

GOVERNMENT NOTIFICATION.—No. 86.

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

Ordinance No. 11 of 1888.—*An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, entitled The Unclaimed Balances Ordinance, 1888.*

Ordinance No. 12 of 1888.—*An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, entitled The Vagrancy Ordinance, 1888.*

By Command,

FREDERICK STEWART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 3rd March, 1888.

No. 11 OF 1888.

An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, entitled *The Unclaimed Balances Ordinance, 1888.*

LS G. WILLIAM DES VŒUX.

[27th February, 1888.]

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

1. On the coming into operation of this Ordinance the Registrar of the Supreme Court shall cause to be posted up in some conspicuous place in the Supreme Court notices in the form set forth in Schedules *A.*, *B.*, and *C.* to this Ordinance.

Registrar to post up and publish notices.

Schedules *A.* and *B.* shall remain so posted up for the space of six months, and Schedule *C.* for the space of one year.

2. The said Registrar shall also cause the said notices to be published twice in the *Government Gazette* and for six consecutive days in at least one newspaper published daily in this Colony.

He shall also cause Schedule *C.* to be published in four consecutive numbers of the *London Gazette* and for six consecutive days in the *Times* newspaper.

He shall also cause a notice in the form set forth in Schedule *D.* to be published daily for two consecutive weeks in at least one daily newspaper published in this Colony.

3. The sums mentioned in the said Schedules or such of them as shall be unclaimed at the end of the respective periods aforesaid shall be transferred to the General Revenue of the Colony.

Sums not claimed to be paid to General Revenue.

4. The provisions of Sections 6 to 9 inclusive of the Unclaimed Balances Ordinance, 1885, shall apply to the refund of any of the above mentioned sums if claimed at any time after the expiry of the periods mentioned in Section 1.

Sections 6 to 9 of Ord. 7 of 1885 to apply.

5. Whenever any sum other than the balance of an Intestate Estate, shall remain five years unclaimed in the Supreme Court, it shall be lawful for the Court on the application of the Registrar, to order that such sum be paid over to the Treasurer for transfer to the General Revenue of the Colony subject to refund as provided in the last section. Before making the said order the said Court may order such notices to be given and to such parties as the said Court shall think fit.

Sums unclaimed in Registry to be paid over.

6. This Ordinance and the Unclaimed Balances Ordinance No. 7 of 1885 shall be read together as one Ordinance.

This Ordinance to be read with No. 7 of 1885.

Passed the Legislative Council of Hongkong, this 16th day of February, 1888.

ARATHOON SETHI,
Clerk of Councils.

Assented to by His Excellency the Governor, the 27th day of February, 1888.

FREDERICK STEWART,
Colonial Secretary.

SCHEDULES.

(A.)

Notice is hereby given that if the sums hereinafter mentioned are not claimed within six months from this date, they will be transferred to the General Revenue of this Colony.

Supreme Court, Hongkong,
this day of 188 .

Registrar.

SUMMARY COURT DEPOSITS.

November 28th, 1882.

By Speechly v. Webster,	Suit No. 167 of 1877,...	\$ 4.22
„ Chan Yau v. Li Kam,	„ 988 of 1877,...	3.48
„ Poon Lai Sau v. Revena,	„ 236 of 1878,...	1.50
„ Lo U v. S. R. Neate,	„ 1061 of 1877,...	14.21
„ Cheung Kwong v. Yang Cheong,...	„ 605 of 1874,...	1.32
„ Chui Pun v. Aitken,	„ 547 of 1878,...	9.45
„ Cheung Kun & another v. Li Ling Shing,	„ 881 of 1878,...	4.00
„ Lee Fat v. Australian S. N. Co.,...	„ 128 of 1879,...	14.00
„ Dayoormell v. Bryant,	„ 748 of 1879,...	16.00
„ A. F. Smith v. Ho Tai,	„ 910 of 1879,...	4.34
„ Rajah Singh v. Abdool Khan, ...	„ 504 of 1879,...	1.00
„ Lee Ahmoon v. Low Mun-po,	„ 868 of 1879,...	16.13
„ Mak Sew Wan v. Hon Chong,	„ 980 of 1879,...	8.75
„ U Kwan Cheong v. Klampermeyer, ..	„ 240 of 1880,...	12.65
„ Kwan Mi-ho v. W. M. B. Arthur, ..	„ 471 of 1880,...	2.40
„ Fong Wing Shau v. T. I. Bowler, ..	„ 897 of 1880,...	0.25
„ Chau Leung-fu v. Wong Pun Sheong,	„ 1056 of 1880,...	8.40
„ Yeung-fu v. Norman,	„ 475 of 1881,...	3.25
„ Lam U-lai v. Betts,	„ 589 of 1881,...	28.50
„ Chau Wa Hi v. Chung Wing,	„ 750 of 1881,...	0.20
„ Suits Nos. 1009 to 1024. Balance of Sale,	„ 1009/1024 of 1881,	10.39
„ Li Chi v. Ng Kam,	„ 189 of 1881,...	1.34
„ M. H. Madar v. Ho Tim,	„ 140 of 1882,...	25.00
„ Suit No. 496. Balance of Sale, ...	„ 496 of 1882,...	10.50
„ Utter Singh v. Mahomed,	„ 245 of 1882,...	1.10
„ Suit No. 939. Tsang A-choy v. Ho Kam Moon. Balance of Sale,	„ 939 of 1882,...	9.23
„ Chun Kwai v. Darc,	„ — of 1882,...	4.00

December 1st, 1882.

By Lui Pek-tsz v. Cheung Kan, Suit No. 618, 9.61

March 1st, 1883.

By Li Pat Hing v. Leung Yon, Suit No. 255, 0.99

June 9th, 1883.

By Wong Iu Chiu v. Yew Luk, Suit No. 649, 7.78

„ Same v. Mau Kow, „ 656, 3.16

June 11th, 1883.

By Wong Iu Chiu v. Mok Yung, Suit No. 655, 6.92

June 25th, 1883.

By Wong Yiu Chew v. Tang Wing, ... Suit No. 338, 8.00

July 20th, 1883.

By Wong Yiu Chew v. Lee A-kee, ... Suit No. 653, 5.40

\$256.57

(B.)

Notice is hereby given that if the sums hereinafter mentioned are not claimed within six months from this date, they will be transferred to the General Revenue of this Colony.

Supreme Court, Hongkong,
this day of 188

Registrar.

LIST OF BANKRUPTS ESTATE.

LYALL, STILL & Co.—Adjudicated, May 23rd, 1867,—			
Balance in hand,.....	\$	242.47	
Unclaimed dividend due to Fussell & Co.,		238.34	
Do. do. to London & Lancashire Insurance Company,		1.55	
Balance,.....		2.58	
	\$	242.47	
VAUCHER & BLAKEWAY.—Adjudicated, September 25th, 1867,—			
Balance in hand,.....	\$	7.63	
Unclaimed dividend due to Rosselet, Dubied,	\$	7.63	
VAUCHER & BLAKEWAY.—Consignment Account. Balance,		\$	540.87
Unclaimed dividend due to Pouget Fils,)		131.21	
Do. do. C. M. Mitrand,)		115.53	
Do. do. E. Apiau,)		6.18	
Do. do. Ch. Honssier,)		238.79	
Do. do. A. Debano,)		49.16	
	\$	540.87	
CHOW TING.—Adjudicated, September 19th, 1878,—			
Balance in hand,.....	\$	109.95	
Unclaimed dividend due to Cheung Man Hoi,		57.55	
(Claims \$19,390). Balance undivided,.....		52.40	
	\$	109.95	
W. VON PUSTAU.—Adjudicated, December 23rd, 1878,—			
Balance in hand,.....	\$	238.22	
Unclaimed dividend due to J. J. de Marcanda,		79.27	
Unclaimed dividend due to Capt. von Trumbach,.....		18.20	
Unclaimed dividend due to W. Dodge & Co.,		10.00	
Do. do. to P. E. du Bois, .		8.93	
Do. do. to Leo Jauvet,		63.10	
Do. do. to Wcdekind & Co.,		45.00	
Do. do. to Tubrigs Fabriken,		13.72	
	\$	238.22	
WONG TSO LEONG.—Adjudicated, November 24th, 1879,—			
Balance in hand,.....	\$	350.18	
Unclaimed dividend due to Liu Kwai Sin, ..		12.68	
Do. do. to Chan A-kan, ...		9.33	
Do. do. to Ng Shang,		3.60	
Do. do. to Lui A-hing,.....		4.23	
Do. do. to Chang Soy,.....		24.94	
Do. do. to Cheang A-fook,		1.72	
Do. do. to Leong A-pang,		15.20	
Do. do. to Tsui Pin Che,...		16.77	
Do. do. to Chow Kong, ...		3.69	
Do. do. to Sun Chow Yee,		6.01	
Do. do. to Yip A-kew,		2.93	
Do. do. to Wong Soi Sow,		6.83	
Do. do. to Cheong Kwai, ..		1.91	
Do. do. to Li Kou Chow, ..		2.81	
Do. do. to Yip Tsun,		2.44	
Do. do. to Leong A-chai, ..		27.98	
Do. do. to Tai Sam,.....		28.35	
Do. do. to Loi Hing,		4.23	
Do. do. to Tsang Tsau I,....		27.56	
	\$	203.21	
(Claims \$43,428.91). Balance undivided, ...		146.97	
	\$	350.18	
VIRGILE FAVRE.—Adjudicated, October 14th, 1880,—			
Unclaimed dividend due to H'kong Ice Co.,		0.34	
Do. do. to Gas Co.,		2.32	
Do. do. to Lane, Crawford & Co.,		1.63	
Do. do. to Nam Hing Loong,		2.04	
Do. do. to Yee Kee,		0.83	
Do. do. to Sui Kam,		9.92	
Do. do. to Vaucher Scours,		2.78	
Balance in hand,.....	\$	19.86	
	\$	1,509.18	
VOGEL & Co.—Consignment account,		374.02	
Carried forward,.....	\$	1,883.20	

Brought forward,.....		\$1,883.20
CHOY SING NAM.—Adjudicated, January 26th, 1882,—		
Balance in hand,.....	\$ 50.18	\$ 50.18
Claims against the Estate amount to \$41,235.01.		
HO YIK CHI.—Adjudicated, February 16th, 1882,—		
Balance in hand,.....	\$ 89.61	
Unclaimed dividend due to Chau Kwai,....		
Do. do. to Wong Sing Shu,	22.05	
Do. do. to Leung Lok Ting,	31.50	
Do. do. to Wa On Shop, Canton,	8.66	
Do. do. to Wing Cheung Shop, Canton,	3.78	
Do. do. to Lü Fuk Tai, Yaumati,	7.87	
Do. do. to Lü Fuk Tai, Yaumati,	15.75	\$ 89.61
VOGEL & KIRCHOFF.—Adjudicated, February 25th, 1882,—		
Balance in hand,.....	\$ 105.28	
Unclaimed dividend due to Nam Hing Loong,		
Unclaimed dividend due to Lai Fong,	0.25	
(Claims \$634,506.84). Balance undivided,	36.24	
Balance undivided,	68.79	\$ 105.28
POON WOON <i>alias</i> POON PING SHANG.—Adjudicated, June 12th, 1882,—		
Balance in hand,	\$ 4.77	
Unclaimed dividend due to Wong Shing,...		
Balance,.....	4.64	
Balance,.....	0.13	\$ 4.77
HO KI.—Adjudicated, February 13th, 1883,—		
Balance in hand,.....	\$ 37.62	\$ 37.62
No claims filed against the Estate.		
SHEK HANG CHUEN.—Adjudicated, December 22nd, 1884,—		
Balance in hand,.....	\$ 9.31	
Unclaimed dividend due to U On Chau Shop,		
Balance,.....	9.31	\$ 9.31
Total,.....		<u>\$2,179.97</u>

(C.)

In the matter of the Trust Estate of Dent & Co.

1. Balance due to Alexander Cowie, Master of the ship or vessel <i>Aurora</i> ,.....	\$5,879.65
2. Balance due to Henry Mann, Master of the ship or vessel <i>Waterwitch</i> ,	78.15
3. Balance due to J. Gover,	469.19

In the matter of Jacky *alias* Thomas John Rowland.

Amount to credit of this account,	2,281.57
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(D.)

Notice is hereby given that if the sums mentioned in Schedules A and B of Ordinance No. of 188 , copies of which have been posted up in the Supreme Court and published in the *Government Gazette* of the , are not claimed within six months, from the , they will be paid over to the General Revenue of the Colony.

The sums mentioned in Schedule C. to the said Ordinance, a copy of which has been posted and published, will also be paid over to the Treasury if not claimed within one year from the said date.

Registry Supreme Court.

Registrar.

No. 12 OF 1888.

An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, entitled *The Vagrancy Ordinance, 1888.*

LS G. WILLIAM DES VŒUX.

[3rd March, 1888.]

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

1. In this Ordinance the term *Vagrant* means any person other than a Chinese found asking for alms or without any employment or visible means of subsistence.

Interpretation.

Agent of a vessel includes any person who undertakes the agency of such vessel, though he may not be the consignee thereof.

2. The Governor may provide a House of Detention for Vagrants at such place as he may think proper, and may appoint a Superintendent and such Officers as he may think proper, and may remove any such Superintendent or Officers at pleasure.

Governor may provide House of Detention; in the meantime Victoria Gaol declared as such.

The Governor may by notification in the *Gazette* certify any building or part of a building to be a House of Detention for the purposes of this Ordinance, and until any such house be provided the Gaol at Victoria may be used as such house for the purpose of this Ordinance.

3. Every House of Detention shall be under the immediate charge of a Superintendent who shall be appointed, and may be suspended or removed by the Governor, and until any other appointment is made the Superintendent of Victoria Gaol shall be the Superintendent of the House of Detention.

Governor to appoint Superintendent. Meantime Superintendent of Victoria Gaol to be Superintendent.

4. Any Police Officer may require any person who is apparently a vagrant to accompany him or any other Police Officer to, and to appear before, a Magistrate.

Conveyance before Magistrate.

5. Such Magistrate shall in such case, or in any other case where a person apparently a Vagrant comes before him, make a summary enquiry into the circumstances of such apparent Vagrant and if satisfied that he is a Vagrant shall declare him to be such.

Magistrate may declare a person to be a vagrant.

6. If such Magistrate shall be further of opinion that such Vagrant is not likely to obtain employment at once, or if he has reason to believe that a declaration of vagrancy has on any former occasion been recorded in respect of such Vagrant, he shall require such Vagrant to go to a House of Detention, and shall draw up an order to that effect.

Committal to House of Detention.

7. The Vagrant shall then be placed in charge of the Police for the purpose of being forwarded to the House of Detention and the said order shall be a sufficient authority to the Police for retaining him in their charge while he is on his way to the House of Detention and to the Superintendent of the House of Detention for receiving and detaining such Vagrant.

Power to detain.

8. Where the Magistrate dealing with such Vagrant is of opinion that the Vagrant is likely to obtain employment in the Colony, such Magistrate may in his discretion forward the Vagrant in charge of the Police to the place where such employment is likely to be obtained and may draw up an order to that effect. Such order shall be a sufficient authority to the Police for retaining the Vagrant in their charge whilst on his way to such place of employment, and afterwards, should he not succeed in obtaining such employment.

Magistrate may forward to place of employment.

9. The Magistrate dealing with any Vagrant shall to the best of his ability, assist him in seeking employment, and may in the meantime if he think fit keep such Vagrant in charge of the Police. Should the Vagrant fail to obtain suitable employment within a reasonable time not exceeding at the most seven days, such Magistrate shall forward him to a House of Detention as provided in Section 6.

Magistrate to assist in seeking employment.

10. Every person while in charge of the Police under this Ordinance or whilst seeking employment shall be entitled to the same maintenance and subject to the same regulations as prisoners detained on remand.

To be treated as prisoners on remand.

Scale of diet.	<p>11. Every Vagrant detained in any House of Detention shall be allowed the same scale of diet for his support as is allowed to adult long-sentence prisoners whose conduct is good.</p>
Vagrants subject to certain regulations.	<p>12. Every Vagrant admitted to any House of Detention shall be subject to the same regulations as are prisoners in Gaol, with respect to</p> <p>(a.) Search of his person, clothing, and effects. (b.) Custody of his clothing and effects. (c.) The wearing of a distinctive dress. (d.) Personal cleanliness. (e.) Hours, meals, labour (other than penal labour) and general conduct. Always provided that such regulations may be specially modified in relation to Vagrants by any Code of Rules approved by the Governor in Council and that any money or effects of any Vagrant may be applied towards the expense of carrying this Ordinance into execution for his benefit.</p>
Punishment for misconduct.	<p>13. Any vagrant who knowingly disobeys any rule applicable to him or made under the previous section of this Ordinance shall be liable to the same punishment, and such punishment shall be awarded as if he were a misdemeanant in Gaol.</p>
Superintendent to forward weekly list to Harbour Master.	<p>14. The Superintendent of such House of Detention shall forward weekly to the Harbour Master a list of such Vagrants under his charge as are seamen, and shall otherwise use his best endeavours to obtain suitable employment outside such house for the Vagrants admitted thereto.</p>
Penalty for refusing employment.	<p>15. When such employment is obtained, any Vagrant refusing or neglecting to avail himself thereof shall, on conviction before a Magistrate, be liable to imprisonment with hard labour for a term not exceeding one month.</p>
Removal from Colony.	<p>16. If, after the lapse of a reasonable time no suitable employment is obtainable for any such Vagrant, the Superintendent of the House of Detention in which he is detained may either (when such vagrant has entered into an agreement as hereinafter mentioned) cause him to be removed from the Colony, or he may cause Sections 25 and 28 of this Ordinance to be read to such Vagrant and may then release him.</p>
Cost of removal.	<p>17. The cost of the removal from the Colony of any Vagrant under this Ordinance shall be defrayed by the Government subject to the provisions hereinafter contained for its refund.</p>
Agreement to leave the Colony.	<p>18. Any Vagrant or other person other than a Chinese may enter into an agreement in writing with the Superintendent of any House of Detention or with the Colonial Secretary, binding himself to embark on board such ship and at such time as may be named in such agreement for the purpose of being removed from Hongkong at the expense, if any, of the Government of this Colony, to remain on board until such ship shall have arrived at the port of destination, and not to return to Hongkong within five years.</p>
Form of agreement.	<p>19. Every such agreement may be on unstamped paper and shall be in the form set forth in the Schedule to this Ordinance or as near thereto as may be.</p>
Persons landing vagrants in the Colony to pay cost of removal, &c.	<p>20. Whenever any person, not a Chinese, lands in this Colony or being a non-commissioned officer or soldier in Her Majesty's Army leaves that army in this Colony under an engagement to serve any person, company, or association, or body of persons in any capacity, and whenever any sailor other than a Chinese sailor is discharged from his ship in this Colony and such person, non-commissioned officer, soldier or sailor becomes chargeable to the Colony as a Vagrant within a period of six months after his arrival here or after his leaving the Army or discharge from his ship as the case may be, then the person, company, association or body to serve whom he has so landed in Hongkong, left the Army, or, in the case of a sailor, the person who was at the date of his discharge the owner or agent of the ship from which such sailor has been so discharged, shall be liable to pay to the Government the cost of his removal under this Ordinance and all other charges incurred by the Colony in consequence of his becoming a Vagrant.</p>
Shipmasters landing destitutes liable to defray expenses.	<p>21. Every Master of a ship landing or allowing to land in this Colony any person other than a Chinese who at the time of his landing is obviously destitute of means of subsistence or does actually become so within a period of six months from the date of landing shall be liable to repay to the Government of this Colony all costs and charges incurred by the Colony in consequence of such person becoming a Vagrant unless such Master satisfy the Court that he made</p>

due enquiry as to the person so landed or allowed to land, and that he had reason to believe such person was possessed of means of subsistence.

22. In the absence of such Master of a vessel the Owner, Agent, or Consignee of such vessel at the time the person who subsequently became a Vagrant was allowed to land shall be liable to pay the said costs and charges on his behalf.

Owner, &c.
liable in the
absence of
Shipmaster.

23. Such costs and charges shall be recoverable by suit as if an express agreement to repay them had been entered into with the Colonial Secretary by the Person, Company, Association, Body, Owner, Agent, or Consignee chargeable.

Recovery of
costs.

24. In any proceeding under this Ordinance a certified copy of the declaration recorded under Section 3 shall be *prima facie* evidence that the person named therein has been and that he was a Vagrant at the date of such declaration.

Evidence.

25. Any person apparently a Vagrant refusing or failing to accompany a Police Officer to or to appear before a Magistrate when required to do so for the purposes of this Ordinance may be arrested without warrant and shall be liable on conviction to imprisonment with hard labour for a period not exceeding one month.

Arrest
without
warrant.

26. Any Vagrant who escapes from the Police whilst committed to their charge under this Ordinance or who leaves a House of Detention without permission from the Superintendent, or who, having with such permission left a House of Detention for a limited time or a specified purpose, fails to return on the expiration of such time or when such purpose has been accomplished or proves to be impracticable, shall for every such offence be punishable on conviction before a Magistrate with hard labour for a period not exceeding three months.

Penalty for
escape.

27. Any person entering into an agreement under Section 16 of this Ordinance and wilfully violating that agreement in any respect shall for every such offence be punishable on conviction before a Magistrate with hard labour for a period not exceeding three months.

Breach of
agreement.

28. Any person asking for alms in a threatening or insolent manner, or continuing to ask for alms of any person after he has been required to desist shall be punishable on conviction before a Magistrate with hard labour for a period not exceeding three months.

Penalty for
asking alms.

29. The Governor in Council may from time to time make rules consistent with this Ordinance for the guidance of officers in matters connected with it. All such rules shall be published in the *Government Gazette*, and shall thereupon have the force of law.

Governor in
Council may
make rules.

Passed the Legislative Council of Hongkong, this 16th day of February, 1888.

ARATHOON SETH,
Clerk of Councils.

Assented to by His Excellency the Governor, the 3rd day of March, 1888.

FREDERICK STEWART,
Colonial Secretary.

SCHEDULE.

(See Section 16.)

ARTICLES OF AGREEMENT made this day of between the Colonial Secretary of Hongkong of the one part and A.B. of, &c. (*the vagrant*) of the other part: Each of the parties hereto (so far as relates to the acts on his own part to be performed) hereby agrees with the other of them as follows:—

1. The said A.B. shall embark on board such ship, and at such time as an Officer appointed in this behalf by the Government of Hongkong shall direct.
2. The said A.B. shall remain on board such ship until such ship shall have arrived at the port of destination.
3. The said A.B. shall not return to Hongkong until five years shall have elapsed from the date of such embarkation unless specially permitted to return by the Governor of Hongkong.
4. The said Colonial Secretary of Hongkong shall contract with the owner of the said ship or his agent for the passage of the said A.B. on board the said ship, and for his subsistence during the voyage for which he shall embark as aforesaid.
5. In witness whereof the said Colonial Secretary of Hongkong and the said A.B. have hereunto set their hands the day and year first above written.