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PROCLAMATION.

HERCULES G. R. ROBINSON.

By His Excellency SIR HERCULES GEORGE ROBERT ROBINSON, Knight, Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same.

Whereas the Commands of Her Most Gracious Majesty The QUEEN, conveyed through His Grace The DUKE OF NEWCASTLE, K.G., Principal Secretary of State for the Colonies, have been received, approving of and confirming the following Ordinance; namely:—

No. 8 of 1863, entitled—“*An Ordinance to prevent the fraudulent marking of Merchandise:*”

Now, therefore, it is hereby declared, that the said Ordinance has been so approved and confirmed, as aforesaid.

By His Excellency's Command,

W. T. MERCER,
Colonial Secretary.

GOD SAVE THE QUEEN.

Given at Victoria, Hongkong, this 23rd Day of April, 1864.

GOVERNMENT NOTIFICATION.

The following Bills, which were read a first time at a Meeting of the Legislative Council held on the 16th Instant, are published for general information.

By Order,

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

Council Chamber, Hongkong, 18th April, 1864.

HONGKONG.

ANNO VICESIMO SEPTIMO VICTORIÆ REGINÆ.

No. of 1864.

By His Excellency SIR HERCULES GEORGE ROBERT ROBINSON, Knight, Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council of Hongkong.

An Ordinance to render admissible in certain cases the Depositions of Witnesses who cannot be produced at the Trial.

Title.

[th April, 1864.]

Whereas the circumstances of this Colony are such as to render it necessary, in order to prevent a failure of justice, that more effectual Provision should be made for receiving in Evidence in certain cases, the Depositions of Witnesses which shall appear to the Court to have been duly taken: Be it therefore enacted by His Excellency the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:

Preamble.

Section 4 of Ordinance No. 7 of 1857 repealed.

I. Section 4 of Ordinance No. 7 of 1857 shall be and the same hereby is repealed.

Depositions of Persons who have died or who are absent or who from other specified cause cannot be produced, as Witnesses in any Criminal Prosecution, may, in certain cases, be read in Evidence.

II. Whenever it shall appear to the satisfaction of the Supreme Court that the Attorney General, or other Person conducting a Criminal Prosecution on behalf of the Crown, is unable to produce, at the Trial of the accused, any Person as a Witness, in consequence of the Death of such Person, or of his absence from the Colony, or of the impracticability of serving process upon him, or of his being so ill as not to be able to travel, or of his being insane, or of his being kept out of the way by means of the procurement of the accused, or of his being domiciled in a Country, the laws of which prohibit his absenting himself therefrom, or which he shall refuse to quit after application made to him in that behalf; and if it also appear that such Person was examined before a Magistrate, or other Officer of Her Majesty to whom the cognizance of the Crime or Offence appertained, and that the usual Oath, Affirmation or Declaration was administered to such Person prior to his examination, and that the examination was taken in the presence of the accused, and that he or his Counsel or Attorney had a full opportunity of cross-examining such Person, and that the Examination of such Person was reduced into writing and read over to and signed by the Person examined, and also by the Magistrate or other Officer of Her Majesty as aforesaid, and that such Examination or a copy thereof was transmitted to the Supreme Court, it shall be lawful for the Supreme Court and it is hereby required to allow to be read and received in evidence, in such Prosecution, so much of the Examination so taken as aforesaid as would have been admissible, according to the Law and Practice of the Supreme Court, had the said Person been produced and examined before the said Court, in the ordinary and accustomed manner.

What shall be deemed *prima facie* proof of Examination having been duly taken.

III. If the Attorney General, or other Person conducting a Criminal Prosecution, on behalf of the Crown, shall, at the Trial of any Person accused, apply to the Court for leave to read as evidence, in such Prosecution, the Examination of any Person, and it shall appear from the Statement of the Registrar or Deputy Registrar or other competent Officer of the said Court that the Depositions, including the Examination of such Person, were transmitted to the said Court in the ordinary and accustomed manner, and if it shall appear from the perusal of such Examination by the Presiding Judge that such Examination contains any Statement to the effect, or from which it may fairly and reasonably be inferred, that such Person was examined before a Magistrate or other Officer of Her Majesty to whom the cognizance of the Crime or Offence appertained, and that the usual Oath, Affirmation or Declaration was administered to such Person, prior to his Examination, and that the Examination was taken in the presence of the accused, and that he or his Counsel or Attorney had a full opportunity of cross-examining such Person, and that the Examination of such Person was reduced into writing and read over to the Person examined, then, if such Examination purports to be signed by the Person examined and by the Magistrate or other Officer by or before whom the same purports to be taken, it shall be lawful to read such Examination in evidence, without further proof of the matters in this Section aforesaid, unless it be proved that such Examination was not taken in manner aforesaid, and was not in fact signed by the Person examined or by the Magistrate or Officer aforesaid purporting to sign the same.

No objection to admissibility of Examination in evidence if Depositions signed by the Magistrate, &c., notwithstanding particular Examination not so signed.

IV. No objection to the reception in evidence of the Examination of any Person shall be permitted to prevail upon the ground that the particular Examination of such Person was not signed by the Magistrate or other Officer of Her Majesty as aforesaid, if it shall appear in manner aforesaid that the Depositions wherein such Examination was included, were so signed.

HONGKONG.

ANNO VICESIMO SEPTIMO VICTORIÆ REGINÆ.

No. of 1864.

By His Excellency SIR HERCULES GEORGE ROBERT ROBINSON, Knight, Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council of Hongkong.

Title.

An Ordinance to enable the Governor to appoint Commissioners for preparing a New Edition of the Ordinances of this Colony.

[th April, 1864.]

Preamble.

Whereas it is expedient that measures should be adopted for preparing a New Edition of the Ordinances of this Colony wherefrom should be omitted all Ordinances

or parts of Ordinances as have expired by effluxion of time, had their effect, or have been expressly and specifically repealed: Be it therefore enacted by His Excellency the Governor of Hongkong, by and with the advice of the Legislative Council thereof, as follows:

I. It shall be lawful for the Governor to issue his Commission to two Persons constituting them Commissioners for preparing a New Edition of the Ordinances of Hongkong and, from time to time, in case of the Death, Refusal or Incapacity to act of either of the said Commissioners, to appoint some other Person to act in the stead of such Commissioner.

Authority to Governor to appoint Commissioners to compile and print the Laws of Hongkong.

II. The Commissioners are hereby fully authorized and empowered to prepare and arrange for publication the said Edition, omitting all such Ordinances, Clauses and parts of Ordinances as have expired, been repealed, or had their effect; and, in the said Edition, the Commissioners are hereby authorized to omit all Clauses repealing Ordinances, or parts of Ordinances, as well as the Ordinances and parts of Ordinances repealed, and the Schedule of all repealed Ordinances.

Commissioners to prepare and arrange Laws for publication and to omit all expired, repealed Ordinances, &c.

III. The Commissioners shall procure from competent parties in England, or elsewhere, Estimates of the expense of printing and publishing and shall submit the same for the consideration and approval of the Governor, and such Edition, when arranged and prepared for publication, shall be transmitted by the said Commissioners to such parties as the Governor may appoint to print the same; and the said Commissioners shall make such arrangements for correcting the proof and otherwise insuring the correctness and accuracy of the publication as may to them appear desirable.

Commissioners to procure Estimates of expense of printing Copies and of correcting proof, &c.

IV. Every Copy of the said Edition shall be stamped with the Seal of this Colony and the Copies so stamped shall, in all Courts and upon all occasions whatsoever be taken, deemed and held to be the only lawful Copies of the Ordinances of Hongkong, as they existed at the date of the passing of the last Ordinance inserted therein: Provided always that nothing in this Ordinance contained shall apply to any operation already effected by, or act done under any Ordinance omitted in the said Copies or to any right, title, obligation or liability acquired or accrued under any such Ordinance.

Every Copy to be stamped with the Seal of the Colony.

Proviso.

V. The said Commissioners shall, after the printing of the Copies aforesaid, and as soon as the same shall have been duly stamped, cause Copies to be delivered to the Members of the Executive and Legislative Councils, and to such other of the Public Functionaries as the Governor may direct, and the remaining Copies shall be placed in the hands of the Colonial Treasurer, to be disposed of at such price as shall be fixed by the Commissioners and the proceeds thereof paid into the Public Treasury.

Copies to be delivered to Members of Council and other Public Functionaries.

Remaining Copies lodged with the Treasurer for sale.

VI. It shall be lawful for the Governor to issue his Warrant upon the Treasury for such Sum as he shall deem a reasonable remuneration for the Clerk to be employed by the said Commissioners, and also for such other Charges and Expenses as shall have been necessarily incurred, laid out and expended in and about the carrying into effect the provisions of this Ordinance.

Provision for remuneration to Clerk and Expenses of carrying into effect this Ordinance.

No. 78.

GOVERNMENT NOTIFICATION.

His Excellency the GOVERNOR is pleased to recognize WILLIAM ADAMSON, Esquire, as Siamese Consul in this Colony, pending final orders from Her Majesty's Government.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 20th April, 1864.