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GOVERNMENT NOTIFICATION.—No. 480.

His Excellency the Officer Administering the Government has given his assent, in the name and on behalf of the Queen, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 26 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled An Ordinance for enabling the Legislative Council and any Committee thereof to compel the attendance of and to administer Oaths to Witnesses.*

Ordinance No. 27 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled An Ordinance to enable the Governor of Hongkong to appoint Commissions under the seal of the Colony and to confer certain powers on Commissioners so appointed necessary for conducting Inquiries.*

Ordinance No. 28 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled An Ordinance to amend the Law relating to Wills.*

Ordinance No. 29 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled An Ordinance relating to Bills of Lading.*

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 18th December, 1886.

LS W. H. MARSH.

No. 26 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled *An Ordinance for enabling the Legislative Council and any Committee thereof to compel the attendance of and to administer Oaths to Witnesses.*

[14th December, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as "The Legislative Council Witnesses Ordinance, 1886."

Short Title.
131 & 35 V. c.
83, s. 4.]

Examination
of witnesses
on oath.
[34 & 35 V. c.
83, s. 1.]

2. The Legislative Council of the Colony and any Committee thereof may administer an oath to any witness examined before such Council or Committee and for that purpose shall have all such and the like powers, rights, and privileges, as are now possessed or exercisable by the House of Commons of the United Kingdom of Great Britain and Ireland or any Committee thereof, in respect of,—

- (a.) The enforcing the attendance of witnesses,
- (b.) The punishing persons guilty of contempt.

False evidence
[34 & 35 V. c.
83, s. 2.]

3. Any person examined as aforesaid, who wilfully gives false evidence, shall be liable to the penalties of perjury. Any witness to be examined under this Ordinance who, being a Christian, conscientiously objects to take an oath, may make his solemn affirmation and declaration in the words following:—

“I, A. B., do solemnly, sincerely, and truly affirm and declare that the taking of any oath is according to my religious belief unlawful and I do also solemnly, sincerely, and truly affirm and declare, &c.”

Declaration in
lieu of oath.

Any witness to be examined under this Ordinance who is not a Christian, may in lieu of an oath make the following Declaration which shall be duly interpreted to every such witness ignorant of the English language. ‘I, A. B., do solemnly, sincerely, and truly declare that the evidence which I am about to give shall be the truth, the whole truth, and nothing but the truth.’

Any solemn affirmation and declaration or declaration alone as aforesaid shall be of the same force and effect and shall entail the same consequences as an oath taken in the usual form.

Any oath or affirmation and declaration or declaration alone as aforesaid may be administered by the presiding Member of the said Council or any Committee thereof.

Passed the Legislative Council of Hongkong, this 3rd day of December, 1886.

ARATHOON SETH,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 14th day of December, 1886.

FREDERICK STEWART,
Acting Colonial Secretary.

(LS) W. H. MARSH.

No. 27 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled *An Ordinance to enable the Governor of Hongkong to appoint Commissioners under the seal of the Colony and to confer certain powers on Commissioners so appointed necessary for conducting Inquiries.*

[14th December, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Short Title.

1. This Ordinance may be cited for all purposes as “The Commissioners Powers Ordinance, 1886.”

Power to
Governor to
appoint Com-
missioners.

2. The Governor in Council shall have power to nominate and appoint Commissioners under the seal of the Colony for the purpose of instituting making and conducting any Inquiry that may be deemed advisable or necessary and for reporting thereon; and also to appoint a Secretary or Clerk to such Commissioners at such salary or remuneration as he may think fit; and in case of any vacancy occurring in the office of any Commissioner, Secretary, or Clerk so appointed by reason of such Commissioner, Secretary, or Clerk dying, resigning, declining, or being or becoming incapable to act, from time to time in like manner to fill up such vacancy.

Power to fill
Vacancies.
[33 and 34 V.
c. 105, s. 5.]

3. All Commissioners so appointed as aforesaid, shall if the Governor in Council deem it necessary or expedient, and provided that the Commission, under which they are appointed, so direct, have all or any of the powers, rights, and privileges following that is to say:—

Powers of
Commissioners
appointed by
the Governor.
[*Ibid.* s. 6.]

(1.) All such powers as are now or may hereafter be vested in the Supreme Court of the Colony or in any Judge for the time being thereof on the occasion of any action or suit in respect of the following matters:

(a.) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, as they or he may think fit.

(b.) The compelling the production of documents.

(c.) The punishing persons guilty of contempt.

(d.) The ordering an inspection of any property. And in such cases a summons under the hand of the Chairman or presiding Member of any such Commission as aforesaid, countersigned by the Secretary or Clerk (if any) to such Commission, may be substituted for and shall be equivalent to any form of process capable of being issued in any action or suit for enforcing the attendance of witnesses, or compelling the production of documents; and any warrant of committal to prison issued for the purpose of enforcing any such powers as aforesaid shall be under the hand of the Chairman or presiding Member of any such Commission as aforesaid, countersigned by the Secretary or Clerk as aforesaid (if any), and shall not authorise the imprisonment of any offender for a period exceeding three months.

(2.) The power for the purposes of their Commission to enter and view any premises.

(3.) The right to conduct every examination of witnesses as aforesaid, either in public or private, as their Commission may direct; provided that if such examination be conducted in public, due notice shall be given of the time and place of holding the same, but with power to the Commissioners to adjourn any meeting from time to time and from one place to another.

4. If in the opinion of the Governor in Council the special circumstances of any inquiry render it necessary or expedient, and provided the Commission, under which the Commissioners are appointed, so direct, any person examined as a witness in any Inquiry as aforesaid, who in the opinion of the Commissioners, makes a full and true disclosure touching all the matters in respect of which he is examined, shall receive a certificate under the hand of the Chairman or presiding member of such Commission, countersigned by the Secretary or Clerk (if any), stating that the witness has upon his examination made a full and true disclosure as aforesaid; and if any civil or criminal proceeding be at any time thereafter instituted against such witness in respect of any matter touching which he has been so examined, the tribunal before which such proceeding is instituted shall, on the production and proof of the certificate, stay the proceeding, and may in its discretion award to such witness any costs he may have been put to by the institution of the proceeding; provided that no evidence taken under the powers conferred by this Ordinance shall be admissible against any person in any civil or criminal proceeding whatever, except in the case of a witness who may be accused of having given false evidence before any such Commissioners as aforesaid conducting any inquiry.

Indemnity to
witnesses.
[*Ibid.* s. 7.]

5. The Captain Superintendent of Police for the time being and all Inspectors of Police, Officers, Gaolers and Bailiffs shall and they are hereby required to give their aid and assistance to all Commissioners so appointed as aforesaid in the execution of their Office.

Police aid to
Commissioners.
[*Ibid.* s. 8.]

6. Every person who upon examination upon oath or affirmation or otherwise under this Ordinance wilfully gives false evidence shall be liable to the penalties of perjury.

Penalty for
false Swear-
ing, &c.
[*Ibid.* s. 8.]

7. Upon the recommendation of any Commissioners so appointed as aforesaid, the Governor shall have power to order that the actual expenses for loss of time or travelling of any witness examined under this Ordinance be paid out of the Colonial Treasury.

Expenses of
Witnesses.
[*Ibid.* s. 9.]

Protection to
Commissioners.
[*Ibid.* s. 10.]

8. In all cases, all Commissioners appointed under this Ordinance, shall have such and the like protection and privileges, in case of any action or suit brought against them for any act done or omitted to be done in the execution of their duty, as is by law given by any Ordinance or Ordinances now or hereafter to be in force to Magistrates or justices acting in execution of their office.

Service of a
Summons.
[*Ibid.* s. 11.]

9. Service upon any person of a summons under this Ordinance may be made by leaving the summons at his usual or last known place of residence or business in the Colony.

Protection to
persons
publishing
true accounts
of evidence.
[*Ibid.* s. 12.]

10. No person shall be liable to any action, suit, indictment, or proceeding by reason of his publishing a true account of any evidence taken in public in pursuance of the powers conferred by this Ordinance or of any report of the Commissioners made public by the authority of the Governor.

Limitation of
Actions.
[*Ibid.* s. 13.]

11. No action or suit shall be brought against any Commissioners appointed under this Ordinance or any other person whomsoever, for anything done in the execution of their or his duty under this Ordinance or under the powers conferred upon them or him by their or his appointment or Commission unless such action or suit be brought within six months next after the doing of such thing.

Passed the Legislative Council of Hongkong, this 3rd day of December, 1886.

ARATHOON SETH,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 14th day of December, 1886.

FREDERICK STEWART,
Acting Colonial Secretary.

LS W. H. MARSH.

No. 28 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled *An Ordinance to amend the Law relating to Wills.*

[15 & 16 Vic.
c. 26.]

[14th December, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited for all purposes as "*The Wills Act Amendment Ordinance, 1886.*"

Interpretation.

2. The expression "*Principal Act*" in this Ordinance shall mean An Act passed in the 7th year of the reign of His Majesty King WILLIAM the 4th, and the 1st year of the reign of Her Present Majesty Queen VICTORIA Chapter 26 entitled "*An Act for the Amendment of the Laws with respect to Wills.*" and

Interpretation of Wills.
[15 & 16 Vic.
c. 24, s. 1.]

The word "*Will*" shall in the construction of this Ordinance be interpreted in like manner as the same is directed to be interpreted under the provisions in this behalf contained in the Principal Act.

Repeal.

3. So much of Ordinance No. 3 of 1854 as relates to the Act passed in the 15th and 16th years of Her Present Majesty Chapter 24 is hereby repealed, but such repeal shall not affect any past operation of the said Ordinance or any thing done or suffered thereunder.

When will shall be deemed valid as to the position of the testator's signature.
[15 & 16 Vic.
c. 24, s. 1.]

4. Every will shall so far only as regards the position of the signature of the testator, or of the person signing for him as aforesaid, be deemed to be valid within the Principal Act as explained by this Ordinance, if the signature shall be so placed at or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent on the face of the will that the testator intended to give effect by such his signature to the writing as his will; and no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among the words of the testimonium clause or of the clause of attestation, or shall follow or be after or

under the clause of attestation, either with or without a blank space intervening or shall follow or be after, or under, or beside the names or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side or page or other portion of the paper or papers containing the will whereon no clause or paragraph or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature; and the enumeration of the above circumstances shall not restrict the generality of the above enactment; but no signature under the Principal Act or this Ordinance shall be operative to give effect to any disposition or direction which is underneath or which follows it, nor shall it give effect to any disposition or direction inserted, after the signature shall be made.

5. The preceding provisions of this Ordinance shall extend and be applied to every will made prior to the 31st October, 1854, and taking effect in the Colony, administration to which or probate of which had not up to that date been granted or ordered by a Court of competent jurisdiction in consequence of the defective execution of such will, or where the property not being within the jurisdiction of the Supreme Court has not been possessed or enjoyed by some person or persons claiming to be entitled thereto in consequence of the defective execution of such will, or the right thereto shall not have been decided to be in some other person or persons than the persons claiming under the will, by a Court of competent jurisdiction in consequence of the defective execution of such will, and to every will made since the 31st of October, 1854.

Ordinance
enacted by
Legislative Council
already made.
(15 & 16 Vic.
c. 24, s. 2.)

Passed the Legislative Council of Hongkong, this 3rd day of December, 1886.

ARATHOON SETH,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 14th day of December, 1886.

FREDERICK STEWART,
Acting Colonial Secretary.

LS W. H. MARSH.

No. 29 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled *An Ordinance relating to Bills of Lading.*

[14th December, 1886.]

WHEREAS it is expedient that Ordinance No. 2 of 1856 should be re-enacted with certain amendments: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as "*The Bills of Lading Ordinance, 1886.*" Short title.
2. Ordinance No. 2 of 1856 is hereby repealed but such repeal shall not affect the past operation of the said Ordinance nor anything done or suffered thereunder. Repeal.
3. Every consignee of goods named in a Bill of Lading, and every endorsee of a Bill of Lading to whom the property in the goods therein mentioned shall pass, upon or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods, as if the contract contained in the Bill of Lading had been made with himself. Rights under
Bills of
Lading to vest
in consignee
or endorsee.
(18 & 19 Vic.
c. 111, s. 1.)
4. Nothing herein contained shall prejudice or affect any right of stoppage in transitu, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee by reason or in consequence of his being such consignee, or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement. Not to affect
right of
stoppage in
transitu or
claim for
freight.
(18 & 19 Vic.
c. 111, s. 2.)

Bill of Lading
in hands of
consignee, &c.,
conclusive
evidence of
the shipment
as against
Master, &c.
(18 & 19 Vic.
c. 111, s. 3.)

Proviso.

5. Every Bill of Lading in the hands of a consignee or endorsee for valuable consideration representing goods to have been shipped on board a vessel, shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the Bill of Lading shall have had actual notice at the time of receiving the same that the goods had not been in fact laden on board: Provided that the master or other person so signing may exonerate himself in respect of such misrepresentation by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder, or some person under whom the holder claims.

Passed the Legislative Council of Hongkong, this 3rd day of December, 1886.

ARATHOON SETH,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, this 14th day of December, 1886.

FREDERICK STEWART,
Acting Colonial Secretary.

GOVERNMENT NOTIFICATION.—No. 481.

In accordance with the provisions of Section 6 of Ordinance No. 6 of 1875, His Excellency the Officer Administering the Government has been pleased to direct that the following days be observed as Public Holidays throughout the Government Departments.

Christmas Eve,
Christmas Day,
Monday, the 27th December,
and New Year's Day.

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 18th December, 1886.

GOVERNMENT NOTIFICATION.—No. 482.

Tenders will be received at this Office until Noon of Wednesday, the 29th instant, for the construction of ten Dust-Carts similar to a pattern on view at the Office of the Secretary to the Sanitary Board.

The Government does not bind itself to accept the lowest or any tender.

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 18th December, 1886.

GOVERNMENT NOTIFICATION.—No. 483.

The following Notice is published for general information.

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 18th December, 1886.