

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONGKONG.

No. 11 OF 1871.

WEDNESDAY, 18TH OCTOBER, 1871.

PRESENT:

His Excellency Major-General WHITFIELD, Lieutenant-Governor.
The Honorable the Chief Justice (JOHN SMALE).
The Honorable the Colonial Secretary (JOHN GARDINER AUSTIN.)
The Honorable the Acting Attorney General (HENRY JOHN BALL.)
The Honorable the Acting Colonial Treasurer (CECIL CLEMENTI SMITH.)
The Honorable PHINEAS RYRIE.
The Honorable WILLIAM KESWICK.
The Honorable RICHARD ROWETT.

The Council meets this day at 2.30 P.M., by special Summons.

The Minutes of the Council held on the 22nd of September, are read, amended, and confirmed.

The Honorable PHINEAS RYRIE proposes to discuss a Question of breach of privilege arising out of a Letter which he had received from the Honorable the Colonial Secretary.

His Excellency the Lieutenant-Governor declines to allow the discussion, ruling that the Honorable Member is out of order.

Whereupon, the Honorable Member moves that the Council do now adjourn,—which motion is seconded by the Honorable RICHARD ROWETT.

The Honorable the Colonial Secretary moves as an amendment, that the Council do proceed with the business of the day.

The Honorable the Acting Attorney General having seconded the motion, the Council divides

<i>Ayes.</i>	<i>Noes.</i>
THE ACTING TREASURER.	Mr. ROWETT.
THE ACTING ATTORNEY GENERAL.	Mr. KESWICK.
THE COLONIAL SECRETARY	Mr. RYRIE.
THE LIEUTENANT-GOVERNOR	THE CHIEF JUSTICE

His Excellency, giving his casting vote with "Ayes," declares the amendment to be carried.

His Excellency then ask the Honorable PHINEAS RYRIE whether he is prepared to substantiate the charge made at the last meeting of Council.

The Honorable Member states that he had no intention of preferring any charge against the Registrar General or his Department

Whereupon, by command of His Excellency the following Letters are read:—
"No. 461." "COLONIAL SECRETARY'S OFFICE HONGKONG,"

"25th September, 1871

"SIR,—With reference to the charge which you preferred against the Registrar

General's Department at the last meeting of the Legislative Council, of having sent the copy of a confidential document to Chinese Officials at Canton, I am directed by His Excellency The LIEUTENANT-GOVERNOR to acquaint you that at the next meeting of Council you will be expected to substantiate your charge.—I have, &c.,

(Signed,) "J. GARDINER AUSTIN,"
"Colonial Secretary"

"The Honorable PHINEAS RYRIE."

"No. 55."

"BRITISH CONSULATE,"
"CANTON, 9th October, 1871."

"SIR,—I have the honor to forward a letter to your address which has been handed to me by the Commissioner of Customs.—I have, &c.,

(Signed,) "P. J. HUGHES,"
"Consul."

"The Honorable J. GARDINER AUSTIN,"

"Colonial Secretary,"
"HONGKONG."

"CUSTOM HOUSE,"
"CANTON, 7th October 1871."

"SIR,—In the Hongkong newspapers of the 22nd and 23rd ultimo, I have observed reports of a meeting of the Legislative Council, in the course of which it was implied that the Registrar General, or his Department, had furnished the Canton Customs with a copy of a confidential document respecting the establishment of a Customs' system in Hongkong.

"So far as the charge relates to this Office, I should be content to allow the matter to pass without comment or contradiction, but, as my silence might possibly be misconstrued, I think it right to address you on the subject, and I have now the honour to assure you most positively, that no such document as that referred to, in original or in copy, in English or in Chinese, has ever been communicated publicly or privately to me, or to the Customs' Department in Canton.

"The HAIKUAN declares that he has never seen the document, and, so far as I have been able to ascertain by actual and careful enquiry among the several high Officials of the Province, no copy has ever reached Canton. The VICEROY assures me that no such letter has ever been brought to his notice, and I am authorized by His Excellency to contradict in the most unqualified and unhesitating manner, the statement or report that any copy or translation of the letter in question, has ever been in his possession, submitted for his perusal, or transmitted by him to Peking.

"All that the VICEROY knows of the matter has been learned in the course of conversation with myself, and my knowledge of the document is confined to such a general idea of its tenour as I have been able to gather from the statements of Unofficial Members of the Council, from general report, and from the articles on the subject which have appeared in the public press.—I have, &c.,

(Signed,) "E. C. BOWRA,"
"Acting Commissioner of Customs"

"The Honourable J. GARDINER AUSTIN,"

"Colonial Secretary,"
"HONGKONG."

"HONGKONG, 10th October, 1871."

"SIR,—Although as a Member of the Legislative Council, I do not held myself in any way answerable out of Council for anything I may have there said no matter how it may affect individuals, I think it due to you to inform you that the BARON DE MERITENS is the person on whose information I acted at the last meeting of the Legislative Council, when I asked for information on the subject of the duties of the Registrar General's Department and so framed my question as to imply that a copy of your letter on the blockade of the Port and suggesting a remedy, had found its way to Canton, and that it might have got there from some one in your Department. The BARON DE MERITENS told me and others, that he had seen in the hands of Mr. BOWRA of the Canton Customs a copy of that letter, in English, and further that he saw a Chinese translation of the same letter in the hands of the VICEROY.

"The BARON DE MERITENS has failed to furnish me with the proofs he had promised me in support of his assertion, and as he proposes to leave Hongkong for Europe to-morrow, I think it only just towards you to give up his name as that of my informant.

"I have sent a copy of this letter to the BARON DE MERITENS.—I remain, &c.,

(Signed,) "P. RYRIE."

"The Honorable CECIL C. SMITH,"
"Registrar General."

"CUSTOM HOUSE,"
"CANTON, 16th October 1871."

"SIR,—I have the honour to acknowledge the receipt of your letter of the 13th instant forwarding for my perusal, copy of a letter, addressed to you by the Honorable P. RYRIE informing you of the authority on which he had based certain recent official statements and enquiries concerning a confidential document alleged to be in the possession of this Office.

"To the assertion of the BARON DE MERITENS that he had seen in my hands a copy of the letter in English, I give a most uncompromising and unqualified denial; and, in order the more emphatically to meet and refute a statement so audaciously false and unfounded, I enclose herewith an Affidavit on the subject, which I have this day sworn to in Her Britannic Majesty's Consulate.

"As regards the second portion of the BARON DE MERITENS' statement, that he ' had seen a Chinese translation of the same letter in the hands of the VICEROY,' I am convinced that it is equally unworthy of credence with the first. The VICEROY requests me to give an emphatic contradiction to the statement: and distinctly affirms, that during the course of the two conversations held with Mr. DE MERITENS, no allusion was made to any such document as that referred to.

"I would merely add that Mr. BLANCHETON, Consul for France at this port, (at this moment in Hongkong,) was present at the only interviews which took place between the VICEROY and Mr. DE MERITENS. If requested, Mr. BLANCHETON will, I have no doubt, recall the conversations, and state whether or no any such document was referred to or produced.—I am, &c.,

(Signed,) "E. C. BOWRA,"

"Acting Commissioner of Customs"

"To the Honourable CECIL C. SMITH,"

"Registrar General"

"HONGKONG."

"AFFIDAVIT."

"I hereby voluntarily make oath, that I have never seen, read, held in my possession, or transmitted to the Chinese Authorities, in original or in copy, privately or officially, in English or in Chinese, in any shape or form whatsoever, any letter or memorandum from the Registrar General, or any other Member of the Hongkong Executive, relative to the establishment of a Customs' system in Hongkong. And I further state solemnly, and on oath, that I have never seen or read or held in my possession or transmitted to the Chinese Authorities in original or in copy privately or officially, in English or Chinese, the document concerning which enquiry was made at the Meeting of the Legislative Council on the 22nd ultimo, and then stated to be in the hands of the Canton Customs."

(Signed,) "E. C. BOWRA,"

"Sworn at Canton, this 15th day of October, 1871, before me,

[L.S.] (Signed,) "P. J. HUGHES,"

"H. B. M.'s Consul."

The Honorable PHINEAS RYRIE then hands in to the Clerk of Councils a Paper which is returned to him by order of the Lieutenant-Governor, on the ground that His Excellency had no knowledge of its contents, and with an intimation that no question could be debated unless the same had first been proposed by the Lieutenant-Governor; but, nevertheless, that it is competent to any Member to enter upon the Minutes of the Council a copy of a written Statement of his reasons for proposing for debate any Question or Ordinance, provided that such Statement had been previously transmitted to the Lieutenant-Governor.

Read a first time a Bill "*to authorize the 'Hongkong Pier and Godown Company, Limited' to construct a Pier in the Harbor of Victoria, and to confer upon the said Company certain other Powers and Privileges.*"

The Honorable the Acting Attorney General, by direction of His Excellency, briefly states the grounds and reasons upon which the Bill is founded.

The Honorable the Colonial Secretary, by command of His Excellency, requests the sanction of the Council to place on the Supplementary Estimates for 1871 the following Sums,—which are agreed to:—

(1).—	<i>Surveyor General's Department.</i>		
	Chair Allowance to the Superintendent of Government		
	Gardens, at the rate of \$18 per mensem,	\$	216.00
(2).—	<i>Lock Hospital.</i>		
	Rent of Quarters for the Inspectors of Brothels at the rate of		
	\$30 per mensem,		175.00
(3).—	<i>Small Pox Hospital.</i>		
	Salaries, Gratuities, Provisions for Patients, &c.,		5,358.60
(4).—	<i>Police Department.</i>		
	Repairs to Floating Station "John Adams,"		2,387.74
(5).—	<i>Works and Buildings.</i>		
	Additional sum for the construction of the Police Station at		
	Causeway Bay,		2,450.00

(6).— *Roads, Streets, and Bridges*

(1). Repairs to the Praya Wall,	\$	10,000.00
(2). Repairs to Roads out of Victoria,		6,500.00
(3). Repairs to the Causeway between Aberdeen and Little Hongkong,		4,000.00
(4). Repairs to Roads at Pokfoolum Reservoir,.....		1,943.18
(5). Drains in Victoria,		3,000.00

Read a Letter from Mr. J. M. D'ALMADA E CASTRO, First Clerk in the Colonial Secretary's Office, applying for an increase of £100 to his present salary.

Whereupon, it is moved by the Honorable the Acting Treasurer, and seconded by the Honorable RICHARD ROWETT, that, in consideration of his long service,—namely, 31 years,—an increase of £100 per annum be made to the salary of Mr. J. M. D'ALMADA E CASTRO,—to take effect from the 1st of January last.

Question put, and carried unanimously.

Consideration is given to a Petition of Mrs. DOUGLAS, widow of the Late Police Constable DOUGLAS, praying for a charitable allowance.

Resolved, that a gratuity at the rate of one month's pay for each year of her husband's service be granted to the Petitioner.

Read a first time, a Bill "*to amend 'An Ordinance to regulate the Jurisdiction of the Civil Courts of the Colony of Hongkong in certain cases.'*"

The Honorable the Acting Attorney General, by desire of His Excellency, explains the provisions of the Bill.

His Excellency adjourns the Council at 10 Minutes past 4 P.M. till Wednesday, the 1st of November next, at 2.30 P.M.

HENRY WASE WHITFIELD,
Major-General, and Lieutenant Governor.

Read and confirmed, this 1st Day of November, 1871.

J. M. D'ALMADA E CASTRO,
for the Clerk of Councils.