

No. 453.—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. 1 of 1906.—An Ordinance to amend the Summary Offences (Amendment) Ordinance, 1905.

Ordinance No. 2 of 1906.—An Ordinance further to amend the Magistrates Ordinance, 1890.

Ordinance No. 3 of 1906.—An Ordinance relating to the jurisdiction of the Supreme Court with respect to the care and commitment of the custody of the persons and estates of Lunatics.

HONGKONG.

No. 1 OF 1906.

An Ordinance to amend the Summary Offences (Amendment) Ordinance, 1905.

(LS)

M. NATHAN,
Governor.

[1st June, 1906.]

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

Construction and short title.

1. This Ordinance shall be construed as one with the Summary Offences Ordinance, 1845, as amended by the Summary Offences (Amendment) Ordinance, 1905, and may be cited as "The Summary Offences (Further Amendment) Ordinance, 1906."

Repeal of section 2 of the Summary Offences (Amendment) Ordinance, 1905, and new section substituted therefor. Certain terms to include privately owned streets and ways.

2. Section 2 of the Summary Offences (Amendment) Ordinance, 1905, is hereby repealed, and the said Ordinance shall be read as if the following section appeared therein instead of the repealed section:—

"2. For the purposes of sections 3 and 4 of this Ordinance the expressions "thoroughfare" and "public place" shall be deemed to include and extend to all thoroughfares, streets, roads, lanes, alleys, courts, squares, archways, passages, paths, ways, and places in the Colony to which the public have access either continuously or periodically, whether the same are the property of the Crown or of private persons."

Passed the Legislative Council of Hongkong, this 31st day of May, 1906.

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

Assented to by His Excellency the Governor, the 1st day of June, 1906.

T. SERCOMBE SMITH,
Colonial Secretary.

HONGKONG.

No. 2 OF 1906.

An Ordinance further to amend the Magistrates Ordinance, 1890.

M. NATHAN,
Governor.

[1st June, 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 Magistrates (Amendment) Ordinance, 1906, and shall be read and construed as one with the Magistrates Ordinance, 1890, hereinafter called the Principal Ordinance.

Short title and construction.

2. Sub-section 4 of section 17 of the Principal Ordinance is hereby repealed and the following is substituted therefor:—

Repeal of sub-section 4 of section 17 of the Principal Ordinance, and new sub-section substituted therefor.

“17.—(4.) If any person having come before any Magistrate whether voluntarily or in obedience to a summons or having been brought before him by warrant or otherwise shall refuse to be sworn or having been sworn shall without just excuse refuse to answer such questions as shall be put to him concerning the premises the Magistrate may by warrant under his hand and seal commit the person so refusing to prison for any time not exceeding two months unless he in the meantime shall consent to be sworn and to answer concerning the premises or such Magistrate may impose upon such person a fine not exceeding twenty dollars.”

Provision as to witness refusing to be sworn or answer questions.

3. Notwithstanding the exception contained in section 80 (1) of the Principal Ordinance a Magistrate may deal summarily under the provisions of that section with the case of a person accused, under section 82 (5) (a) of the Bankruptcy Ordinance, 1891, of the offence of obtaining credit under false pretences or by means of any other fraud.

Amendment of section 80 of the Principal Ordinance as to what indictable offences may be summarily dealt with.

4. In every case where under the authority of section 37 of the Summary Offences Ordinance, 1845, a Magistrate may issue a search warrant to cause any dwelling house or other place to be entered and searched at any time of the day or by night for anything stolen or unlawfully obtained said to be concealed or lodged in such dwelling house or other place it shall be lawful for a Justice of the Peace to issue such warrant.

Power of Justices of the Peace to issue search warrants.

Passed the Legislative Council of Hongkong, this 31st day of May, 1906.

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

Assented to by His Excellency the Governor, the 1st day of June, 1906.

T. SERCOMBE SMITH,
Colonial Secretary.

HONGKONG.

No. 3 OF 1906.

An Ordinance relating to the jurisdiction of the Supreme Court with respect to the care and commitment of the custody of the persons and estates of Lunatics.



M. NATHAN,
Governor.

[1st June, 1906.]

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

- Short title. **1.** This Ordinance may be cited as the Lunacy Ordinance, 1906.
- Interpretation. **2.** For the purposes of this Ordinance:—
 “Lunatic” means an idiot or person of unsound mind:
 The words “the Treasury” in section 148 of the enactment of the Imperial Parliament entitled the Lunacy Act, 1890, shall be interpreted to include the Governor in Council:
 The words “Great Seal” in the said Lunacy Act, 1890, shall be interpreted to include the seal of the Supreme Court, and the provisions of the said Act with respect to the Lord Chancellor or the Court of Chancery or any Judge in England shall be interpreted to include the said Supreme Court in its equity jurisdiction and the Judges thereof; and every officer (however designated) of the said Supreme Court or judge thereof having or exercising functions of the like kind or analogous to the functions of any officer (however designated) of the said Lord Chancellor, Court of Chancery, or Judge in England shall be deemed to be within the meaning of any of the provisions of the said Lunacy Act, 1890, respecting such last mentioned officers.
- Jurisdiction of Supreme Court. **3.** The Supreme Court in relation to the persons and estates of lunatics shall have, in addition to the powers conferred upon such Court by the Supreme Court Ordinance, 1873, such jurisdiction as may be exercised in England by the Lord Chancellor or other Judge or Judges of the High Court of Judicature under the provisions of the said Lunacy Act, 1890, or any Act amending the same.
- Forms. **4.** The forms contained in the schedule to the said Lunacy Act, 1890, may be used in the cases to which they respectively have reference with such variations and additions as circumstances may require.
- Repeal. **5.** The Imperial Enactments Extension Ordinance, 1856, is hereby repealed.

Passed the Legislative Council of Hongkong, this 31st day of May, 1906.

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

Assented to by His Excellency the Governor, the 1st day of June, 1906.

T. SERCOMBE SMITH,
Colonial Secretary.