

GOVERNMENT NOTIFICATION.—No. 143.

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

Ordinance No. 8 of 1887.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, for the Suppression of the Triad and other unlawful Societies and for the Punishment of the Members thereof.*

Ordinance No. 9 of 1887.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, for the better protection of young Girls.*

Ordinance No. 10 of 1887.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to abolish Transportation and Penal Servitude and to substitute other Punishment in lieu thereof.*

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 13th April, 1887.

LS W. H. MARSH.

No. 8 OF 1887.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, for the Suppression of the Triad and other unlawful Societies and for the Punishment of the Members thereof.

[13th April, 1887.]

Preamble.

WHEREAS the Triad and other Societies are formed for unlawful purposes and constitute a danger to the peace of the Colony, and whereas it is expedient to amend the laws respecting such Societies: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as *The Triad and unlawful Societies Ordinance, 1887.*

Triad and other Societies declared unlawful Societies.

2. The Society known by the name of the Triad Society or *Samhopui* and other Societies by whatever name known formed for an unlawful purpose, or having among their objects purposes incompatible with the peace and good order of the Colony, are hereby declared to be unlawful Societies, and any person acting as manager or office bearer, or assisting in any way in the conduct of the business of, or in managing the affairs of any such unlawful Societies shall be guilty of a misdemeanour and shall be liable upon conviction in the Supreme Court to a fine not exceeding one thousand dollars, or to imprisonment for any period not exceeding twelve months with or without hard labour, or to both fine and imprisonment; and any person who is a member of, or who attends and takes part in any meeting of any such unlawful Society, or who subscribes or pays money, or gives aid or procures from others subscriptions, money or aid, for or towards the maintenance of any such unlawful Society shall be liable upon conviction in the Supreme Court to a fine not exceeding five hundred dollars, or to imprisonment for any period not exceeding six months with or without hard labour, or to both fine and imprisonment.

Penalty for managers.

Penalty for members.

3. All meetings of the said Societies are hereby declared to be unlawful and prohibited accordingly.

And if at any such meeting and oath or any engagement, obligation or promise relating to the objects of any unlawful Society be administered or tendered to any person such tendering or administering of any oath, engagement obligation or promise shall be *prima facie* evidence that the meeting is a meeting of an unlawful Society.

4. It shall be lawful for any Magistrate or Justice of the Peace to enter with or without assistance or to order any Police Officer or other person, in his presence, or by warrant under his hand and seal to enter 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 ground to believe that a meeting of any Society declared by this Ordinance to be an unlawful Society is being held, or that five or more persons belonging to any such unlawful Society are assembled, and to arrest or cause to be arrested all persons found at any such meeting, and to search the premises and seize or cause to be seized all books, papers, documents, flags, insignia, arms and other articles which he may have reasonable cause to believe to belong to any such Society, or to be in any way connected with the purposes of the meeting.

5. All persons so arrested and all articles so seized may be detained in custody till they can conveniently be brought before a Magistrate, where they shall be dealt with according to law.

6. If, on any such entry copies of any Rules or Regulations or engagements, obligations or promises, or lists or names of members of any unlawful Society, or if any insignia, banners, writings, paintings, drawings or other articles relating or belonging to any unlawful Society be found, the finding thereof or the fact of an oath or an engagement, obligation, or promise having been administered or tendered at the meeting shall be *prima facie* evidence that the meeting was a meeting of an unlawful Society.

7. Any person attending a meeting of an unlawful Society knowing that such meeting was a meeting of an unlawful Society, and any person continuing to attend such meeting after having been warned by any Magistrate, Justice of the Peace, or Police Officer that the meeting is a meeting of an unlawful Society, shall be liable on summary conviction to a penalty not exceeding one hundred dollars, or to imprisonment with or without hard labour for any period not exceeding six months, or to both.

8. Any person knowingly allowing a meeting of an unlawful Society to be held in any house, building, or place belonging to or occupied by him or over which he has control, shall be liable on summary conviction to a penalty not exceeding five hundred dollars or to six months' imprisonment with or without hard labour, or to both.

9. Every person shall be considered a Member of an unlawful Society who has been admitted as a member according to the Rules and Regulations thereof, or who shall have paid an entrance fee or a subscription, or who shall have attended two or more meetings of the Society as a member, or who shall have signed the roll or list of members of the Society, or who having once become a member shall not have resigned or withdrawn from or been expelled from the Society.

10. When any of the banners, insignia, or writings of any Society declared by this Ordinance to be unlawful are found in the possession, custody, or control of any person, it shall be presumed, till the contrary is shown by such person, that he is a member of such unlawful Society.

11. Ordinances 1 and 12 of 1845 are hereby repealed.

Passed the Legislative Council of Hongkong, this 11th day of March, 1887.

ARATHOON SETH,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 13th day of April, 1887.

FREDERICK STEWART,
Acting Colonial Secretary.

Meetings
unlawful.

Magistrate,
&c., may enter
house, &c.,
where unlaw-
ful meeting
held.
(Straits
Settlement
Ord. 19 of
1869, s. 8.)

And may
arrest and
seize persons
and property
found.

Persons and
property so
seized to be
taken before
Magistrate.
(Straits Settle-
ments Ord. 19
of 1869, s. 9.)

What to be
deemed *prima
facie* evidence
of unlawful
assembly.
(Straits Settle-
ment Ord. 19
of 1869, s. 10.)

Penalty for
attending
unlawful
assembly.
(Straits
Settlement
Ord. 19 of 1869
s. 11.)

Persons allow-
ing unlawful
assembly in
their premises.
(Straits Settle-
ment Ord. 19
of 1869, s. 12.)

Penalty

Members of a
society.
(Straits Settle-
ment Ord. 19
of 1869, s. 25.)

Presumptive
proof of
membership.
(Straits Settle-
ment Ord. 4 of
1862, s. 5.)

Repeal.

(LS) W. H. MARSH.

No. 9 OF 1887.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, for the better protection of young Girls.

[13th April, 1887.]

Preamble.

WHEREAS it is expedient to prevent adopted female children and other young girls from being brought up in the Colony for the purpose of prostitution either here or elsewhere: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Registrar General may summon Custodian of any female child between 6 and 16 years of age.

1. Whenever the Registrar General shall have reason to believe that any female child under the age of sixteen years has been purchased and brought into the Colony or that any female child between the ages of six and sixteen years is in the custody or under the control of any person in the Colony with the view of being trained or disposed of as a prostitute either in the Colony or out of the Colony, it shall be lawful for the Registrar General to summon before him such Custodian requiring at the same time the production of the said child, and to make full inquiry into the said matter.

Penalty for not appearing and producing child.

2. If any person who has received such notice shall not appear, and produce the said child, and shall not satisfactorily account for such default he shall be liable on conviction before a Magistrate to a penalty not exceeding five hundred dollars, and in default of payment to be imprisoned with or without hard labour for any period not exceeding six months.

Registrar General may summon any person who can give information.

3. It shall be lawful for the Registrar General by notice in writing under his hand, to summon before him any person who he believes can give information respecting any such female child, or its treatment by its adopted parents, custodian or employer, and any person disobeying such notice, and not giving satisfactory reason for such default shall be liable on conviction before a Magistrate to a penalty not exceeding two hundred dollars or in default thereof to imprisonment with or without hard labour for any period not exceeding three months.

Registrar General may associate with him two or more Justices of the Peace or such other persons.

4. If the said Custodian shall attend, the Registrar General may associate with him two or more Justices of the Peace, or such other persons as may from time to time be designated by the Governor, and he shall thereupon proceed to inquire into the matter, and shall hear and examine upon oath any person capable of giving evidence in such matter. At such inquiry the said Custodian may be assisted by Counsel or Solicitor and such Custodian or any husband or wife of such Custodian shall be a competent but not a compellable witness at every hearing before the said Registrar General or in any subsequent inquiry. If after due inquiry the Registrar General shall be satisfied that any offence against the provisions of Ordinance No. 2 of 1875 has been committed by the said Custodian he shall commit him for trial to the Supreme Court. In such case it may be lawful for the Registrar General to admit the said Custodian to bail and in case of his non-appearance on his trial recognizance of bail may be enforced by the Supreme Court in the usual manner.

Registrar General may make an order for the custody of the child under certain circumstances.

If the said Registrar General is satisfied that the said child is being trained as a prostitute or that it is the intention of the said Custodian thereof to dispose of the said child as a prostitute or that it has been purchased for the purposes of emigration and if the said Custodian shall consent that the matter be dealt with by the Registrar General it shall be lawful for the Registrar General to make an order for the proper custody of the said child, or if he should think fit to leave the said child with the said Custodian he may require the latter to furnish such security in such an amount with such sureties as he shall think fit for the proper care and bringing up of the said child.

The Registrar General may also call upon the said Custodian to furnish him with a photograph of the said child.

If Custodian declines to have the matter dealt with by the Registrar General, the case may be remitted to a Magistrate.

5. If the said Custodian declines to have the matter dealt with by the Registrar General the said Registrar General shall make an order for the temporary custody of the said child and shall remit the matter to a Police Magistrate who on hearing the parties shall if he is satisfied that the child is being trained as a prostitute or that it is the

intention of the Custodian thereof to dispose of the said child as a prostitute or that the said child has been purchased for the purpose of emigration may make an order in conformity with the provisions of Section 4 of this Ordinance.

6. Whenever the Registrar General shall have reason to believe that any female child between the ages of six and sixteen years is in the custody, power or possession of any person who has no legal right to such custody, and that it is prejudicial to the interests, and liberty of such child that she should continue in the custody of such person, it shall be lawful for the Registrar General to make application to a Judge in chambers for a writ of *Habeas Corpus*.

Registrar General may apply for *Habeas Corpus*.

On the return of the said writ the said Judge shall make such order respecting the custody, education, and bringing up of the said child, and on such conditions as he shall deem best in the interest of the said child.

In dealing with such cases no parent who has voluntarily parted with such child for the purpose of adoption into another family or who has received money for the parting with the custody of the child for any other purpose shall be deemed to be entitled as of right to the custody of such child as its natural guardian.

7. In any action which may hereafter be entered for the recovery of any sum due on any promise or agreement which before the coming into operation of this Ordinance has been entered into before the Registrar General with respect to the custody, maintenance or giving in marriage of any female child, it shall not be necessary for the plaintiff in such action to allege or to prove that any consideration was given for the said promise or agreement, and it shall not be competent for the said defendant to allege in defence that the Registrar General had no authority or power to require such promise or agreement from him, or that no consideration was given for the same.

Recovery of sums due on promise or agreement already entered into.

8. It shall be lawful for the Governor in Council to make and when made to alter, amend, or revoke all Rules and Regulations necessary for the efficient working of this Ordinance.

Governor in Council may make Regulations.

9. The forms contained in the Schedule to this Ordinance shall be the forms to be used when required under this Ordinance.

Forms.

Passed the Legislative Council of Hongkong, this 18th day of March, 1887.

ARATHOON SETH,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 13th day of April, 1887.

FREDERICK STEWART,
Acting Colonial Secretary.

SCHEDULES.

A.

Notice under Section 1 of Ordinance No. 9 of 1887.

To A.B.
residing at

In virtue of the powers conferred on me by section 1 of Ordinance No. 9 of 1887, I do hereby require you the said A.B. to appear before me at my office situate in _____ on _____ at _____ of the clock in the _____ noon and then and there to bring and produce one C.D. a female child now in your custody or under your control.

Dated this _____ day of _____ in the year One thousand Eight hundred and _____

Registrar General.

Take Notice that if you do not obey this summons you are liable to a penalty not exceeding five hundred dollars, and in default of paying the said sum to imprisonment not exceeding six months.

B.

HONGKONG } Know all men by these presents that we
TO WIT. }

A.B. of _____
C.D. of _____
and E.F. of _____ are hereby jointly and severally bound to Her Majesty, Her Heirs and Successors in the sum of _____ dollars, for which payment well and truly to be made we do hereby bind ourselves our Executors, Administrators and Assigns firmly by these presents.

Dated this _____ day of _____ in the year _____

Whereas (as the case may be) has under the provision of Section 5 of Ordinance No. 9 of 1887, this day entrusted to the care of the said A.B. one G.H. a female child. Police Magistrate

Now the conditions of the above recognizance are such that if the said A.B. do well and truly (here state conditions) then the above recognizance to be null and void otherwise to remain in full force and effect.

Signature of A.B.

(S)

C.D.

(S)

E.F.

(S)

Taken and subscribed by the said A.B., C.D. and E.F. on the day month and year aforesaid

Before me

Registrar General.

C.

IN THE COLONY OF HONGKONG.

*In the matter of Ordinance 9 of 1887,
and in the matter of C.D. female
child.*

To A.B.

These are to require you the said A.B. to be and appear before me at my office situate in _____ on _____ to give information respecting the treatment of one C.D. a female child.

And take notice that if you do not attend you are liable to a fine not exceeding two hundred dollars, and in default of payment of the same to be imprisoned for any period not exceeding three months.

Dated this _____

Registrar General.

(LS) W. H. MARSH.

No. 10 OF 1887.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to abolish Transportation and Penal Servitude and to substitute other Punishment in lieu thereof.

[13th April, 1887.]

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

Penal servitude abolished.

1. From and after the commencement of this Ordinance no person shall be sentenced to transportation or penal servitude, and any person who, if this Ordinance had not been passed, might have been sentenced to transportation or penal servitude, shall after the commencement of this Ordinance be liable to be sentenced to imprisonment with hard labour for a term of the same duration as the term of transportation or penal servitude to which such person would have been liable if this Ordinance had not been passed.

Persons under penal servitude to be deemed to have been sentenced to hard labour.

2. All persons at present detained under any sentence of penal servitude shall for the remaining period of their sentence be deemed to have been sentenced to imprisonment with hard labour, and shall be classed accordingly and shall be subject to all Laws and Rules relating to the care, custody, management, employment and discipline of offenders under sentence of imprisonment with hard labour, in the same manner as if they had been originally sentenced to imprisonment with hard labour.

Repeal.

3. Ordinance 10 of 1858 is hereby repealed.

Passed the Legislative Council of Hongkong, this 1st day of April, 1887.

ARATHOON SETH,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 13th day of April, 1887.

FREDERICK STEWART,
Acting Colonial Secretary.