

III. It shall be lawful for any Claimant, under Section Two of this Ordinance, in case his Claim shall not be allowed by the said Officer, to present his summary Petition in that behalf to the Supreme Court in Equity, against the Queen's Attorney General as Respondent thereto; and if he shall verify his said Claim by Evidence to the satisfaction of the said Supreme Court, it shall be the duty of the said Court to make such Order in the premises as justice shall require; and upon the application of the same or any other Claimant or Person, or of the said Attorney General, from time to time to vary the same and to enforce every such Order according to the practice of the Supreme Court: subject nevertheless to such Appeal to His Excellency in Executive Council as the said Attorney General, or any of the said parties, may think fit to prefer.

Power to unsuccessful Claimants to Petition the Supreme Court in Equity.
Appeal to the Governor in Council.

HONGKONG.
ANNO VIGESIMO VICTORIÆ REGINÆ.
No. of 1856.

By His Excellency SIR JOHN BOWRING, Knight, LL.D., Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, Her Majesty's Plenipotentiary and Chief Superintendent of the Trade of British Subjects in China, with the Advice of the Legislative Council of Hongkong.

An Ordinance for the better Repression of Certain Diseases.

[December, 1856.]

Whereas the alarming increase of the cases of Venereal Disease within this Colony hath been attended with most pernicious results, and it is desirable to confer upon the Executive some Authority for taking measures to arrest the further progress thereof: Be it enacted and ordained, by His Excellency the Governor of Hongkong, with the advice of the Legislative Council thereof, in manner following:—

I. The person charged with the execution of this Ordinance (except so far as relates to Patients belonging to Her Majesty's Sea or Land Forces); and the respective Surgeons of the Ships-of-War, Regiments, or Corps, to which such last-mentioned Patients belong, shall be the persons charged with the execution of this Ordinance, so far as relates to such last-mentioned Patients respectively.

shall be the persons charged with the execution of this Ordinance.

II. Every person who, being ill of Syphilis or Gonorrhœa, shall have Carnal Connection with any other person, shall, upon being thereof convicted in a summary way before any Justice of the Peace, for every such offence forfeit and pay unto the Crown a penalty not exceeding Four Hundred Dollars, nor less than Two Hundred Dollars, to be levied of his or her Goods and Chattels by Warrant of Distress and Sale, under the hand of the same, or any other Justice of the Peace, in default of payment; and Payment thereof may be likewise enforced by his or her Imprisonment, if such Justice shall think fit.

Penalties upon persons having connection, &c., during illness.

III. Every person aiding, abetting, or procuring any such Offence, as in the last Section is specified, and every person in whose house or dwelling, and to whose knowledge or information or belief, any such Offence as aforesaid shall have been committed, and who shall not immediately give information thereof unto a Justice of the Peace, or unto the said or other proper Officer, shall, upon conviction thereof before any Justice of the Peace in a summary way, for every such his or her offence, forfeit and pay the like penalty, and to be levied and enforced in like manner in default of payment, as in the said Section next immediately preceding is expressed.

The like penalty upon Procurers and Owners of Houses, &c.

IV. Every person ill of either of the said Diseases, or in whose house or dwelling, and to whose knowledge or information or belief there shall happen to be any person ill of either of the said Diseases, is hereby required to make an immediate Report thereof to the person charged with the execution of this Ordinance, and to give to the person so charged free access at all times afterwards to the said house or dwelling, and to every part thereof, and also to himself or herself or the person so ill as aforesaid; and every person so ill as aforesaid, shall at all times thereafter, during his or her illness, attend, and also suffer himself or herself to be attended by the person charged with the execution of this Ordinance and his proper officer, at such houses and places to be appointed by the person so charged from time to time, and submit to such visitation and corporal or other inspection according to Medical Usage or Practice, for the better ascertaining of his or her state of Health, as the person so charged shall from time to time appoint; and in case any person shall offend against any of the provisions in this Section contained, he or she shall for every such Offence, being thereof convicted before a Justice of the Peace in a summary way, forfeit and pay to the Crown a penalty not exceeding Three Hundred Dollars, nor less than One Hundred Dollars, to be levied and enforced in default of payment by Warrant of Distress and Sale, and if it be thought fit, by Imprisonment until payment, in like manner and form as by Section Two is hereinbefore provided.

Reports of Diseases to be given to the proper authority, and power to visit and inspect the persons ill thereof.

V. It is the duty of the person charged with the execution of this Ordinance diligently to afford to every person so ill and so reported as aforesaid, all such Medical Aid and Treatment as the nature of his or her Disease may require, and to superintend and see to the due and regular provision and administration of his or her Medicine and Diet, and of all other matters requisite in the premises, and to exercise and enforce all and singular the powers and authorities by this Ordinance vested in the person so charged with the execution thereof.

Duties of this person charged with the execution of this Ordinance.

VI. After the Recovery or Cure of any such person who shall have been so reported, visited, and inspected as aforesaid for either of the said Diseases, he or she shall, upon demand, receive from the person charged with the execution of this Ordinance, or proper officer in that behalf, a Certificate in Writing of such Recovery or Cure, which Certificate shall be received and taken in every Court and Place soever, as conclusive Proof of the matters therein appearing.

Certificate of recovery or cure.

VII. In addition to any Penalty which, under Sections Two, Three, and Four of this Ordinance, a Justice of the Peace hath power to inflict, the said Justice may also, for the same offence, sentence the offender to Imprisonment with or without hard labour for the terms following: that is to say, (if the Offence be against Section Two or Section Three,) for a term not exceeding Two Months nor less than Two Weeks; and (if the offence be against Section Four,) for a term not exceeding One Month nor less than One Week.

Imprisonment in addition to money penalties.

VIII. So long only as any person who may be or become liable to any Penalty at common law by Act of Parliament, or under Division Five of Section Three of Ordinance No. 14 of 1845, for Keeping a House or Building for the occupation or resort of Public Prostitutes, except where the same shall be to the annoyance of any person, shall conform and continue to conform himself or herself to all the enactments in this Ordinance contained, such person shall be indemnified against all such his or her Liability in the premises, and may, if sued or prosecuted in respect thereof, allege or plead this Ordinance in bar of such suit or prosecution.

Indemnity to persons conforming themselves.

IX. No offender against any of the enactments in this Ordinance contained, shall be entitled to any Benefit or Indemnity whatsoever under Section Eight of this Ordinance.

Section VIII not to be any indemnity to offenders against this Ordinance.