

CHAPTER 35.**UNLAWFUL SOCIETIES.****ARRANGEMENT OF SECTIONS.****SECTION.**

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SCHEDULE.**CHAPTER 35.****UNLAWFUL SOCIETIES.**

28 of 1909.
17 of 1912.
35 of 1913.

An Ordinance to Facilitate the Detection of Crime and to Provide for the Deportation of Persons found guilty of crimes committed in connection with the Human Leopard and Alligator Societies.

[10TH DECEMBER, 1909.]

Short title.

1. This Ordinance may be cited as the Unlawful Societies (Human Leopard and Alligator) Ordinance, and shall apply to the Colony and Protectorate.

Interpreta-
tion.

2. In this Ordinance, unless the context otherwise requires—
“unlawful society” means the Human Leopard Society, the Human Alligator Society, or any other society existing

for the purpose of committing or encouraging or procuring the commission of murder;

“ alien ” means a person who is a natural born subject of a foreign state or has been naturalised as such.

3. Any person who, either before or after the commencement of this Ordinance, without lawful authority or excuse (the proof whereof shall lie on the party accused), has had or has in his possession or custody, or under his control, any of the articles mentioned in the schedule hereto, or who shall have been, or shall be, found wearing or carrying any one or more of the said articles, shall, unless he can prove that he had it or them in his possession or under his control for a lawful purpose, on conviction, be liable to imprisonment, with or without hard labour, for a term not exceeding fourteen years.

Persons found in possession of any article in schedule.

4. When any Magistrate, or Justice of the Peace, is satisfied, by information on oath, that any one or more of the articles mentioned in the schedule hereto are being kept or concealed in any place, or in the possession, custody, or control of any person, he may grant a warrant, by virtue of which it shall be lawful for any person named in such warrant to enter at any time, and, if need be, by force, on Sundays, as well as on other days, any place named in such warrant, and examine the same, and search for the said articles therein, and seize and detain the same.

Search warrant.

5. Any member of the Police Force or Royal West African Frontier Force, or other person authorised by a District Commissioner, who has reasonable cause to believe that any articles mentioned in the schedule hereto are being carried, kept, or concealed, contrary to the provisions of this Ordinance, may arrest any person, enter, inspect and examine any place, and shall, for the purposes of this section, have the same powers, and be in the same position, as if he were authorised by a search warrant.

Persons empowered to search premises on reasonable suspicion without warrant.

6. When any person is alleged to have been murdered by members of any unlawful society, whether known or unknown, it shall be lawful for any of the persons mentioned in section 5 hereof to enter at any time, and, if need be, by force, on Sundays, as well as on other days, and inspect and examine any place in the neighbourhood of the scene of any such alleged murder, and search for any one or more of the articles mentioned in the schedule hereto, and seize and detain the same.

Search after a murder.

General search when ordered.

7. The Governor in Council may, from time to time, by Order, empower any officer of the Police Force or Royal West African Frontier Force to search any town, village, or *fakai*, or other place in the Colony or Protectorate, by virtue of which Order it shall be lawful for the officer named in such Order, or other person acting in his aid, to enter at any time, and, if need be, by force, on Sundays, as well as on other days, any houses, buildings or premises situate in any town, village, *fakai* or other place named in such Order, and to examine and search for the articles mentioned in the schedule hereto, and to seize and detain the same.

Penalty for obstruction.

8. Every person who fails to admit, or who hinders, molests or obstructs any such person or officer mentioned in the last three sections, shall be liable, on conviction before a Magistrate, to a penalty, not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a term not exceeding twelve months.

Interpretation of criminal possession.

9. When the possession, custody or control of any article is in this Ordinance expressed to be an offence, if any person shall have any such article in his personal custody or possession, or shall knowingly and wilfully have any such article in the actual custody or possession of any other person, or shall knowingly and wilfully have any such article in any dwelling house or other building, lodging, apartment, field or other place, open or enclosed, whether belonging to, or occupied by, himself or not, and whether such article shall be had for his own use, or for the use or benefit of another, every such person shall be deemed and taken to have such article in his custody or possession within the meaning of this Ordinance.

Chief abetting.

10. Any chief, sub-chief or headman, who directly or indirectly permits, encourages or abets, or is concerned in the celebration in any town, village or place under the authority of such chief, sub-chief, or headman, of any unlawful society customs, or who, knowing of any such celebration or intended allowance, does not, with all reasonable despatch, report the same to a District Commissioner or some member of the Police Force or Royal West African Frontier Force, shall, on conviction before a Magistrate, be liable to a fine, not exceeding five hundred pounds, or to imprisonment, with or without hard labour, for a term not exceeding twelve months.

Power to arrest and detain chiefs.

11. It shall be lawful for the Governor in Council, from time to time, to order the arrest and detention, as prisoner or otherwise, of any such chief or sub-chief, as may be deemed expedient

for the maintenance of peace and order, and the suppression of any unlawful society. A warrant under the hand of the Governor shall be sufficient authority to the person named therein to detain any such chief, or sub-chief in such place as shall be mentioned therein.

12. It shall be lawful for the Governor in Council to order the deportation of any such chief or sub-chief from the Colony or Protectorate, whereupon he shall be banished from the Colony or Protectorate, and shall not be permitted to return thereto without the written licence of the Governor.

Deportation
of chief.

13. When any person shall have been convicted of complicity in any murder committed in connection with an unlawful society, whether before or after the commencement of this Ordinance, and the Governor shall have decided to grant a pardon to such person on condition of his undergoing a term of imprisonment, with or without hard labour, or when any person shall have been convicted of complicity in any murder aforesaid, not involving the punishment of death, or when any person shall have been convicted of an offence under this Ordinance, or any Ordinance amending the same, and shall have been sentenced by the Court to undergo a term of imprisonment, with or without hard labour, the Judge before whom such person was so tried and convicted shall forthwith send a report of such case to the Governor, and it shall then be lawful for the Governor in Council to direct that such person, not being an alien, shall be deported from the Colony or Protectorate to any other British Colony, there to serve such term of imprisonment in such prison as the Governor of such Colony may direct.

Deportation
of convict.

14. Such person so deported shall not be permitted to return to the Colony or Protectorate after he shall have served such term of imprisonment, save with the written licence of the Governor first had and obtained, and such licence may be granted or withheld at pleasure, or may be granted subject to such conditions as to place of residence, or such other conditions, as to the Governor may seem fit.

Person
deported not
to return
without
licence.

15. Should any person detained under section 11 of this Ordinance, escape, or attempt to escape, from any place named for his detention, or should any person, after deportation as aforesaid, return to the Colony or Protectorate, without the Governor's licence first had and obtained, or should such person on his return, fail to adhere to any such conditions as the Governor may have imposed upon him in granting such licence,

Escaping or
attempting to
escape.

he shall be guilty of a misdemeanour, and shall, on conviction thereof, be liable to imprisonment, with or without hard labour, for a term not exceeding five years.

Person aiding
escape.

16. Any person aiding, or attempting to aid, any person as aforesaid to escape from his place of detention as aforesaid, or, after deportation, to return to the Colony or Protectorate without the Governor's licence first had and obtained, and any person harbouring such person, who shall have so returned without the Governor's licence first had and obtained, shall be guilty of a misdemeanour, and shall, on conviction thereof, be liable to imprisonment, with or without hard labour, for a term not exceeding two years.

Proclamation
of districts.

17. (1) Whenever it appears to the Governor that a murder has been committed in connection with an unlawful society in any chiefdom, it shall be lawful for him, by proclamation, to declare such chiefdom, or any part thereof, to be a proclaimed district.

(2) In a proclaimed district, it shall be lawful for a District Commissioner to order the arrest and detention in custody of any person whose arrest and detention he may consider desirable in the interests of justice. A warrant under the hand of a District Commissioner shall be sufficient authority to the person named therein to detain any such person in such place as shall be mentioned therein.

Penalty.

18. Every person who knowingly—

(a) is, or has, before the commencement of this Ordinance, been a member of an unlawful society; or

(b) takes, or has, before the commencement of this Ordinance, taken part in the operations of an unlawful society or of any meeting thereof,

shall, on conviction, be liable to imprisonment, with or without hard labour, for a term not exceeding fourteen years.

Expulsion of
convicted
aliens.

19. (1) In the case of a convicted person, who is an alien, it shall be lawful for the Governor in Council, after the completion of the term of imprisonment awarded to such convicted person, to make an order (in this Ordinance referred to as an expulsion order), requiring such alien to leave the Colony or Protectorate, within a time fixed by the order, and thereafter to remain out of the Colony and Protectorate.

(2) If any alien in whose case an expulsion order has been made, is at any time found within the Colony or Protectorate,

in contravention of the order, he shall, on conviction, be liable to imprisonment, with or without hard labour, for a term not exceeding ten years.

(3) Any person aiding, or attempting to aid, any person, in whose case an expulsion order has been made, to return to the Colony or Protectorate, and any person unlawfully harbouring such person, shall be guilty of a misdemeanour, and shall, on conviction, be liable to imprisonment, with or without hard labour, for a term not exceeding two years.

20. (1) If a person tried by the Supreme Court in the Protectorate for any of the following offences, that is to say—

Expulsion of
acquitted
persons.

(a) murder committed in connection with an unlawful society;

(b) attempting or conspiring to commit murder in connection with an unlawful society;

(c) any of the offences under section 18 of this Ordinance; shall be acquitted, but the Court shall be of opinion that it is expedient for the security, peace or order of the district in which the offence with which such person was charged took place that such person should be expelled from such district, the Court shall send to the Governor a report of the case, and thereupon it shall be lawful for the Governor in Council to make an expulsion order requiring such person to leave the Colony or Protectorate, or any portion or district thereof, within a time fixed by the order, and thereafter to remain out of the Colony or Protectorate, or such portion or district thereof as may be specified therein, and to reside in any other portion or district of the Colony or Protectorate which may be named in the order.

(2) If any person in whose case an expulsion order has been made is at any time found within any portion or district of the Colony or Protectorate, in contravention of the order, he shall, on conviction, be liable to imprisonment, with or without hard labour, for a term not exceeding ten years.

(3) Any person aiding, or attempting to aid, any person, in whose case an expulsion order has been made, to return to any portion or district of the Colony or Protectorate from which he has been expelled, in pursuance of any such order, and any person unlawfully harbouring such person, shall be guilty of a misdemeanour, and shall, on conviction, be liable to imprisonment, with or without hard labour, for a term not exceeding two years.

Sec. 3.

SCHEDULE.

Leopard
skin.

1. A leopard skin shaped or made so as to make a man wearing the same resemble a leopard, or dressed or made in a manner differing from that ordinarily in use among the people of the district of the Colony or Protectorate in which the same is found.

Alligator
skin.

2. An alligator skin shaped or made so as to make a man wearing the same resemble an alligator, or dressed or made in a manner differing from that ordinarily in use among the people of the district of the Colony or Protectorate in which the same is found.

Alligator
canoe.

3. An alligator canoe or konkobai, shaped or made so as to resemble an alligator, or made in a manner differing from that ordinarily in use among the people of the district of the Colony or Protectorate in which the same is found.

Leopard
knife.

4. A knife having two or more prongs, commonly known as a leopard knife or alligator knife, or any such instrument.

Borfma.

5. The native medicine commonly known as "*borfma*," or any medicine of a like nature.

Baboon skin.

6. A dress made of baboon skins, commonly used by members of an unlawful society.

Kukoi.

7. A "*kukoi*," or whistle, commonly used for calling together the members of an unlawful society.

Branding
needle.

8. An iron needle, commonly used for branding members of an unlawful society.
