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No. 5.

PROCLAMATION.

[L.S.] W. H. MARSH.

By His Excellency WILLIAM HENRY MARSH, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer Administering the Government and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same.

Whereas despatches have been received from the Right Honourable EARL GRANVILLE, K.G., HER MAJESTY'S Principal Secretary of State for the Colonies, conveying to me HER MAJESTY'S Gracious Confirmation and Allowance of the following Ordinances; namely:—

No. 1 of 1886, entitled—*An Ordinance to empower the Colonial Treasurer to pay otherwise than to Executors or Administrators small Sums due on account of Pay or Allowances to Persons deceased.*

No. 5 of 1886, entitled—*An Ordinance to amend the Law relating to Sales of Reversions.*

Now, therefore, it is hereby Proclaimed that the said Ordinances have been so confirmed and allowed as aforesaid.

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

Given at Government House, Hongkong, this 5th day of June, 1886.

GOVERNMENT NOTIFICATION.—No. 203.

His Excellency the Officer Administering the Government has given his assent, in the name and on behalf of the Queen, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 15 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled The Peace Preservation Ordinance, 1886.*

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 2nd June, 1886.

(LS) W. H. MARSH.

No. 15 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled *The Peace Preservation Ordinance, 1886.*

[2nd June, 1886.]

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

PART I.

Appointment of Special Constables.

Power to appoint Special Constables.

1. Whenever it appears to the Governor that any tumult or riot has taken place, or may be reasonably apprehended, and that the Ordinary Officers appointed for preserving the peace are not sufficient for the preservation of the peace, it shall be lawful for the Governor to authorize any Magistrate to summon, by writing in the form in Schedule (A), before him, any number of persons resident, or being then within the Colony, then and there to be appointed and to act as Special Constables within the said Colony, so long as the said authority shall remain in force.

Provided that, it shall be lawful for the said Magistrate, if it appears to him upon the oath of any person that there is good and sufficient cause to believe that any person intended to be appointed a Special Constable is concealing himself in order to avoid service of the summons, or that he is likely to disobey the same, to issue a warrant, in the form of Schedule (B) in the first instance for the purpose of bringing before him persons so to be appointed.

Power of Special Constables.

2. Every Special Constable shall have the same powers for the preservation of the peace, the prevention of offences, the apprehension of offenders, and for all other purposes, and the same privileges, protection, and immunities, as the members of the Police Force enrolled under the Police Ordinance, except as to pay and pension, or other reward, and shall be subject to the orders of the Governor, the Magistrates, the Captain Superintendent of Police, and any one or more Justices of the Peace for the Colony, who shall be authorized by the Governor to act in that behalf.

Penalty for refusing to appear.

3. Any person required to serve as a Special Constable under this Ordinance, who shall refuse, or otherwise omit without reasonable excuse, to appear as Special Constable, shall be liable on Summary conviction thereof by a Magistrate to imprisonment with or without hard labour for any term not exceeding two months, or to pay a penalty not exceeding one hundred dollars, or to both.

Penalty for refusing to act.

4. Any person so appointed a Special Constable, and called upon to serve, who, without reasonable excuse, shall neglect or refuse to serve and to obey such lawful orders and directions as may be given to him for the performance of the duties of his office, as provided in the third section of this Ordinance, shall, on Summary conviction before a Magistrate, be liable to imprisonment, with or without hard labour for any term not exceeding two months, or to pay a penalty not exceeding one hundred dollars, or to both: Provided always, that no person shall be subject to any penalty under this Section who shall be unable to perform the duties of a Special Constable, by reason of old age, sickness, or other infirmity, proved to the satisfaction of the said Magistrate.

Proviso.

PART II.

Proclamations of the Peace.

Proclamation may be issued.

5. Whenever it shall appear to be necessary for the preservation of the public peace of the Colony, it shall be lawful for the Governor in Council to declare by Proclamation to be published in the *Gazette* that the said Colony shall be subject to the following provisions of this Ordinance, and every such Proclamation shall remain in force until cancelled by Government Notification published in the *Gazette*.

6. Whenever and wherever the peace is being broken during the existence of any Proclamation under this Ordinance, it shall be lawful for the Governor, or Colonial Secretary or any Justice of the Peace, to call upon all by-standers and persons in the vicinity to give their aid in preserving the peace and in apprehending persons breaking the peace, and every person without lawful excuse refusing or omitting to give such aid, shall be liable on conviction thereof to imprisonment with or without hard labour for a term not exceeding three months, or to pay a penalty not exceeding fifty dollars.

Assistance from by-standers.

7. Whenever any persons shall be found during the existence of a Proclamation under this Ordinance, unlawfully, riotously, or tumultuously assembled to the disturbance of the peace and to the terror of Her Majesty's Subjects, any Justice of the Peace may, in an audible voice, warn such persons that they are acting in contravention to law, and require them to disperse and depart to their habitations, or to their lawful business; and all persons remaining so assembled, after such warning, may be dispersed and taken into custody by any Officer or Constable of Police, or Special Constable, or by any other person acting under the orders of a Justice of the Peace, and shall be liable on summary conviction before a Magistrate to imprisonment with or without hard labour for a term not exceeding three months, or to pay a penalty not exceeding fifty dollars, and if any person or persons so warned to disperse, shall be hurt, maimed, or killed in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend, the persons hurting, maiming, or killing him or them shall be free, discharged, and indemnified from the consequences, except on evidence of gross carelessness, wantonness, or malice.

Riotous assembly.

Warning.

Penalty.

8. During the continuance of any Proclamation under this Ordinance, it shall not be lawful for any person, unless in the employment of Government, or unless authorized thereto by the Governor, to carry on his person, or have in his possession, any arms or instruments capable of being used as offensive arms, unless they be the tools of his trade, or unless he can show that they are intended to be used for some lawful purpose, of which the burden of proof shall lie on him, nor any ammunition for such arms or instruments.

Carrying arms.

It shall be lawful for any Justice of the Peace acting under the powers prescribed by the third Section of this Ordinance, to enter with or without a written warrant and with or without assistance, and to authorize any Officer or Constable of Police, or Special Constable to enter with or without a written warrant, and with or without assistance, and using in either case force if necessary, into any dwelling house or other building, and into any place in which he may suspect that any such arms or instruments or ammunition may be, contrary to the provisions of this Ordinance, and such arms and instruments or ammunition may be seized and confiscated.

Justices of the Peace may search houses for arms.

Every person found carrying or having in his possession any arms or instruments or ammunition as aforesaid, except such as in respect to their nature and quantity, and having regard to his profession, occupation, and station in life, may reasonably be expected in the opinion of the Magistrate to be in his possession, contrary to the provisions of this Ordinance, shall be liable on Summary conviction before a Magistrate to a fine not exceeding two hundred dollars, or to imprisonment with or without hard labour, for a period not exceeding six months, or to both.

Penalty.

9. All persons remaining unlawfully, riotously, or tumultuously assembled after having been warned by a Justice of the Peace under Section 7, and all persons found carrying arms contrary to the provisions of Section 8 in either case during the existence of any Proclamation under Section 5, shall be liable to whipping, in place of or in addition to any other penalty prescribed by this Ordinance.

Offences against Sections 5, 7, and 8.

Whipping.

Such whipping shall be inflicted with a rattan not exceeding half-an-inch in diameter, and shall not exceed thirty strokes.

What whipping may be inflicted.

10. During the continuance of any Proclamation under this Ordinance, any Justice of the Peace, may enter with or without assistance, or may order any Officer or Constable of Police, or Special Constable, or other person to enter without a warrant and with or without assistance, using force in either case if necessary, into any dwelling house or other building, or into any place in which he may have reasonable cause to suspect that persons lately riotously assembled or engaged on any unlawful purpose, have made their escape,

Power to enter houses and to arrest

or in which he may have reasonable cause to suspect that persons about to break the peace are assembled, and may apprehend and take into custody the said persons, and every person so arrested may be detained until he can be conveniently brought before a Magistrate to be dealt with according to law.

Combination
to stop trade.

11. Any person during the continuance of any Proclamation under this Ordinance, unlawfully combining to procure a stoppage of the sale or transit from place to place of provisions or other articles, or unlawfully combining to procure Shopkeepers, Dealers, or other persons to discontinue the sale or transit from place to place of provisions or other articles, or preventing or endeavouring to prevent any person from purchasing or from being supplied with any such articles, shall, on summary conviction thereof before a Magistrate be liable to imprisonment with or without hard labour for any term not exceeding three months, or to a fine not exceeding fifty dollars, or to both.

PART III.

Banishment.

Information.

12. Whenever during the existence of any Proclamation under this Ordinance, it shall be represented by the Captain Superintendent of Police to the Governor in Council, on written information, that the removal from the Colony of any person not a natural born subject of Her Majesty, whether such person shall have been naturalized under the provisions of any Colonial Ordinance or not, is necessary for the public safety, it shall be lawful for the Governor in Council, if it shall appear to him after making such enquiry as to him may seem sufficient, to be necessary for the public safety that such person should be banished from the Colony, to issue an order banishing such person from the Colony, in such manner as to the Governor in Council may seem expedient; and the Governor may take such steps as may be necessary for carrying into effect the said order of banishment in the manner prescribed; and any person so ordered to be banished may be detained by order of the Governor, in any place, or on board any ship in the waters of the Colony, pending the carrying into effect of the order of banishment, and if he shall be found in the Colony after the time fixed for his departure in the order of banishment, which shall in no case be less than seven days from the date of the order, he may be arrested without warrant by any Justice of the Peace or Officer or Constable of Police and shall, on being brought before a Magistrate be liable to a fine not exceeding five hundred dollars, and shall be liable to be detained in such prison or place on shore, or on board such ship, in the Colony, as the Governor may appoint, until his banishment from the Colony can again be carried out in the manner hereinbefore provided; and if it shall appear that any person so ordered to be banished is a naturalized British subject as aforesaid, the order of banishment shall further declare the Status of Naturalization of such person to be suspended; such suspension being subject to confirmation or disallowance by Her Majesty, through one of Her Majesty's Principal Secretaries of State, and such confirmation or disallowance of such order shall be published in the *Government Gazette* of the Colony.

Banishment.

Punishment.

Banishment.

Status of
naturaliza-
tion.

Report to
Secretary of
State.

Every order of banishment made under this Ordinance shall be forthwith reported by the Governor to Her Majesty's Principal Secretary of State for the Colonies.

The provisions of this Section shall not be construed to limit any powers in relation to banishment conferred on the Governor in Council under Ordinance 8 of 1882.

Indemnity.

13. No person acting in good faith under the provisions of this Ordinance shall be liable in damages or otherwise for any act done by him in pursuance of the obligation and duty imposed or reasonably supposed to be imposed on him by this Ordinance.

Passed the Legislative Council of Hongkong, this 4th day of May, 1886.

ARATHOON SETH,
Clerk of Councils,

Assented to by His Excellency the Officer Administering the Government, the 2nd day of June, 1886.

FREDERICK STEWART,
Acting Colonial Secretary.

Schedule (A).

SUMMONS.

To

WHEREAS His Excellency the Governor has authorized the appointment of Special Constables in this Colony, and whereas you are appointed to be a Special Constable in this Colony.

These are therefore to require you to attend at the Police Court in this Colony (Instantly, or at o'clock on instant), there enrolled as a Special Constable, under Ordinance No. of 18, and herein fail not.

Given at this day of 188.

Magistrate.

Schedule (B).

WARRANT.

To

Captain Superintendent of Police, and all Police Officers.

WHEREAS His Excellency the Governor has authorized the appointment of Special Constables in this Colony, and whereas *A B* has been appointed to be a Special Constable in this Colony.

These are therefore to require you to bring before a Police Magistrate in this Colony, the said *A B* (Instantly) there to be enrolled as a Special Constable, under Ordinance No. of 18.

Given this day of 188.

Magistrate.

GOVERNMENT NOTIFICATION.—No. 204.

It is hereby notified that CHARLES FORD, Esquire, Superintendent of the Botanical and Afforestation Department, returned to the Colony on the 1st instant, and resumed the duties of his Office.

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 2nd June, 1886.

GOVERNMENT NOTIFICATION.—No. 205.

It is hereby notified that WILLIAM STANLEY ADAMS, Esquire, M.D., Health Officer of the Port and Medical Inspector of Emigrants, has returned to the Colony, and resumed the duties of his Office.

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 3rd June, 1886.

GOVERNMENT NOTIFICATION.—No. 206.

The following letter from Mrs. BULKELEY-JOHNSON, in reply to the vote of condolence passed by the Legislative Council on the 17th February last, is published for general information.

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 4th June, 1886.

29, QUEEN'S GATE GARDENS, S.W.,
30th April, 1886.

SIR,—I have received from Earl GRANVILLE an Extract of a Despatch written by your Excellency and also a Resolution of Condolence with myself and my family passed by the Legislative Council of Hongkong.

May I ask you to convey to the Legislative Council the sincere thanks of myself and my family for their Vote of Condolence and for the very kind feeling which prompted it; and at the same time allow me to assure you that I feel deeply sensible of the very kind and honourable mention of my late husband in your Excellency's Despatch.

I remain Sir,

Yours faithfully,

J. S. BULKELEY-JOHNSON.

His Excellency THE ADMINISTRATOR.