

No. 145.—His Excellency the Officer Administering the Government 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. 7 of 1910.—An Ordinance further to amend the Magistrates Ordinance, 1890.

Ordinance No. 8 of 1910.—An Ordinance to amend the Squatters Ordinance, 1890.

HONGKONG.

No. 7 OF 1910.

An Ordinance further to amend the Magistrates Ordinance, 1890.



F. H. MAY,

Officer Administering the Government.

[21st May, 1910.]

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 Magistrates Short title. Amendment Ordinance, 1910.

2. Whenever the expression “the Principal Ordinance” Construction is used in this Ordinance the same shall be construed as tion. applying to the Magistrates Ordinance, 1890.

3. Section 75 of the Principal Ordinance is hereby Amendment amended :— of section 75 of the Principal Ordinance.

(a.) by the omission of the word “next” in the third line of sub-section (1) thereof ;

(b.) by the omission of the word “next” in the sixth line of sub-section (2) thereof.

4. Section 77 of the Principal Ordinance is hereby Amendment repealed and the following section is inserted in lieu thereof :— of section 77 of the Principal Ordinance.

“77.—(1). If the Magistrate commits the accused Informing accused of committal. to prison for trial between the tenth and eighteenth days of any month inclusive he shall inform or cause the accused to be informed thereof in the words or to the effect following :—

‘A.B., you stand committed to Gaol until the Criminal Sessions of the Supreme Court commencing on the eighteenth day of next month there to take your trial.’

(2.) If the Magistrate commits the accused to prison for trial on any other day of the month except between the tenth and eighteenth days of the month inclusive as aforesaid he shall inform or cause the accused to be informed thereof in the words or to the effect following :—

‘A.B., you stand committed to Gaol until the next Criminal Sessions of the Supreme Court there to take your trial.’

Provided always that the Court may of its own motion or on the application either of the Crown or of the accused order the accused to be tried on such date as the Court may fix.”

Repeals
section 86 of
Principal
Ordinance as
amended
by section 4
of the Magis-
trates and
Criminal
Law Amend-
ment Ordin-
ance, 1909,
and substi-
tutes another
section
therefor.

5. Section 86 of the Principal Ordinance as amended by Section 4 of the Magistrates and Criminal Law Amendment Ordinance, 1909, is hereby repealed and the following section is substituted for and shall be read in lieu thereof:—

“86.—(1.) Whenever any male offender whose age appears to the Magistrate not to exceed sixteen years is convicted of larceny, or of any offence which now or at any time hereafter is by law deemed or declared to be simple larceny or punishable as simple larceny, or of any assault occasioning actual bodily harm, or of any indecent assault, the Magistrate may, in lieu of or in addition to any other punishment to which the offender is liable, direct that he be once whipped.

(2.) Whenever any male offender whose age appears to the Magistrate not to exceed sixteen years is convicted of any offence other than an offence specified in sub-section (1) hereof the Magistrate may in lieu of any other punishment to which the offender is liable direct that he be once whipped.

(3.) In the case where the male offender has been ordered to be whipped in lieu of imprisonment, the Magistrate shall also order such male offender to be detained in prison for a period not exceeding forty-eight hours.”

Repeal of
Form No. 79
and substitu-
tion of new
Form No. 79.

6. Form No. 79 in the First Schedule to the Principal Ordinance is hereby repealed and the Form No. 79 in the Schedule hereto is substituted therefor.

Passed the Legislative Council of Hongkong, this 19th day of May, 1910.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 21st day of May, 1910.

A. M. THOMSON,
Colonial Secretary.

SCHEDULE.

FORM 79.

IN THE POLICE COURT AT VICTORIA IN THE COLONY OF HONGKONG.

Recognisance of Bail.—(Sec. 95.)

On the _____ day of _____ 19 _____,

and
personally came before me the undersigned, a Magistrate of the said Colony, and severally acknowledged themselves to owe to our Sovereign Lord the KING the several sums following: (that is to say), the said _____ the sum of _____, and the said _____, and the said _____ the sum of _____ each, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lord the KING, His Heirs and Successors, if the said _____ shall fail in the condition following.

Taken and acknowledged, the _____ day of _____ 19 _____, at _____ before me.

Magistrate.

Explained by _____

Sworn Interpreter.

CONDITION IN ORDINARY CASES.

The condition of the above written recognisance is such, that whereas the said was this day charged before me the above mentioned Magistrate for that

If therefore the said will appear at the Criminal Sessions of the Supreme Court to be holden on the day of 19 , and at every adjournment thereof and there surrender himself (if so required) into the custody of the Superintendent of Victoria Gaol, in the said Colony, and plead to such indictment as may be filed against him by the Attorney General and take his trial upon the same, and not depart the said Court without leave, then the said recognisance to be void, or else to stand in full force and virtue.

HONGKONG.

No. 8 OF 1910.

An Ordinance to amend the Squatters Ordinance, 1890.

(LS)

F. H. MAY,

Officer Administering the Government.

[21st May, 1910.]

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 Squatters Amendment Ordinance, 1910, and shall be read and construed as one with the Squatters Ordinance, 1890, hereinafter called "the Principal Ordinance".

2. Section 12 of the Principal Ordinance is hereby repealed and the following shall be substituted for and read in lieu of the said section:—

"12.—(1.) In any case where the Board allows the claim a lease shall be granted unless the Governor in his discretion declines to grant a lease in which case the claim shall be referred to the Director of Public Works who may negotiate with the claimant in respect of the grant of a lease of other land or lands in lieu of the holding in relation to which the claim is made.

(2.) In the event of a failure to effect such a negotiation the Board shall decide what compensation shall be paid to the claimant in respect of such holding and of any building or fixture, the removal of which is in the opinion of the Director of Public Works necessary or desirable in the public interest, and in such case the amount awarded by the Board shall be paid by the Government to such person as the Board may direct.

Provided always that in estimating any claim for compensation the Board shall take into consideration the condition of a building as regards the security of its structure and its sanitary condition.

(3.) No appeal shall lie from any decision of the Board under this section."

3. The Squatters Amendment Ordinance, 1909, is hereby repealed.

Passed the Legislative Council of Hongkong, this 19th day of May, 1910.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 21st day of May, 1910.

A. M. THOMSON,
Colonial Secretary.

Short title.

Repeal of section 12 of the Principal Ordinance and new section substituted therefor.

Granting of lease where claim allowed unless Governor declines.

Repeal of Squatters Amendment Ordinance, 1909.