

# VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONGKONG.

No. 2 OF 1873.

TUESDAY, 11<sup>TH</sup> FEBRUARY, 1873.

## PRESENT:

His Excellency Governor SIR ARTHUR EDWARD KENNEDY, K.C.M.G., C.B.

The Honorable the Chief Justice (JOHN SMALE).

The Honorable the Acting Colonial Secretary (CECIL CLEMENTI SMITH).

The Honorable the Attorney General (JULIAN PAUNCEFOTE).

The Honorable the Acting Treasurer (CHARLES MAY).

The Honorable HENRY JOHN BALL.

The Honorable PHINEAS RYRIE.

The Honorable RICHARD ROWETT.

The Honorable JAMES WHITTALL.

## ABSENT:

The Honorable WILLIAM HASTINGS ALEXANDER, absent on leave.

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

The Minutes of the Council held on the 6th January, are read and confirmed.

His Excellency makes the following Statement:—

Since the last Meeting of the Council I have received a very important Despatch from the Earl of KIMBERLEY, in relation to the abuses which constantly arise out of the system of Chinese Emigration carried on in the neighbouring Colony of Macao, and which have been so long the subject of complaint and remonstrance on the part of the British Government. The Despatch is in these terms:—

"DOWNING STREET, 20th November, 1872."

"SIR,—It has at different times been represented to me that foreign vessels engaged in the shipment of Coolies from Macao are equipped in the Port of Hongkong, or furnished with supplies or stores from that Colony, and my attention has recently been directed to the following paragraph extracted from a Hongkong Newspaper: 'The Spanish steamer *Bueno Ventura*, a sister to, and belonging to the same owner as the Steamship *Yrurac Bat*, which vessel fitted up here and left a few days back for Macao, for a cargo of Coolies, has arrived here to fit up for the same purpose.'

"2.—You are probably aware that during the late Session of Parliament, an Act (three copies of which I enclose) was passed for the purpose of repressing the abuses connected with the movement of natives from their Islands in the Pacific Ocean to labour on Plantations.

"3.—Although great cruelties have been perpetrated in connexion with this traffic in South Sea Islanders, they can hardly have been greater than those which have led to the disgraceful and horrible occurrences from time to time reported as having taken place on board ships conveying Chinese Coolies

from Macao.

"4.—Her Majesty's Government, which has been under the necessity of making repeated remonstrances to the Portuguese Government on the subject of the Macao Coolie Trade, cannot permit that there should be even the shadow of a justification for any such imputation as that British subjects in Hongkong partake in and profit by a traffic which the Queen's Government deplores and protests against. And I see no reason why British subjects resident in Hongkong should not, as well as those in Australasia, be subjected to the punishment prescribed in Section 9 of the 'Kidnapping Act, 1872,' for the offences specified in that Section, if committed within the territorial jurisdiction of the Colony.

"5.—I request you to give your particular attention to the 'Kidnapping Act, 1872,' and to consider whether some of its provisions might not with the necessary alterations be made applicable to Hongkong. If you are of opinion that they might be, I request you to transmit to me, as soon as possible, the Draft of an Ordinance for that purpose.

"As Chief-Justice SMALE has given much attention to this question, I request you to give him a copy of this Despatch and of the Act enclosed in it, and to intimate to him that I shall be glad to receive from him, through you, any observations or suggestions which he may wish to offer, either in conjunction or after consultation with the Attorney-General and yourself, or separately.

"You will also lay this Despatch before the Legislative Council.—I have, &c.,"

(Signed,) "KIMBERLEY."

"Governor

"Sir A. E. KENNEDY, K.C.M.G., C.B."

In compliance with the Earl of KIMBERLEY'S instructions, I have conferred with the Chief-Justice and with the Attorney General, and have carefully considered, in conjunction with these officers, the kind of legislation which is best calculated to carry out effectively the wishes of Her Majesty's Government. I am also at the present time in communication with the Secretary of State on the subject, and I hope to be able very shortly to submit to the Council the Draft of an Ordinance, intended to prohibit and prevent, to the fullest extent that the powers of this Legislature will allow, all residents of this Colony, of whatever nationality they may be, from taking any part in what is commonly known as the 'Macao Coolie Trade,' and from participating, directly or indirectly, in its profits, either by chartering or equipping and furnishing vessels for the purpose of Macao Emigration, or in any other manner. I have every reason to believe that, in introducing such a measure, I shall have the hearty support and co-operation of every Member of the Council, as well as the approval of the Community of the Colony. I do not now invite any expression of opinion on what is proposed, but when the Draft Ordinance is laid on the Table, the subject can be fully discussed.

The *Sheriff's Bill*, with the amendments adopted by the Council at its last Meeting, is laid on the Table, and His Excellency puts the Question:—That this Bill, as amended, do pass, and that the Title be—*An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to make better Provision for the Appointment and Remuneration of the Sheriff and Deputy Sheriffs of the Colony, and to afford them Relief and Protection in the Execution of their Duties.*

Question put and carried,—the Ordinance being numbered "*No. 1 of 1873.*"

The *Minimum Punishments 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 abolish Minimum Punishments on Summary Convictions before Magistrates,*—being "*No. 2 of 1873.*"

His Excellency adjourns the Council at 5 minutes before 3 o'clock.

A. E. KENNEDY,  
*Governor.*

Read and confirmed, this 24th Day of February, 1873.

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