

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

REGULATION OF CHINESE (AMENDMENT) BILL.—The Attorney General moved the third reading of the Bill entitled An Ordinance to amend the Regulation of Chinese Ordinance, 1888.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

ADJOURNMENT.—The Council then adjourned till after the meeting of the Finance Committee.

APPROPRIATION BILL.—On Council resuming, the Colonial Secretary reported that the Appropriation Bill was considered clause by clause in the presence of the members of the Standing Committee and that in the opinion of the Finance Committee the Bill might be dealt with in the same manner as a Bill reported on by a Committee of the whole Council.

The Colonial Secretary moved that the Bill be read a third time.

The Colonial Treasurer seconded.

Question—put and agreed to.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

REPORT OF THE FINANCE COMMITTEE.—The Colonial Secretary, by command of His Excellency the Governor, laid on the table the Report of the Finance Committee, dated the 27th September, 1906, and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

ADJOURNMENT.—The Council then adjourned until Thursday, the 11th October, 1906.

M. NATHAN,
Governor.

Read and confirmed, this 11th day of October, 1906.

A. G. M. FLETCHER,
Clerk of Councils.

No. 855.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 14 of 1906.—An Ordinance to amend the Law of Evidence in Criminal Cases.

HONGKONG.

No. 14 OF 1906.

An Ordinance to amend the Law of Evidence in Criminal Cases.

M. NATHAN,
Governor.

[12th October, 1906.]

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

1. This Ordinance may be cited as The Criminal Evidence Ordinance, 1906. Short title.

2. Every person charged with an offence, and the wife or husband, as the case may be, of the person so charged, shall be a competent witness for the defence at every stage of the proceedings, whether the person so charged is charged solely or jointly with any other person. Provided as follows :— Competency of witnesses in criminal cases. (61 and 62 Vict. c. 36 s. 1).

- (a) A person so charged shall not be called as a witness in pursuance of this Ordinance except upon his own application :
- (b) The failure of any person charged with an offence or of the wife or husband, as the case may be, of the person so charged, to give evidence shall not be made the subject of any comment by the prosecution :
- (c) The wife or husband of the person charged shall not, save as in this Ordinance mentioned, be called as a witness in pursuance of this Ordinance except upon the application of the person so charged :
- (d) Nothing in this Ordinance shall make a husband compellable to disclose any communication made to him by his wife during the marriage, or a wife compellable to disclose any communication made to her by her husband during the marriage :
- (e) A person charged and being a witness in pursuance of this Ordinance may be asked any question in cross-examination notwithstanding that it would tend to criminate him as to the offence charged :
- (f) A person charged and called as a witness in pursuance of this Ordinance shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of or been charged with any offence other than that wherewith he is then charged, or is of bad character, unless :
 - (i) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence wherewith he is then charged ; or
 - (ii) he has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution ; or
 - (iii) he has given evidence against any other person charged with the same offence :

(g) Every person called as a witness in pursuance of this Ordinance shall, unless otherwise ordered by the Court, give his evidence from the witness box or other place from which the other witnesses give their evidence.

Evidence of person charged. (Ibid s. 2). **3.** Where the only witness to the facts of the case called by the defence is the person charged, he shall be called as a witness immediately after the close of the evidence for the prosecution.

Right of reply. (Ibid s. 3). **4.** In cases where the right of reply depends upon the question whether evidence has been called for the defence the fact that the person charged has been called as a witness shall not of itself confer on the prosecution the right of reply.

Calling of wife or husband in certain cases. (Ibid s. 4). **5.** (1) The wife or husband of a person charged with an offence under any enactment mentioned in the Schedule to this Ordinance may be called as a witness either for the prosecution or defence and without the consent of the person charged.

(2) Nothing in this Ordinance shall affect a case where the wife or husband of a person charged with an offence may at common law be called as a witness without the consent of that person.

Provision as to previous Ordinances. (Ibid s. 6). **6.** This Ordinance shall apply to all criminal proceedings, notwithstanding any enactment in force at the commencement of this Ordinance.

Passed the Legislative Council of Hongkong, this 11th day of October, 1906.

A. G. M. FLETCHER,
Clerk of Councils.

Assented to by His Excellency the Governor, the 12th day of October, 1906.

T. SERCOMBE SMITH,
Colonial Secretary.

SCHEDULE.

Enactments referred to. [s. 5 (1).]

No. of Ordinance.	Short Title.	Enactments referred to.
(1) 4 of 1897,	The Protection of Women and Girls Ordinance, 1897.	The whole Ordinance.
(2) 10 of 1905,	The Married Women (Maintenance in case of Desertion) Ordinance, 1905.	Do.
(3) 5 of 1906,	The Married Women's Property Ordinance, 1906.	Sec. 16 and sec. 21.

APPOINTMENTS, &c.

No. 856.—Government Notifications Nos. 188 of the 6th March, and 561 of the 29th June, 1906, are hereby cancelled and the following is substituted therefor:—

The King's Exequatur empowering ALBERTO MORENO PÉREZ to be Consul-General for Panama at Hongkong has received His Majesty's signature.

6th March, 1906.