

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONGKONG.

No.26 of 1858.

SATURDAY, 4th DECEMBER, 1858.

THE HONOURABLE THE ACTING GOVERNOR PRESIDING, AND ALL THE MEMBERS
PRESENT, EXCEPT THE CHIEF JUSTICE, ABSENT ON JUDICIAL BUSINESS.

The Meeting of the Council which stood adjourned to Tuesday, the 16th November last, having been postponed till further notice, by order of His Excellency The Governor, the Council met to-day by Special Summons.

The Minutes of the Council held on the 1st November, were read and approved.

Mr Lyall moved, pursuant to Notice, that the Protest of the unofficial Members of the Legislative Council, against the appointment of the Auditor General to a seat in the Council, which has been forwarded to the Secretary of State for the Colonies, be read and recorded on the Minutes of the said Council.

Question put and passed ;—whereupon, Mr Lyall read the following Protest,—

"We, the undersigned unofficial Members of the Legislative Council of Hongkong, desire to record our protest against the addition by His Excellency, Sir John Bowring, of another Official Member to the Legislative Council, by his unexpected nomination of the Auditor General. Personally we can have no objection to the gentleman so appointed, whose abilities and official position might give him a fair claim to a seat in the Council whenever a vacancy occurs by any one of those Officers, whose functions do not necessarily demand their presence in Council.

"The grounds of our objection are, that, in contravention of what was understood to be a settled limitation of the number of the Legislative Councillors at the re-organisation of the Council in 1857, Sir John Bowring has since caused to be added two Official Members to a body, in which the official seats were already twice the number of the non-official ones. This disproportion is now increased to Eight against Three, and what consequently might be considered as to a certain extent the exposition of the opinions and wishes of this wealthy and influential Community, is altogether lost by this preponderance.

"The history of the Legislative Council will render it apparent, that it is not without strong reasons the undersigned feel compelled to intervene in this matter. Originally it consisted solely of the Governor and three or four Officers of the local government. As this community increased in importance, it was deemed advisable to add two un-official Members as the exponents of the wishes of the Community, and the Counsellors of the Governor in Commercial and Local matters. On Sir John Bowring becoming Governor, the Legislative Council was presided over by the Lieutenant-Governor, and consisted of Six Members, four Officials including the President, and two Non-officials. In 1855 a proposition was submitted to Mr Secretary Labouchere, for enlarging the basis of the Legislative Council, and introducing to it four additional

Official and three Non-official Members, giving a total of thirteen Members exclusive of the Governor. Mr Labouchere disapproved of so great an enlargement, but sanctioned a moderate addition, which was given effect to by the introduction of the Colonial Treasurer, the Chief Magistrate, and one of ourselves, the relative proportions being thus preserved—the Council then consisting of six Officers of Government, and three Members of the Community.

"Sir John Bowring has, however, since deemed it necessary to introduce the Surveyor General, (we believe by orders from home,) and the Auditor General to the Council, and has thus arrived at the number of Official Members, Eight—proposed by him, and disapproved of by Mr Labouchere, whereas the Non-official element during the same period has been increased by only one.

"We, do not, in thus protesting, wish to arrogate to ourselves any right to interfere with the exercise of the functions of the office of Government, but we deem it absolutely necessary that the decision of the Imperial Government as to the extent to which the Governor can increase the official seats in the Legislative Council be distinctly made known. There are now eight such, and as there may possibly be more before the close of another year, it is our deliberate conviction, that it would be infinitely preferable there were no Non-official Members, than that they should continue as at the present component parts of a Council so constituted.

"We respectfully submits to the Right Honourable the Secretary of State for the Colonies, the following as the only practical solution of the difficulty caused by His Excellency the Governor: Either the nomination of the Auditor General should remain in abeyance, until the original number of six Official Members be returned to, by vacancies occurring; or the original proposition of Sir John Bowring as to the number of Non-official Members should also be carried out.

(Signed,)	"J. JARDINE."
"	"G. LYALL."
"	"J. DENT."

"Hongkong, 20th November, 1858."

Ordered, that the said Protest be entered upon the Minutes.

The Chairman of the Select Committee, which had been appointed, on the 8th October last, to report the Conditions upon which the Colonial Government might properly take charge of the Post-Office at Hongkong, brought up the following Report,—

LEGISLATIVE COUNCIL OF HONGKONG.

EXTRACT FROM VOTES AND PROCEEDINGS.

"Friday 8th October."

"The Governor recommended that a Committee, consisting of the Acting Colonial Secretary and two non-Official Members of this Council, should be appointed to report the conditions upon which the Colonial Government might properly take charge of the Post Office at Hongkong.

"Whereupon, it was moved by the Chief Magistrate, and seconded by the Surveyor General, that Mr. Jardine and Mr Lyall, with the Acting Colonial Secretary, be appointed a Committee to report the Conditions upon which

the Colonial Government might properly take charge of the Post Office at Hongkong.

"Mr Lyall objecting to his nomination on the ground that he had already served in the recent Caldwell Inquiry Commission, which had absorbed much of his time;—

"It was moved by the Chief Magistrate, seconded by the Surveyor General, and unanimously agreed to,—that Mr Lyall be excused; and that such Committee do consist the Acting Colonial Secretary, Mr Jardine, and Mr Dent."

Your Committee having met, pursuant to the above Resolution, on the 8th and 21st of October, and on the 1st ultimo, and having had before them the correspondence enumerated in the margin which passed in 1855, between the Post-Master General in England, the Lords Commissioners of Her Majesty's Treasury, and the Colonial Department, with regard to the transfer of the Hongkong Post-Office from Imperial to Local control.

Your Committee have now to report Your Excellency and Council, that after a careful consideration of the arrangement proposed, in July 1856, by the Post-Master General (Lord Canning), they are of opinion that the Government of Hongkong—upon assuming the control of the Post-Office here—would only be entitled "*to One Penny, out of the uniform rate of Sixpence, per Single Letter*, which is now charged upon Colonial Correspondence *to and from the United Kingdom*, and on the other hand that this Colony would be required to "bear all the expenses of its Post-Office, now defrayed by the General Post-Office in England."

And your Committee have ascertained from the Acting Post-Master at Hongkong, that One Penny per Single Letter to and from the United Kingdom, would only yield a Revenue £816.11.9 per Annum, whereas the maintenance of the Post-Office amounts to £3,505 per Annum, shewing thereby a clear loss to the Colony of £2,688.8.3 if the proposal of the Post-Master General were entertained.

Under these circumstances, as stated above, your Committee have to certify to your Excellency and Council, against the proposed transfer of the Post-Office at Hongkong from Imperial to Local control.

But your Committee, anxious, if possible, to meet the views of the Home Authorities, would beg to submit the concessions by the General Post Office in England, of

- (1.) A One Penny rate to the Local Government on all Letters to and from England.
- (2.) A One Penny rate on all Foreign Letters to and from Hongkong, passing through England.
- (3.) A One Penny rate on all Letters to and from India by the Contract Mail Packets.
- (4.) Together with the abandonment to the Local Treasury of the full Postage on all Ship Letters, as well as on those to and from the Consular Ports; and,

(5.) Of all Fees on "Late Letters."

Your Committee have to remark that these concessions might have induced your Committee to report less unfavorably upon the contemplated transfer.

Your Committee would therefore suggest, that a Despatch embodying the above proposals be submitted, with the concurrence of Your Excellency and Council, for the consideration of the Home Government.

In conclusion, your Committee would beg to state for the information of Your Excellency and Council, that in arriving at these opinions, every assistance and information they could desire has been afforded them by the Acting Post Master at Hongkong.

FRED. FORTH.
J JARDINE.
JOHN DENT.

*14th July, 17th October, and 27th August 1855.

And the name having been read, and received.

The Acting Governor put the Question, that the said Report be adopted by this Council.

Question put, and passed.

The Acting Governor stated, that he could not proceed to the second reading of the Ordinance for the erection of a Public Way, along the Water Frontage of the City of Victoria, (as was agreed upon at the last Meeting,) for such reading would be in contravention of the 29th Clause of the Standing Orders and Rules for the Legislative Council of Hongkong, which stands thus:—"When any Ordinance shall be proposed whereby vested "rights and interests of property "will be unavoidably affected, due Notice shall be given to all Parties "concerned by Notification in the *Government Gazette*, One Month before the "first reading of such Ordinance; and such Notification shall appear at least "Three Times in the said *Gazette*; and, before going into Committee on the said "Ordinance, the same shall be published Three Times in the said *Gazette*."

Whereupon, it was unanimously resolved, that the Proceedings of this Council, of the 21st October and 1st November last, in regard to the said Ordinance, be cancelled, and that consideration of the same he had at the expiration of One Month from the present date.

The following Notification was then unanimously agreed to, and ordered to be published in to-day's *Government Gazette*:—

"GOVERNMENT NOTIFICATION.

"It is hereby notified, that the Government Notification of 23rd October last, wherein was intimated the first reading of '*An Ordinance to provide for the erection of a Public Way, along the Water Frontage of the City of Victoria,*' is cancelled by advice of the Legislative Council; and The Honourable The Acting Governor directs it to be made known to all concerned, that in conformity with Clause XXIX of the Standing Orders under which the Council is ruled, (vide *Government Gazette* of 17th July last,) the said Ordinance will be considered at the expiration of One Month from the present date."

"By Order,"

"Clerk of Councils."

"Council Chamber, Victoria, Hongkong, 4th December, 1858."

The Ordinance for defraying the Charges of the Colonial Government for the Year 1859, was read a second time,—

And the Council went into Committee upon the Estimates for the said Year.

The various items for the expense of the several Establishments were agreed to.

It was moved by the Colonial Secretary, seconded by Mr Lyall, and carried unanimously,—That a Sum not exceeding £5,000 be added to the Estimates for the purpose of immediately carrying out engagements long since entered into between the Government and certain Marine Lot-holders, for the completion of the Public Way in course of construction in front of their respective Lots, and also for extending the said Works in front of the Central Market.

The several items for Public Works were discussed, and, on representation of the Surveyor General, it was agreed that the final consideration of such Works be deferred till the next Meeting of the Council.

It was resolved, that this Council do adjourn to Wednesday, the 8th instant, at 12 o'clock; and the Council adjourned accordingly.

W. CAINE,
Acting Governor.

Read and approved, this 8th Day of December, 1858.

L. D'ALMADA E CASTRO,
Clerk of Councils.