

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONGKONG.

No. 2 OF 1859

THURSDAY, 20th JANUARY, 1859.

PRESENT :

HIS EXCELLENCY THE GOVERNOR, AND ALL THE MEMBERS.

It appearing that the Monthly Criminal Sessions were holden on the 18th instant, the day to which the Council stood adjourned, -

The Council met to-day, pursuant to postponement, as ordered by The Honourable The Acting Governor.

The Minutes of the Council held on the 4th instant were read and approved.

The Chief Magistrate, according to notice conveyed to His Excellency The Governor, put in the following Protest : -

PROTEST AND REASONS, &c., &c.

COUNCIL CHAMBER, HONGKONG, *Thursday, 20th January, 1859.*

At a Council held on the 4th instant, I submitted the following Motion for debate: -

"That His Excellency the Governor be requested to lay before this Council all Correspondence between Local Government and the Secretary of State for the Colonies, with respect to the proceedings of this Council on the subject of the Opium Farm privilege, and other matters referred to it by Dr. Bridges then Member of this Council; and particularly with respect to the selection of the Committee of inquiry thereupon appointed by this Council, the conduct of its proceedings, the drawing up of its Report, and the confirmation by this Council of the said Report."

The Honourable the Lieut.-Governor, then Acting Governor and Chairman of the Council, refused to allow any discussion whatever on the Motion. I now respectfully enter this my Protest against such refusal of the Lieut.-Governor, with my reasons for thinking Motion a proper one to be discussed. My reasons are that:-

It is obviously desirable, unless special reasons are shown to the contrary, that this Council, which appointed the Committee of Inquiry and unanimously adopted its Report, should be officially and certainly informed whether any, and, if any, what communications on the subject have been made by the Local Government to the Secretary of State, and whether any, and, if any, what communications in reply have been received by the Local Government from the Secretary of State; and it is neither advisable nor respectful to this Council, that it should thus be left as a body in complete ignorance on the subject. It is still less advisable when many Members, if not every individual Member of the Council, must have heard and read in the local Newspapers reports as to the nature of the Correspondence referred to. If the Correspondence is such as it is reported to be, it contains a great

amount of error, falsehood, and slander, and it is only by the production of the Correspondence, that the Council can ascertain the truth or falsehood of these reports.

I have been informed that some Members of this Council have stated, and I have read on more than one occasion in the local Newspapers, that Dr Bridges - then Acting Colonial Secretary, and himself the person whose conduct had been under inquiry by the Committee referred to - forwarded to Downing Street the Report of the Committee, immediately after it was presented to the Council before the evidence was printed, and with his answer to it, - in which answer he charged Mr Dent and myself, the only Members of the Committee, with injustice, falsehood, and hostility to himself. He stated it is reported, that through some management of Mr Anstey, we were appointed because we were hostile to him (Dr Bridges), - that we conducted the Proceedings of the Committee under Mr Anstey's influence, - and that the Report which purported to be ours, was not so, but was really drawn up by Mr Anstey. The Council knows that some of these statements are untrue; and I denounce the whole of them not only as untrue, but as the very opposite of treat slanderous they clearly are. Had I been allowed to speak in favour of my Motion, I could have given facts in evidence of their untruth I shall only now state, that I believe that the Honourable Mr Lyall would, if called upon, without any prompting on my part, rely circumstances which manifestly contradict the notion that I was actuates by any hostility to Dr Bridges. I say, that I could has given facts in evidence, but I should not have considered it necessary to do so, until I had ascertained by the production of the Correspondence, that the above statements had been made in it.

But the public report do more than allege that Correspondence went hence to Downing Street which should not have gone : the further assert, that no communication has ever been made to the Secretary of State, that the Report of the Committee was unanimous be approved by the Council. Until I know whether this statement if true. I refrain from remarking on it - I might be but fighting shadows. But how am I, how is this Council, to be informed of its truth or falsehood, except by the production of the Correspondence.

The reports do not even stop here : they further allege that a Despatch has been received from the Secretary of State highly complimentary to Dr Bridges, and approving of this conduct in reference to the Opium Monopoly. Surely, if there be a Despatch of the nature, virtually condemning a Report unanimously adopted by the Council, it is desirable that the Council should be informed thereof, and it can only be properly informed by the production of the Correspondence.

These reports of communications sent home, which should not have been sent home - of facts not communicated to the Secretary of State which ought to have been communicated to him - of a despatch received from the Secretary of State, virtually reflecting upon the conduct of this Council,- may be true or may be untrue; but they are certainly very widely known and believed, and that relating to the

Despatch from the Secretary of State appeared in the *China Mail* - a Newspaper which, although it is denied that it is the Government organ, does certainly appear to have more ready access to official information than other Newspapers, and which in the accounts of the Proceedings of the Council which adopted the Report of the Committee of Inquiry, curiously enough omitted to mention of the important fact that the Report was so adopted.

It will scarcely be contended, therefore, that it is not of importance that the truth or untruth of these reports should be known to Mr Dent, Mr Anstey, and myself, whose honor and honesty it is said have been called in question; - to the Council, whose conduct also, it is said, has been disapproved by the Secretary of State; - to the Government here, that these reports, so injurious to the character for sincerity and justice, may, if untrue, be contradicted; - to the Secretary of State, that he may learn whether he has been deceived or not; - to the Public, who are present by their representatives at our sittings, in order that they may know whether as secret injustice has taken place. It is only the production of the Correspondence before this Council, which can satisfy any one on the points.

For the above reasons, I think that my Motion for the production of the Correspondence was a proper one for debate; and for the same reasons, I respectfully protest against the refusal of the Acting Governor to allow any discussion whatever on the subject.

H. TUDOR DAVIES,
Member of the Legislative Council.

And the same having been read, and ordered to be entered on the Minutes, -

His Excellency remarked, that the Correspondence between himself and the Secretary of State being of a privileged character, he was not at liberty to lay it on the Table without special instructions; and as to the reports in the local Newspapers, if the Honourable Member trusted to them, he would find himself frequently misled. By His Excellency had no objection to state, that the whole of the Documents connected with the Opium Monopoly Committee appointed by the Council had been sent to the Home Authorities, and though acknowledged, they had elicited no opinion from the Secretary of State. In another Despatch, however, of a subsequent date, the Secretary of State desired the acknowledgments of Her Majesty's Government to be conveyed to Dr Bridges for his very effective services, energy, and judgment, whilst discharging the duties of Acting Colonial Secretary.

Read Despatch, No. 44 of 1st October last, from the Secretary of State, conveying instructions for amending Ordinance No. 8 of 1858.

The Ordinance "*to amend Ordinance No. 8 of 1858,*" was then read a second time, -

And the Council went into Committee upon the said Ordinance.

Section I and the Preamble being agree to, -

The Governor proposed, that this Ordinance do pass, and that the Title be "*An Ordinance to amend Ordinance No. 8 of 1858.*"

Question put, and carried, - the Ordinance being numbered "*No. 1 of 1859.*"

Ordered, that the said Ordinance be published in the next Government Gazette.

Read Despatch, No. 33 of 20th October last, from the Secretary of State, conveying instructions for the amendment of Ordinance No. 10 of 1858.

The Ordinance "*to amend Ordinance No. 10 of 1858.*" was then read a second time, -

And the Council went into Committee upon the said Ordinance.

The Provisions of this Ordinance being agreed to, -

The Governor proposed, that this Ordinance do pass, and that the Title be "*An Ordinance to amend Ordinance No. 10 of 1858.*"

Question put and carried, the Ordinance being numbered "*No. 2 of 1859.*"

Ordered, that the said Ordinance be published in the next *Government Gazette*.

With reference to Ordinance No. 5 of 1858, a Despatch having been read from the Secretary of State, with Enclosure, recommending the re-consideration by the Colonial Government of the said Ordinance, -

It was moved by the Acting Attorney General, seconded by the Colonial Secretary, and carried unanimously, -

That the consideration of the Despatch now read, and of the Ordinance therein referred to, be deferred until some permanent appointment shall have been made to the office of Attorney General for Hongkong.

Resolved, that this Council do adjourn to Friday, the 4th February next, at 12 o'clock.

The Council adjourned accordingly.

JOHN BOWRING,
Governor.

Read and approved, this 4th Day of February 1859.

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