

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONGKONG.

No. 9 OF 1872.

THURSDAY, 5TH SEPTEMBER, 1872.

PRESENT:

His Excellency Governor SIR ARTHUR EDWARD KENNEDY, K.C.M.G., C.B.
The Honorable the Acting Colonial Secretary (CECIL CLEMENTI SMITH).
The Honorable the Acting Attorney General (THOMAS CHILD HAYLLAR).
The Honorable the Acting Treasurer (CHARLES MAY).
The Honorable PHINEAS RYRIE.
The Honorable HENRY LOWCOCK.
The Honorable JAMES GREIG.
The Honorable WILLIAM HASTINGS ALEXANDER.
The Honorable JAMES WHITTALL.

ABSENT:

The Honorable the Acting Chief Justice (HENRY JOHN BALL), absent on leave.

The Council meets this day at 3 P.M., by Special Summons.

The Minutes of the Council held on the 23rd July, are read and confirmed.

Read a Despatch from the Right Honorable the Secretary of State for the Colonies, No. 93 of the 11th July, notifying by the Queen's Command, that their Serene Highnesses Prince PHILIP and Prince AUGUSTUS (junior) of Saxe-Coburg and Gotha, Cousins of Her Majesty, propose to visit Hongkong.

The Honorable the Acting Attorney General, Chairman of the Special Committee appointed to examine and report upon the *Explosive Substances* Bill, brings up their Report, and the same is read and received.

The Report is as follows:—

"The Committee appointed by Your Excellency to consider and report upon the Ordinance for regulating the Manufacture, Importation and Storage of Explosive Substances, has thought it better to substitute for the short Ordinance read a second time on the 23rd July last, one of a more specific character.

"This Ordinance has been framed on two Acts of the Imperial Legislature, namely, 29 and 30 Victoria, Cap. 69, and 34 and 35 Victoria, Cap. 105. The provisions of these Acts have been as closely adhered to as their applicability permitted.

"It will be observed that in this Ordinance the Committee have said nothing about the 'Manufacture' of Explosive Substances, but they have extended the provisions of the Ordinance to Ordinance No. 1 of 1848 and No. 4 of 1867, and they would recommend that the 18th Section should be amended by the addition that No. 1 of 1848 should be construed with this Ordinance and be taken for all purposes as one Ordinance.

"With these observations, I beg, on the part of the Committee, to hand to

Your Excellency the Draft Ordinance.

"THOS. C. HAYLLAR,
"for the Committee."
"5th September, 1872."

It is then resolved, that the above Report, together with the amended Bill submitted by the Special Committee, be published in the *Government Gazette* for general information.

The Honorable the Acting Attorney General, Chairman of the Special Committee on the Bill *for the Licensing and better Regulation of the Business of Brokers*, brings up the Committee's Report, and the same is read and received.

The Report is as follows:—

"Report of the Select Committee of the Legislative Council upon 'The Brokers' Ordinance, 1872."

"The Committee having fully considered this Ordinance in its various bearings, and taken such evidence on the subject as they thought sufficient, have now the honor to report as follows:—

- "1. The feeling of the general body of European Brokers practising in this Colony is altogether opposed to the Ordinance. Their collective opinion is expressed in the memorandum appended to this Report, which is so numerous and respectably signed as to be entitled to much weight.
- "2. The Committee recognize much force in the objections urged by the signatories of that document, especially in those which arise from the difficulty of applying the Ordinance to the Chinese.
- "3. The Ordinance with certain modifications is regarded favorably by the majority of the Brokers who confine their business solely to operations in Bills and Bullion. The views of these gentlemen were conveyed to the Committee by Mr. COXON, who on behalf of those he represented considered that an Ordinance on this subject would be greatly to the benefit of the Community at large. He, however, pointed out that the proposed Ordinance does not interest or affect Exchange Brokers in any way.
- "4. The Committee, therefore, doubt the advisability of pressing legislation against their wish upon a class whose co-operation is in a great measure essential to its successful working.
- "5. The Committee have been given to understand on good authority that there is a very general desire on the part of the Brokers to incorporate themselves, and that efforts have been lately directed towards the formation of an Association with certain powers of regulation over its members. It is believed that with the assistance of the Legislature in giving legal force to their Bye laws, and with the co-operation of the merchants and bankers, such an association could be successfully formed and carried into effect.
- "6. The Committee are fully of opinion that the object of the Government

in initiating the present measure would be far better fulfilled by means of such an association than through the instrumentality of an Ordinance.

"They, therefore, recommend the postponement of any legislation on the subject, in order to give the Brokers time and opportunity to form such an association as they have in view.

"THOMAS. C. HAYLLAR.
"HENRY LOWCOCK.
"JAMES GREIG."

His Excellency moves that the recommendation of the Special Committee be entertained, and that Legislation for the Regulation of the Business of Brokers be for the present postponed.

Question put, and carried.

His Excellency lays on the Table the Appropriation Bill for 1873, and says:—

"In laying before you the Estimates of Revenue and Expenditure for the Year 1873, which will be read to you and explained in detail by the Honorable the Acting Colonial Secretary, I have only to observe that they have been prepared with all the care I could bestow upon them.

"There are various objects for legitimate outlay, which may probably be submitted to you at a later period of the Year, if the state of the Colonial Finances is found to justify it.

"Meanwhile, it affords me great satisfaction to inform you that the Colonial Revenue is in a healthy and progressive condition, and will, I am very confident, suffice to meet the estimated Expenditure, leaving a reasonable surplus at the end of the Year."

The Honorable the Acting Colonial Secretary then enters into details regarding the Estimates, and brings under the notice of the Council particular items of the proposed Expenditure, and anticipated Revenue of 1873.

After which, the Appropriation Bill on the Table is read a first time.

Read a Despatch from the Right Honorable the Secretary of State for the Colonies, No. 89 of the 27th June, 1872, conveying Her Majesty's Confirmation of Ordinance No. 2 of 1872, for the Prevention of certain Nuisances,—subject to an Ordinance being introduced into the Council repealing Sub-section "A" of Section I, and provided that in the amending Ordinance there be, as regards Section V, a saving of all rights and remedies against Persons carrying on such trades whether with or without the special permission of the Governor.

His Excellency states that it has been found more convenient, in order to avoid confusion, to repeal Ordinance No. 2 of 1872, and to re-enact it with the Amendments pointed out by the Secretary of State. His Excellency then lays on the Table a Bill so prepared, and moves that the same be read a first time.

Bill read a first time; and on the motion of the Acting Colonial Secretary, seconded by the Acting Attorney General,—the Council agreeing to a suspension of the Standing Orders,—the Bill is read a second time, committed, and passed,—bearing the Title of "*An Ordinance enacted by the Governor of Hongkong, with*

the Advice of the Legislative Council thereof, to prevent certain Nuisances,"—
being "No. 10 of 1872."

His Excellency lays on the Table certain additional Rules and Orders of the 20th August, 1872, for regulating the Practice of the Court of Summary Jurisdiction, and directs that the same be brought forward for approval at the next Meeting of the Council.

His Excellency moves that there be placed on the Supplementary Estimates for 1872, the following Sums:—

Road and Street Contingencies.

Hire of Coolies for repair of Roads, \$ 2,500

Works and Buildings.

(1.) Construction of a Police Guard House at Hung-
Ham, in Kowloon, \$ 1,000
(2.) Extra Expenditure involved in the foundations of
the School at Wanchai, \$ 170

Hospitals.

Civil Hospital.—Fuel and Light, \$ 300
Lock Hospital.—Incidental Expenses, \$ 150

Post Office.

Salary of Agent at Hankow,\$20 per mensem.

Question put and carried.

His Excellency adjourns the Council at 10 minutes past 4 P.M., till Tuesday, the 17th September, at 3 P.M.

A. E. KENNEDY,
Governor.

Read and confirmed, this 17th Day of September, 1872.

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