received by Akee this \$160.
- Expense account book 1855.
- Day, 4 mo., bargained by Ewo, 3 guns; received \$100 bargain money.
- Day, received from Mun-tow-quo, 3 guns.
- Day, gunpowder, 15, stinkpots \$36, again stinkpots 40, again gunpowder 1 jar, gunpowder bags many tens.

14 day, 15 shields.
 26 day, 1 gun from Foo-tye.
 9 day, the boat measured this day 7 cheang, 7 feet, 5 inch, breadth 2 cheang, 2 feet, 9 inch.
 4th day, 5th moon, 4 carriages; 7 day, 5th moon, received from Wun-loong 200 taels; 8 day, 300 taels. This was the shop coming
 Gold-dust Robbery, the amount given over to Tuck-chay to buy guns; 9, pay to Fuk-chay for 4 guns, 324 taels.
 Same day for 9 casks of gunpowder, paid 42 taels.
 Same day, received from Tong-see, 1 cannon, price not settled. 10th day, paid for muskets \$7. 27th day, no m., cannon by
 pekuls 81 cattie 32 taels 4, 3. 8 day, 4 mo. muskets \$9; no date, 2 muskets, \$17. Again muskets \$7. Again, 4 jars of gunpowder
 18, 4 mo. one entry of a Lorcha value 5,184 taels received from Wun-loong, bargain money taels 493. 6m. 3c.; the boat divided in
 shares, each share 520 taels.
 12 day, paid by Tuk Atuk for cannon shot \$12.
 3 day 4 moon, received shot 497 cattie. 2 day 1855, Ground-rent Tehim-sah-tsoy.
 Received by Kee-kee from the shore 12,000 cash a month.
 Received from Lum-sow-choi from the 1 day, 7 mo. up to the 29 day 10 mo. 27 taels 9 mace ground rent.
 1 day 12 mo., 1854, received from the shore 15,000 cash.
 28 do., 1 mo. 1856, paid to military officer on account of expense for the ground rent 4½ taels.
 4 day 6 mo. 1856 paid to 4 Chim-sah-tsoi Police, to buy Opium 900 cash.
 A paper bearing memo. of guns fired.
 25, 3 mo. 1 gun from Ty-ehow-mow. 1 gun from Foong-mee. 1 gun from Poo-chee-tang-moon. 6 guns from Pat-hoy-fong-qua.
 3 guns from Poo-how. 5 guns from Mahn-shahn. Slip of paper bearing twelve names.
 A receipt by Tung Alok of Crown rent from Wong-kum-kee; a bill from Kee-kee to Shun-loong of 2 balls of Patna and some opium
 dress, showing that he had sold opium.
 A prom. note from Cheng-hon-cheng-kee, borrowed \$10 to pay to Police Court for debt.
 25 day, 1 mo. 1854. A memo. of sums of money due by Akee to blank; from January to June, 1855—6 items including interest \$2449.
 A paper list of steermen, gunner, and seamen, sent from Kee-loong-poo-oan to Kee-kee.
 An envelope of a letter addressed to Wong-kum-kee from the Magistracy of Sunon.
 An envelope of a letter Messrs Loong and Wong from the Military Department of Cowloong.
 A letter from Cheong, the present Commandant of Cowloong, to Mr Loong (Akee's clerk) relative to the seals and other things tak-
 away by the military when they visited Cowloon, thanking Mr Caldwell and Messrs Loong and Wong-akee for the trouble they took
 obtaining the things.
 A letter written from same Officer at Cowloon, addressed to Mr Loong at Wong-kum-kee's, finding fault with them for not performing
 his promises in sending the things over as he had previously promised.
 A paper about employing Mr Stace in a case not further alluded to—no date.
 A petition about a man Wong Ayow, belonging to the Leun-loong shop, charged with piracy, 1 mo. present year.
 Another petition, stating that the prosecutor in the same case, Chun-cho-ping presents the charge in order to extort.
 A petition in the 2d month this year of a boat being upset by a tor-boat at Show-ke-wan, compensation asked for.*
 The draft of a petitioner from Chun-sing Ee., who states that he is a shopkeeper at Lintin, that he owes 3 boats, and has 33 men in
 employ. He presents this petitioner, fearing that steamers may apprehend his boats and people by mistake.
 The draft of a petition in the name of Cheong-man-choo claiming one of the tor-boats captured by Her Majesty's Steamer to be his—
 that it was taken from him by rebels.
 The draft of a petition in the name of Hu-huen-pong of Sunon to His Excellency The Governor reporting a case of piracy and murder
 committed by rebels, and begging assistance to capture the offenders.
 Memorandum of about \$70 lost in gambling.
 A red paper of \$15.00 transactions between Foong-hok-shing, Wong-kee, and Mr Caldwell.
 A red paper—written as follows:—

Goods _____,

Soo-shing-wo Boat,
(low down.)

(True Copy.)

W. T. MERCER,
Colonial Secretary.

* The concluding part from this * is not in Mr May's handwriting.

Note.—The handwriting in which these Memoranda were made was difficult to decipher, and several errors therefore crept into the transcription. These Mr May has pointed out, and they are noted in italics.

(Signed,) W. T. MERCER,
C. S.
12/4/59.

No. 41.

GOVERNMENT NOTIFICATION.

It is hereby notified that the Rev. J. CHALMERS will officiate as Marriage Registrar from this date, under terms of Ordinance No. 1 of 1852, in place of the Rev. ARTHUR TAYLOR, who has resigned the appointment.

By Order,

W. T. MERCER,
Colonial Secretary.

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

No. 42.

GOVERNMENT NOTIFICATION.

The Honourable JOHN WALTER HULME, Esquire, having obtained leave of absence for Eighteen Months from this date on Medical Certificate, His Excellency The Governor and Commander-in-Chief is pleased to notify the appointment of The Honourable FREDERICK WILLIAM GREEN, Esquire, at present Acting Attorney General, to the office of Acting Chief Justice of Hongkong; and of HENRY KINGSMILL, Esquire, Barrister-at-Law, to the office of Acting Attorney General.

These Appointments are made subject to Her Majesty's approval, and until other arrangements shall be published.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 23d April, 1859.