



Confirmed by Lord Salisbury's  
despatch No. 348 of 1888  
H.M.

*W. H. Griffiths*  
*Governor.*

NO. 26.

1888.



## GOLD COAST COLONY.

IN THE FIFTY-SECOND YEAR OF THE REIGN OF  
**HER MAJESTY QUEEN VICTORIA.**

SIR WILLIAM BRANDFORD GRIFFITH, K.C.M.G.,  
GOVERNOR.

AN ORDINANCE to regulate the exhibition and  
display of tribal emblems and flags.

[1st September, 1888.]

Whereas riots and disturbances entailing serious loss of life frequently  
arise in consequence of the exhibition and display of certain tribal emblems  
and flags, and whereas it is expedient to regulate the exhibition and display  
of such tribal emblems and flags;

Be it enacted by the Governor of the Gold Coast Colony, with the advice  
and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the "Tribal Emblems and Flags  
Ordinance, 1888," and shall extend to the Colony and Protected Territories

short title and application.

Interpretation.

2. In this Ordinance unless the context otherwise requires—

The term "Tribal Emblem" shall include any drum, bell, head-dress, stool, figure, badge, fetish, or other thing (not being a company flag) having a symbolic meaning, whereof the exhibition or display may in the opinion of the district commissioner occasion a breach of the peace.

The term "Company Flag" shall include the flag of any native company, tribe, village, or town, and any other native flag bearing any symbolic device and not being used for mercantile purposes, or purposes of signalling or for any industrial purpose.

The term "The District Commissioner" shall mean the district commissioner for the time being of the district in which the exhibition or display of any tribal emblem or company flag takes place or is to take place.

District Commissioner may prohibit display of tribal emblem.

3. If any tribal emblem, which it is intended to exhibit or display or which is being exhibited or displayed, is likely, in the opinion of the district commissioner, to occasion a breach of the peace, it shall be lawful for the district commissioner to prohibit in writing the exhibition or display of such tribal emblem and to cause notice of such prohibition to be given to the person intending to exhibit or display or exhibiting or displaying such tribal emblem.

It shall be lawful for the district commissioner at any time in his discretion to grant permission in writing to exhibit and display any tribal emblem, and thereupon any prior prohibition to exhibit or display such tribal emblem shall cease to be in force.

Any person who knowingly exhibits or displays or is concerned in or takes any part in the exhibition or display of any tribal emblem contrary to any prohibition to exhibit or display the same, shall be guilty of a misdemeanor, and on conviction shall be liable to imprisonment with or without hard labour for a term not exceeding two years, or fine not exceeding one hundred pounds, or both, and such tribal emblem shall be forfeited and dealt with as the Court may direct.

Company flag not to be exhibited without permission of district commissioner.

4. No company flag shall be exhibited or displayed without the permission in writing of the district commissioner.

The district commissioner, at any time after he has granted permission in writing to exhibit and display any company flag, may, in case he shall be of opinion that such exhibition or display is likely to occasion a breach of the peace, revoke in writing such permission, and shall thereupon cause notice of such revocation to be given to the person to whom such permission shall have been granted, or to the person exhibiting or displaying such flag, and thereupon it shall not be lawful to exhibit or display such flag.

Any person who exhibits or displays or is concerned in or takes any part in the exhibition or display of any company flag without the permission in writing of the district commissioner, or after he shall have had notice that permission to exhibit and display such flag has been revoked, or after such permission has lapsed, shall be guilty of a misdemeanor, and on conviction shall be liable to imprisonment with or without hard labour for a term not exceeding two years, or fine not exceeding one hundred pounds, or both, and such flag shall be forfeited and dealt with as the Court may direct.

Where information laid that it is intended unlawfully to display emblem or flag district commissioner may require production of such emblem or flag.

5. Where information is laid on oath that it is intended to exhibit or display any tribal emblem contrary to any prohibition, or any company flag without permission, it shall be lawful for the district commissioner to demand in writing from the person in possession or having the control thereof the production and delivery of such tribal emblem or company flag, and to retain

such emblem or flag in his custody until a bond in the form in the Schedule hereto or to the like effect has been given that such tribal emblem or company flag will not be exhibited or displayed contrary to any prohibition or without permission, as the case may be.

If any person who is in possession or has the control of such tribal emblem or company flag refuses or neglects to produce and deliver up such tribal emblem or company flag to the district commissioner after demand in writing, he shall be guilty of a misdemeanor, and shall on conviction be liable to imprisonment with or without hard labour for any term not exceeding two years, or fine not exceeding one hundred pounds, or both.

Where any person refuses or neglects to produce and deliver up such tribal emblem or company flag, or where the district commissioner is unable to ascertain the person in whose possession or under whose control such tribal emblem or company flag is, it shall be lawful for the district commissioner to issue a search warrant for the purpose of searching any house or place in which it is proved in fact or is reasonably suspected that such tribal emblem or company flag is, and to seize such flag and to detain it during Her Majesty's pleasure.

Any search warrant issued under this section may be in the form in the Schedule hereto, or to the like effect, and shall be executed in the same way and confer the like powers and be subject to the like incidents as a search warrant under the Criminal Procedure Ordinance, 1876.

6. The district commissioner may in his discretion before granting permission to exhibit and display any tribal emblem or company flag impose such conditions as he may deem necessary in order to ensure that no breach of the peace shall ensue in consequence of the exhibition or display of such emblem or flag, and may in his discretion require a bond in the form in the Schedule hereto, or to the like effect, from the person seeking such permission or from any other person.

Conditions may be imposed prior to granting permission.

7. In case it shall appear to the Governor that the condition of any bond given in accordance with the provisions of this Ordinance has been broken, the Governor may appoint some person to sue thereon, and such person shall thereupon be entitled to sue and to recover for the use of Her Majesty the amount recoverable in respect of the breach of the condition of the said bond.

Breach of bond.

8. Where any tribal emblem is exhibited or displayed contrary to any prohibition to exhibit or display the same, or

Where any company flag is exhibited or displayed—

- (a) without the permission in writing of the district commissioner;
- (b) after a revocation of permission to exhibit and display such flag shall have been notified to the person to whom such permission has been granted or to the person exhibiting or displaying such flag;
- (c) after permission to exhibit and display such flag shall have lapsed;

it shall be lawful for any district commissioner or justice of the peace or constable to seize such tribal emblem or company flag, and to warn all persons present to disperse and depart, and without warrant to arrest any person so warned who shall not forthwith depart.

Any person so warned who shall not forthwith depart shall be guilty of a misdemeanor, and shall on conviction be liable to imprisonment

with or without hard labour for a term not exceeding six months, or fine not exceeding fifty pounds, or both.

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SCHEDULE.

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*Information that it is intended to exhibit or display tribal emblem or company flag.*

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In the Supreme Court of the Gold Coast Colony.

A.B. of \_\_\_\_\_ doth hereby make oath and say that it is intended to exhibit and display [*here describe tribal emblem or company flag*] contrary to a prohibition [*or without permission as the case may be*] to exhibit or display the same and that [*he has good reason to suspect and does suspect that*] the said tribal emblem [*or company flag*] is in the house or premises of C.D. situated at \_\_\_\_\_

Sworn at                      this              day } *Signature of informant.*  
of    18              . }

Before me,

*Signature of Commissioner.*

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*Search Warrant for tribal emblem or company flag.*

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In the Supreme Court of the Gold Coast Colony.

To X.Y., Police officer and other officers of this Court.

A.B. of \_\_\_\_\_ has this day made information on oath that [*copy above from "it is intended" to end*]

You are hereby authorised and commanded in Her Majesty's name with proper assistance to enter the house or premises of C.D. aforesaid [*in the day time\**] and there diligently search for the said tribal emblem [*or company flag as the case may be*] and if the same be found on search to bring such emblem [*or flag*] before this Court to be dealt with according to law.

Issued at                      the              day of                      18

*District Commissioner.*

\* Where there is positive proof these words may be omitted.