SCHEDULES.

Section 8.

THE FIRST SCHEDULE.

PARTICULARS OF MEMORIAL OF REGISTRATION.

1. Date of instrument or will.
2. Nature and object thereof.
3. Names and additions of the parties or of the devisors or devisees.
4. Names and additions of the witnesses thereto.
5. Description of the land or premises conveyed in or affected by the instrument or will.
6. Name and description of the place where situate.
7. Consideration and to whom and how paid.
8. Any other particulars which the case may require.

Section 26.

THE SECOND SCHEDULE.

TABLE OF FEES PAYABLE TO THE LAND OFFICER.

	$ c.
1. For registering any assignment, mortgage, or other alienation	5.00
2. For registering any will or judgment or receiving any verified certificate	1.00
3. For receiving for safe custody any deed, will, or other instrument	5.00
4. For every search	1.00
5. For every certificate of receipt of any document or certifying a copy thereof, and every other certificate, except as hereinafter mentioned	5.00
6. For every uncertified copy of any deed, will, memorial, or other instrument, per folio of 80 words	0.25
7. For every entry of discharge of a *lis pendens*	2.00
8. For every certificate of such entry	1.00

A.D. 1845.

Ordinance No. 14 of 1845, with Ordinances No. 17 of 1844, as am. by No. 28 of 1901, No. 12 of 1856 ss. 1, 6, 10, 14, No. 8 of 1858 ss. 20, 23, 28, 32, and No. 10 of 1872, as am. by No. 11 of 1900, incorporated.

ORDINANCE No. 1 OF 1845.

AN ORDINANCE to make provision for the Preservation of Good Order and Cleanliness and the Prevention of Nuisances within this Colony.

[26th December, 1845.]

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

1. This Ordinance may be cited as the Summary Offences Ordinance, 1845. Short title.

2. In this Ordinance, unless the context otherwise requires,— Interpretation of terms.

"Public Officer" or "Public Department" extends to and includes the Governor and every officer or department invested with or performing duties of a public nature, whether under the immediate control of the Governor or not:

"Lawful Authority" extends to and denotes any permission which may be lawfully given by a public officer or department or by a private person:

Where no specific description is given of the ownership of any property, the word "Property" shall be taken to apply to all such property of the kinds specified, whether owned by the Crown, by a public department, or by a private person:

Any word denoting the singular number and male sex shall be taken to extend to any number of persons or things and fo both sexes.

Nuisances, Trespasses, and Similar Offences.

3. Every person shall be liable to a penalty not exceeding fifty dollars who, within this Colony, in any thoroughfare or public place or adjacent thereto, commits any of the following offences, that is to say,— Nuisances of various kinds committed in thoroughfare or public place or place adjacent thereto.

(1.) throws or lays, or causes or knowingly permits to be thrown or laid, any carrion, dirt, soil, straw, or dung, or any other filth, rubbish, or noisome or offensive matter whatsoever, on any of the roads, streets, ways, or public passages, or into any well, stream, or watercourse, ford, or reservoir for water, or any of the drains or sewers made or to be made within the Colony; or permits or suffers any such noisome or offensive substance as aforesaid to remain exposed in any drain, sewer, or elsewhere, opposite to or in the immediate neighbourhood of his house; or allows any accummulation of filth or offensive substances within the premises occupied by him, to the annoyance of the inhabitants or passengers; or in any manner defiles or pollutes any well, stream, or watercourse used by any of the inhabitants of the Town of Victoria, or for the supplying with water of ships resorting to the harbour of the Colony; or

(2.) commits any nuisance in the neighbourhood of any house or place of public passage; or

(3.) sets out or leaves, or causes to be set out or left, any scaffolding, bricks, lime, barrels, bales or cases of merchandise, or any other matter or thing which obstructs, incommodes, or endangers, or may obstruct, incommode, or endanger, any person or carriage in any public road or thoroughfare; or

(4.) exposes anything for sale in or upon, or so as to hang over, any carriage-way or footway, or on the outside of any house or shop; or sets up or continues any pole, blind, awning, line, or other projection from any window, parapet, or other part of any house, shop, or other building, so as to cause any annoyance or obstruction in any thoroughfare; or

(5.) encroaches on any public way or Crown land by erecting any building, either on or projecting over the same, or constructs any spout which projects the rain-water thereon; or

(6.) being the occupier or owner of any house, building, or other erection, neglects to repair or remove the same when in a ruinous or unsafe state, and when it endangers or may endanger the passengers in any thoroughfare; or

(7.) rides or drives on any foot-path without obvious necessity; or rides or drives in a furious manner, or so as to endanger the life or limb of any person, or to the common danger of the passengers in any public road or thoroughfare; or, when passing or meeting another horse or carriage, does not keep to the customary side of the road; or

(8.) leads or rides any horse or other animal, or draws or drives any cart, carriage, sledge, truck, or barrow, upon any footway; or fastens any horse or other animal so that it can stand across or upon any footway; or turns loose any horse or cattle upon the public road or thoroughfare; or

(9.) in any thoroughfare or public place, to the annoyance of the inhabitants or passengers, kills or slaughters, or exposes for show or sale (except in a market lawfully appointed for that purpose), or feeds or fodders, any horse or other animal; or shoes, bleeds, or farries any horse or other animal (except in case of accident); or turns loose, cleans, dresses, exercises, trains, or breaks any horse or other animal; or cleans, makes, or repairs any part of any cart or carriage, except in case of accident, where repair on the spot is necessary; or

(10.) keeps any dog accustomed to annoy passengers by barking or otherwise; or suffers to be at large any unmuzzled ferocious dog or other animal belonging to him; or sets on or urges any dog or other animal to attack, worry, or put in fear any person, horse, or other animal; or

(11.) upon any public footway, rolls or carries any barrel, cask, butt, or other thing calculated to annoy or incommode the passengers thereon, except for the purposes of housing it or of loading any cart or carriage on the other side of the footway; or

(12.) in, near, or adjoining any public road or thoroughfare, wantonly

or unnecessarily blows any horn, beats any gong or drum, or makes any other noise calculated to annoy or alarm any person or to frighten any horse or other animal; or

(13.) wantonly discharges any firearm, or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any firework, to the damage or danger of any person; or

(14.) wilfully and wantonly disturbs any inhabitant by pulling or ringing any door-bell, or by knocking or striking at any door without lawful excuse; or wilfully and unlawfully extinguishes the light of any lamp; or

(15.) plays at any game or pastime to the annoyance of the inhabitants or passengers; or

(16.) plays at any game in any public passage or road, so as to obstruct the same or create a noisy assembly therein; or

(17.) lewdly and indecently exposes his person by bathing or otherwise near any public road or dwelling-house. (See S. 7 of 14 1909.

(18.)

Dressing stone in street, etc., in Victoria.

4. Every person shall be liable to a penalty not exceeding twenty-five dollars who, within the Town of Victoria, in any street, thoroughfare, or public place, or in any place adjacent thereto, contrary to any regulations to be published from time to time by the Governor-in-Council, rough dresses or causes to be rough dressed granite or any other stone whatever, for the erection of any building or for any other purpose.

Using street cries for buying or selling.

5. Every person shall be liable to a penalty not exceeding twenty-five dollars who uses or utters cries for the purpose of buying or selling any article whatever, or who makes any noise whatever with the object of disposing of or attracting attention to his goods, wares, or trade, within any district or place not permitted by some regulation of the Governor-in-Council.

Various other offences against good order.

6. Every person shall be liable to a penalty not exceeding fifty dollars who, within the Colony, commits any of the following offences, that is to say,—

(1.) erects any shed or house of matting or other inflammable material, so as in case of fire to endanger any neighbouring building; or,

(2.) without the consent of the owner or occupier, affixes any posting-bill or other paper against or upon any building, wall, fence, or pale; or writes upon, soils, defaces, or marks any building, wall, fence, or pale with chalk or paint, or in any other way whatsoever; or wilfully breaks, destroys, or damages any part of any building, wall, fence, or pale, or any fixture or appendage thereto; or,

(3.) being employed as a domestic servant, neglects, or without just cause absents himself from, his duty without the leave of his em-

~~player; or leaves his employer's service without giving reasonable notice to the said employer; or wilfully disobeys his employer's lawful and reasonable orders; or uses any abusive or insulting language or behaviour to his employer; or is guilty of riotous and disorderly conduct; or~~

(4.) neglects to affix to his house, and keep alight during the night, such lamp or lanthorn as may be required and approved of by the Superintendent of Police; or

(5.) keeps a house or other building for the occupation or resort of public prostitutes, to the annoyance of any person inhabiting or residing near thereto; or

(6.) assembles together with other persons in the night-time without lawful excuse; or, seeing any such illegal assemblage, or knowing or having reason to suspect that such assemblage has taken place or is about to take place, does not give immediate notice thereof to the nearest guard-house or Police Station or to some constable belonging to the Police Force; or,

(7.) being employed as a private guard or watchman, sleeps on his post, or is negligent, remiss, or cowardly in the execution of his duty; or

(8.) wantonly or cruelly mutilates or otherwise ill-uses any horse, mule, dog, or other animal.

Apprehension of person committing offence mentioned in ss. 3-6.

7.—(1.) It shall be lawful for any constable belonging to the Police Force to take into custody without warrant any person who has committed within view of such constable any offence mentioned in the last four preceding sections, or, if such offence has not been committed within view of such constable, then on the complaint of any person who has been injured or annoyed by, or been witness to, the commission of such offence.

(2.) In the absence of any such constable, it shall be lawful for any person so injured or annoyed, or who has seen the offence committed, to seize and detain the offender until he can be given into the custody of such constable, or until he can be taken before a Magistrate.

Various other nuisances, principally in the nature of trespass or damage.

8. The offences next hereinafter specified shall be deemed to be nuisances within the meaning of all laws at any time in force within the Colony for the better repression of nuisances, save that the Court or Magistrate before whom any person is found guilty of any such offence, in lieu of all other punishment for the same, shall order him for every such offence to pay a penalty not exceeding one hundred dollars, that is to say,—

(1.) the felling, cutting, destroying, or injuring of any standing or growing tree, shrub, or underwood, any grass-sod or turf, or any fence or portion thereof (except in any case where any such offence

is proved to have been committed with a felonious intention);

(2.) the doing any act whereby injury or obstruction, whether directly or consequentially, may accrue to a public road, path, or walk, or to the shore of the sea, or to navigation, mooring, or anchorage, transit or traffic;

(3.) the trespassing, by man or beast, upon or in any messuage, tenement, cemetery, or land being vested in or under the control or management of any public officer or department whatsoever; and

(4.) the obeying any call of nature on any way or in any public exposed or other improper place, to the annoyance of other persons.

Occupying or building on Crown land without licence.

9.—(1.) No private person shall occupy or erect any building or other thing whatsoever upon land not being under lease from the Crown, without the licence of the Surveyor General; nor with such licence, if the same could not have been lawfully occupied or erected before the commencement of this Ordinance.

(2.) In this section the word "building" includes any shop, out-house, shed, or roof.

Prohibition of mendicancy.

10. Mendicancy in the public highways or streets is hereby forbidden.

Penalty for violation of ss. 9 and 10.

11. Every person who violates, disobeys, or fails to comply with any of the provisions of the last two preceding sections shall be liable to a penalty not exceeding five dollars. Re-enacted (No 14 of 1913)

Uttering shouts while playing Chai-Mui within prescribed hours and district.

12.—(1.) No person shall utter any shouts or cries or make other noises while playing the game known as Chai-Mui within the hours prescribed for any district or place by any regulation of the Governor-in-Council published in *The Gazette*.

(2.) Every person who contravenes this enactment shall be liable to a penalty not exceeding ten dollars: Provided that where such contravention takes place in any brothel or common lodging-house, the keeper, mistress, or other person having or appearing to have the care or management of such brothel or common lodging-house, either alone or with others, shall be liable to the same penalty.

Making noise in night time calculated to disturb public tranquillity in Victoria or its vicinity.

13.—(1.) No person shall, between sunset and the hour of six in the following morning, make or cause to be made any noise whatever calculated to disturb, annoy, or interfere with the public tranquillity or the quiet of the occupier or inhabitant of any dwelling-house within the Town of Victoria or its vicinity.

(2.) In case any person makes or causes to be made any such noise as aforesaid, it shall be lawful for any such occupier or inhabitant, or for any officer charged with the preservation of the peace, or for any constable or policeman or other person to summon the person so offending before a Magistrate, and it shall be lawful for such Magistrate, on due

investigation and proof of the person having offended against the provisions aforesaid, to proceed against and in a summary manner to fine the person so offending in any sum not exceeding one hundred dollars.

Case of watchman or servant making noise by direction of proprietor of dwelling-house, etc.

14. If, on any such investigation or proof as aforesaid, it appears to such Magistrate that the person so offending acted as watchman or servant of the proprietor or occupier of any dwelling-house, warehouse, or other out-house, office, or premises, or of the inhabitant or person in charge thereof, or by or with the direction, knowledge, sanction, sufferance, or permission of such proprietor or occupier or of such inhabitant or person in charge as aforesaid, then and in such case it shall be lawful for such Magistrate to dismiss the charge as against the watchman or servant or person acting as such so offending as aforesaid and to summon or cause to be summoned forthwith before him the proprietor or occupier, or inhabitant or person in charge thereof as aforesaid, having so directed, sanctioned, suffered, or permitted the making such noise as aforesaid, and, on due investigation and proof that any such proprietor or occupier, or inhabitant or person in charge as aforesaid, directed, sanctioned, suffered, or permitted the making of the said noise so made by the watchman or servant or person acting as such as aforesaid, then it shall be lawful for such Magistrate to fine such proprietor or occupier, or inhabitant or person in charge as aforesaid, in any sum not exceeding one hundred dollars.

Liability of proprietor, etc., of dwelling-house when person making noise cannot be apprehended or identified.

15. When and so often as any such noise as aforesaid is made in or upon any dwelling-house or premises, if it is impracticable or difficult to apprehend, discover, or identify the person so making such noise as aforesaid, then and in such case it shall be lawful for such Magistrate, on information thereof, to summon before him the proprietor or occupier, or inhabitant or person in charge, of such dwelling-house or premises, and if it appears, on due investigation and proof, that such noise as aforesaid was made in or upon the said dwelling-house or premises by the direction or with the knowledge, sanction, sufferance, or permission of the proprietor, occupier, inhabitant, or person in charge thereof, to impose on him such and the like penalty as is mentioned in the last preceding section.

Power for constable to destroy rabid animal, and penalty on owner for allowing it to be at large.

16.—(1.) It shall be lawful for any constable belonging to the Police Force to destroy any dog or other animal reasonably suspected to be in a rabid state, or which has been bitten by any dog or animal reasonably suspected to be in a rabid state.

(2.) The owner of any such dog or animal who permits the same to go at large, after having information or reasonable ground for believing it to be in a rabid state, or to have been bitten by a dog or other animal in a rabid state, shall be liable to a penalty not exceeding one hundred dol-

lars.

Power for constable to destroy stray dog.

17. It shall be lawful for any constable belonging to the Police Force to destroy any dog which is found straying or wandering about during the day-time without any owner, and not wearing a collar with the name and residence of the owner inscribed thereon; and any such constable is hereby further authorized to destroy any dog which is found straying or wandering about between the hours of ten o'clock at night and gun-fire in the morning.

Firing cannon near dwelling-house.

18. No person, other than a person acting in obedience to lawful authority, shall discharge any cannon or other firearm of greater calibre than a common fowling-piece within three hundred yards of any dwelling-house within the Colony, to the annoyance of any inhabitant thereof; and every person who, after being warned of the annoyance by any inhabitant, so discharges any such firearm, shall be liable to a penalty not exceeding one hundred dollars.

Various offences, principally relating to vessels, seamen, and merchandise.

19. Every person who within the Colony, or in the harbour or waters thereof, commits any of the following offences shall be liable to a penalty not exceeding one hundred dollars, or, in the discretion of the convicting Magistrate, to imprisonment for any term not exceeding fourteen days, that is to say,—

(1.) knowingly takes in exchange from any seaman or other person, not being the owner or master of any vessel, anything belonging to any vessel lying in the harbour or waters aforesaid, or any part of the cargo of any such vessel, or any stores or articles in charge of the owner or master of any such vessel; or,

(2.) for the purpose of protecting or preventing any thing whatsoever from being lawfully seized within the Colony or in the harbour or waters thereof, on suspicion of its being stolen or otherwise unlawfully obtained, or of preventing the same from being produced or made to serve as evidence concerning any felony or misdemeanor committed or supposed to have been committed within the Colony or in the harbour or waters thereof, frames or causes to be framed any bill of parcels containing any false statement in regard to the name or abode of any alleged vendor, the quantity or quality of any such thing, the place whence or the conveyance by which the same was furnished, the price agreed upon or charged for the same, or any other particular, knowing such statement to be false; or fraudulently produces such bill of parcels, knowing the same to have been fraudulently framed; or

(3.) bores, pierces, breaks, cuts open, or otherwise injures any cask, box, or package containing wine, spirits, or other liquors on board any ship, boat, or vessel, or in or upon any warehouse, wharf, quay,

or bank, with intent feloniously to steal or otherwise unlawfully obtain any part of the contents thereof; or unlawfully drinks or wilfully spills or allows to run to waste any part of the contents thereof; or

(4.) wilfully causes to be broken, pierced, started, cut, torn, or otherwise injured any cask, chest, bag, or other package containing any goods, while on board of any barge, lighter, or other craft, lying in the harbour or waters aforesaid, or any quay, creek, wharf, or landing-place adjacent to the same, or on the way to or from any warehouse, with intent that the contents of such package or any part thereof may be spilled or dropped from such package.

Removing land-mark.

20. Every person who removes or carries away any stone or stake driven into the ground as a land-mark, or for the purpose of defining or marking the boundaries of any lot or parcel of ground, shall be liable to a penalty not exceeding fifty dollars, or, in the discretion of the convicting Magistrate, to imprisonment for any term not exceeding seven days.

Wilfully cutting tree, etc.

21. Every person who wilfully—

(1.) cuts, breaks, damages, injures, or destroys any tree, shrub, or underwood, whether the same is the property of the Crown or of any private person; or

(2.) damages, breaks, or destroys any fence, or any wall, bridge, or embankment,

shall be liable to a penalty not exceeding one hundred dollars, or, in the discretion of the convicting Magistrate, to imprisonment for any term not exceeding fourteen days.

Offences against Good Order.

Possession of offensive weapon, etc., with intent to use it for unlawful purpose.

22. Every person who has in his possession any spear, bludgeon, or other offensive weapon, or any crowbar, picklock, skeleton-key, or other instrument fit for unlawful purposes, with intent to use the same for any such unlawful purpose, or is unable to give a satisfactory account of his possession thereof, shall be liable to a penalty not exceeding one hundred dollars, or, in the discretion of the convicting Magistrate, to imprisonment for any term not exceeding fourteen days.

Behaving riotously or provoking breach of peace.

23. Every person who behaves in a riotous, noisy, or disorderly manner, or uses any profane or indecent language or any threatening, abusive, or insulting words or behaviour, with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned, shall be liable to a penalty not exceeding fifty dollars, or, in the discretion of the convicting Magistrate, to imprisonment for any term not exceeding seven days.

Improper possession of arms or clothing, or assumption of character, of police constable.

24. Every person, not being a constable of the Police Force, who—

(1.) has in his possession any article being part of the clothing, accoutrements, or appointments supplied to any such constable, and is not able satisfactorily to account for his possession thereof; or

(2.) puts on the dress, or takes the name, designation, or character, of any such constable, for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any act which such constable would be entitled to do or procure to be done of his own authority, or for any other unlawful purpose,

shall, in addition to any other punishment to which he may be liable for such offence, be liable to a penalty not exceeding one hundred dollars.

Apprehension of Offender, etc.

Apprehension of offender whose name and residence are unknown.

25. It shall be lawful for any constable belonging to the Police Force, and for all persons whom he may call to his assistance, to take into custody without warrant any person who within view of such constable offends in any manner against this Ordinance, and whose name and residence are unknown to such constable and cannot be ascertained by such constable.

Apprehension of disorderly person.

26. It shall be lawful for any constable belonging to the Police Force to take into custody without warrant any loose, idle, and disorderly person whom he finds disturbing the public peace, or whom he has good cause to suspect of having committed or being about to commit any felony, misdemeanor, or breach of the peace, and any person whom he finds between sunset and the hour of six in the following morning lying or loitering in any highway, yard, or other place, and who cannot give a satisfactory account of himself.

Power for police constable and person aggrieved to apprehend offender in certain cases.

Not applicable to pawnbrokers: see Ordinance No. 1 of 1860 s. 28.

27. Any person found committing any offence punishable either on indictment or as a misdemeanor on summary conviction by virtue of this Ordinance may be taken into custody without warrant by any constable, or may be apprehended by the owner of the property on or with respect to which the offence is committed, or by his servant or any person authorized by him, and may be detained until he can be delivered into the custody of a constable, to be dealt with according to law.

Power to stop, search, and detain vessel, etc., or person suspected of conveying stolen property.

28. Any such constable may also stop, search, and detain any vessel, boat, cart, or carriage in or upon which there is reason to suspect that anything stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained; and any person to whom any property is offered to be sold, pawned, or delivered, if he has reasonable cause to suspect that any such offence has been committed with

Not applicable to pawnbrokers: see Ordinance No. 1 of 1860 s. 28.

respect to such property, or that the same or any part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized, and, if it is in his power, is required, to apprehend and detain such offender, and as soon as may be to deliver him into the custody of a constable, together with such property, to be dealt with according to law.

Power for constable to stop and detain person, etc., removing furniture in night-time, etc.

29. It shall be lawful for any constable to stop and detain, until due inquiry can be made, any person whom, and any horse, cart, or carriage, or any other animal or thing which, he finds employed in removing the furniture of any house or lodging, between the hours of eight in the evening and six in the following morning, or whenever such constable has good grounds for believing that such removal is made for the purpose of evading the payment of rent.

Apprehension without warrant of person charged with aggravated and recent assault.

30. It shall be lawful for any constable belonging to the Police Force to take into custody without warrant any person who is charged by any other person with committing any aggravated assault, in every case in which such constable has good reason to believe that such assault has been committed, although not within view of such constable, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender.

Detention and sale of horse, etc., of person apprehended with such horse, etc., in his charge.

31.—(1.) When any person having charge of any horse, cart, carriage, or boat, or any other animal or thing, is taken into the custody of any constable under the provisions of this Ordinance, it shall be lawful for any constable to take charge of such horse, cart, carriage, or boat, or such other animal or thing, and to deposit the same in some place of safe custody as a security for payment of any penalty to which the person having had charge thereof may become liable, and for payment of any expenses which may have been necessarily incurred for taking charge of and keeping the same.

(2.) It shall be lawful for any Magistrate before whom the case is heard to order such horse, cart, carriage, or boat, or such other animal or thing, to be sold for the purpose of satisfying such penalty and reasonable expenses, in default of payment thereof, in like manner as if the same had been subject to be distrained, and had been distrained, for the payment of such penalty and reasonable expenses.

Person apprehended without warrant to be taken to Police Station.

32. Every person taken into custody by any constable belonging to the Police Force without a warrant, except a person detained for the mere purpose of ascertaining his name and residence, shall be forthwith delivered into the custody of the constable in charge of the nearest Police Station, in order that such person may be secured until he can be brought before a Magistrate to be dealt with according to law, or may give bail for his appearance before a Magistrate, if the constable in charge deems it prudent to take bail in the manner hereinafter mentioned.

Taking of recognizance of person charged with summary offence.

33. When any person charged with any offence of which he is liable to be summarily convicted before a Magistrate, or with having carelessly done any hurt or damage, is, without the warrant of a Magistrate, in the custody of any constable belonging to the Police Force in charge of any Police Station, during the time when the Police Court or Magistrates' Office is shut, it shall be lawful for such constable, if he deems it prudent, to take the recognizance of such person, with or without sureties, conditioned as hereinafter mentioned.

Binding over of person making charge.

34. When any person charged with any felony, or any misdemeanor punishable by imprisonment with hard labour, or any other grave misdemeanor, is, without the warrant of a Magistrate, in the custody of any constable belonging to the Police Force at any Police Station during the time when the Police Court or Magistrates' Office is shut, it shall be lawful for the constable in charge of the Police Station to require the person making such charge to enter into a recognizance conditioned as hereinafter mentioned; and, on his refusal to do so, it shall be lawful for such constable, if he deems it prudent, to discharge from custody the person so charged upon his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Condition of recognizance.

35. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of a person thereby bound before a Magistrate of the district in which the Police Station is situated, at his next sitting, and the time and place of appearing shall be specified in the recognizance; and the constable shall enter in a book, to be kept for that purpose at every Police Station, the name, residence, and occupation of the party and his surety or sureties, if any, entering into such recognizance, together with the condition thereof and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

Possession of Stolen Goods.

Punishment of person suspected of having or conveying stolen thing.

36. Every person who is brought before any Magistrate charged with having in his possession or conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained, and who does not give an account, to the satisfaction of the Magistrate, how he came by the same, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty not exceeding one hundred dollars, or, in the discretion of the Magistrate, to imprisonment, with or without hard labour, for any term not exceeding fourteen days.

Granting of search warrant for thing

37. If information is given upon oath to any Magistrate that there is reasonable cause for suspecting that any thing stolen or unlawfully ob-

Form of Justice of the Peace to issue search warrants

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stolen or unlawfully obtained.

tained is concealed or lodged in any dwelling-house or other place, it shall be lawful for the Magistrate, by special warrant under his hand directed to any constable, to cause every such dwelling-house or other place to be entered and searched at any time of the day or by night, if power for that purpose is given by such warrant; and the Magistrate, if it appears to him necessary, may empower such constable, with such assistance as may be found necessary (such constable having previously made known such his authority), to use force for the effecting such entry, whether by breaking open doors or otherwise; and if, on search thereupon made, any such thing is found, then to convey the same before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and moreover to take into custody and carry before a Magistrate every person found in such house or place who appears to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

Examination of person from whom stolen thing received.

38.—(1.) When any person is brought before any Magistrate charged with having or conveying any thing stolen or unlawfully obtained, and declares that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, the Magistrate is hereby authorized and required to cause every such person, and also if necessary every former or pretended purchaser or other person into whose possession the same has passed, to be brought before him and examined, and to examine witnesses upon oath touching the same.

(2.) If it appears to the Magistrate that any person has had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, every such person shall be deemed guilty of a misdemeanor, and to have had possession of such thing at the time and place when and where the same has been found and seized (and the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who has employed such other person to convey the same); and shall be liable to a penalty not exceeding one hundred dollars, or, in the discretion of the Magistrate, to imprisonment, with or without hard labour, for any term not exceeding three calendar months.

Power to order delivery of goods stolen or fraudulently obtained and in possession of broker or other dealer

39.—(1.) If any goods are stolen or unlawfully obtained from any person, or, having been lawfully obtained, are unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint is made thereof to any Magistrate, and that such goods are in the possession of any broker, dealer in marine stores, or other dealer in second-hand property, or of any person who has advanced money upon the credit of such goods, it

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shall be lawful for the Magistrate to issue a summons or warrant for the appearance of such broker or dealer, and for the production of such goods, to be delivered up to the owner thereof, either without payment or on payment of such sum and at such time as the Magistrate may think fit.

(2.) Every broker or dealer who, having been so ordered, refuses or neglects to deliver up the goods, or who disposes of or makes away with the same after notice that such goods were stolen or unlawfully obtained as aforesaid, shall forfeit to the owner of the goods the full value thereof: Provided always that no such order shall bar any such broker or dealer from recovering possession of such goods by action from the person into whose possession they may come by virtue of the Magistrate's order, provided that such action is commenced within six calendar months next after such order has been made.

in second-hand property. *Not applicable to pawnbrokers: see Ordinance No. 1 of 1860 s. 28.*

40. It shall be lawful for any Magistrate to order that any goods brought before him which have been unlawfully pawned, pledged, or exchanged, and the ownership of which is established to the satisfaction of the Magistrate, shall be delivered up to the owner by the person with whom they were so unlawfully pawned, pledged, or exchanged, either without compensation or with such compensation to that person as the Magistrate may think fit.

Ordering restoration of property unlawfully pawned. *Not applicable to pawnbrokers: see Ordinance No. 1 of 1860 s. 28.*

41. When any goods or money charged to be stolen or unlawfully obtained, and of which the owner is unknown, are or is ordered by any Magistrate to be delivered to the Superintendent of Police, it shall be lawful for a Magistrate, after the expiration of twelve calendar months during which no owner has appeared to claim the same, to order such goods or money to be sold or disposed of towards defraying the expenses of the Police Force.

Sale of stolen goods or money unclaimed for twelve months.

Miscellaneous Provisions.

42. Whereas informations are often laid for the mere sake of gain, or by parties not truly aggrieved, and the offences charged in such informations are not further prosecuted, or it appears upon prosecution that there was no sufficient ground for making the charge: Be it enacted that in every case in which any information or complaint of any offence is laid or made before any Magistrate and is not further prosecuted, or in which, if further prosecuted, it appears to the Magistrate by whom the case is heard that there was no sufficient ground for making the charge, the Magistrate shall have power to award such amends, not exceeding the sum of one hundred dollars, to be paid by the informant or complainant to the party informed or complained against, for his loss of time and expenses in the matter, as to the Magistrate may seem meet.

Power to Magistrate to award amends to person charged on unfounded information or complaint.

43. In case any person lays any information before any Magistrate

Penalty on

common informer for compounding information without permission of Magistrate.

for any offence alleged to have been committed, by which he was not personally aggrieved, and afterwards directly or indirectly receives, without the permission of a Magistrate, any sum of money or other reward for compounding, delaying, or withdrawing the information, it shall be lawful for any Magistrate to issue his warrant or summons, as he may deem best, for bringing before him the person charged with the offence of such compounding, delay, or withdrawal; and if such offence is proved by the confession of the party or by the oath of any credible witness, such informer shall be liable to a penalty not exceeding one hundred dollars.

Punishment of second or subsequent offence against the Ordinance.

44. For every second or subsequent offence under this Ordinance (not being an offence made punishable under sections 4, 5, and 13 to 19, both inclusive) the offender shall be liable, in the discretion of the convicting Magistrate, to a penalty in double the amount or to imprisonment, with or without hard labour, for any length of time not more than fourteen days where the pecuniary penalty imposed for the first offence does not exceed fifty dollars, and for any time not more than one calendar month where the pecuniary penalty imposed for the first offence does not exceed one hundred dollars.

Power to order delivery of goods or money charged to have been stolen or fraudulently obtained, and in custody of constable.

45. If any goods or money charged to be stolen or fraudulently obtained are or is in the custody of any constable by virtue of any warrant of a Magistrate, or in prosecution of any charge of felony or misdemeanor in regard to the obtaining thereof, and the person charged with stealing or obtaining possession as aforesaid is not found, or has been summarily convicted or discharged, or has been tried and acquitted, or if such person has been tried and found guilty, but the property so in custody has not been included in any indictment or information on which he has been found guilty, it shall be lawful for any Magistrate to make an order for the delivery of such goods or money to the person who may appear to be the rightful owner thereof, or, in case the owner cannot be ascertained, then to make such order with respect to such goods or money as to the Magistrate may seem meet: Provided always that no such order shall be any bar to the right of any person to sue the party to whom such goods or money may be delivered, and to recover such goods or money from him by an action, provided that such action is commenced within six calendar months next after such order has been made.

Removal of filth, etc., and recovery of expenses of removal.

46.—(1.) It shall be lawful for the Superintendent or other officer of Police to require any person whose duty it may be to remove any filth or obstruction, or to do any other matter or thing required to be done by this Ordinance, to do so within a certain time to be then fixed by the said Superintendent or other officer, and, in default of such requisition being complied with, the said Superintendent or other officer shall and may

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(2.) It shall be lawful for the Magistrate before whom the offender has been convicted to order and adjudge such offender, in addition to the penalties hereinbefore imposed, to pay such sum of money for defraying the expenses of such removal, or of doing such other matter or thing, as to the Magistrate may seem just and reasonable; and the sum so ordered and adjudged shall be recoverable in the manner hereinafter provided for the recovery of penalties imposed by this Ordinance.

Saving as to act done or sanctioned by lawful authority.

47. Nothing in this Ordinance shall operate to the restraint or punishment of any act or thing done under lawful authority or sanctioned by the same, yet so as that in every case the proof of such lawful authority shall lie on the person alleging the same.

Right to take summary proceedings.

48. All summary proceedings under this Ordinance may be had on the information of any complainant.

Awarding of compensation for hurt or damage.

49. Every person who, by committing any offence herein forbidden within the Colony, has caused any hurt or damage to any person or property may be apprehended, with or without warrant, by any constable belonging to the Police Force, and if he does not, on demand, make amends for such hurt or damage to the satisfaction of the person aggrieved, he shall be detained by such constable in order to be taken before a Magistrate, and on conviction shall pay such sum, not exceeding one hundred dollars, as may appear to the Magistrate to be reasonable amends to the person aggrieved, besides any penalty to which he may be liable for the offence.

Saving of liability of offender to indictment or action.

50. Nothing in this Ordinance shall be construed to prevent any person from being indicted or being proceeded against by indictment or information for any indictable offence made punishable on summary conviction by this Ordinance, or to prevent any person from being liable to be proceeded against by action for any hurt or damage caused by him: Provided, nevertheless, that no person be punished twice for the same offence, and provided that no compensation has been awarded for such hurt or damage.

Recovery of penalties. *See Ordinance No. 3 of 1890.*

51. The penalties imposed by this Ordinance shall be recovered in a summary manner under and according to the provisions of any Ordinance for the time being in force relating to the jurisdiction of Magistrates and the practice and procedure before them in relation to offences punishable on summary conviction.