

23RD NOVEMBER, 1891.

PRESENT:—

HIS EXCELLENCY THE ACTING GOVERNOR Major-General  
G. DIGBY BARKER, C.B.

Hon. W. M. GOODMAN, Acting Colonial Secretary.

Hon. A. J. LEACH, Acting Attorney-General.

Hon. J. H. STEWART-LOCKHART, Registrar General.

Hon. N. G. MITCHELL-INNES, Colonial Treasurer.

Hon. F. A. COOPER, Acting Surveyor-General.

Hon. W. C. H. HASTINGS, Acting Harbour Master.

Hon. P. RYRIE.

Hon. C. P. CHATER.

Hon. HO KAL.

Hon. T. H. WHITEHEAD.

Mr. A. M. THOMSON, Acting Clerk of Councils.

## THE GAMBLING ORDINANCE.

Hon. T. H. WHITEHEAD—I rise to ask the questions which I gave notice of last week. May I enquire whether the answers to those relating to the Opium and Gambling Ordinances are yet ready?

The ACTING COLONIAL SECRETARY—I am in a position to answer the question relating to the Gambling Ordinance, although I was only able to obtain the information this morning. I may tell the hon. member that there are a considerable number of pages to consult, and he must not suppose that the information is easily got. I have succeeded in getting an answer to the question relating to the Gambling Ordinance, but have not got the full information of the opium farm. It involves a considerable amount of labour.

Hon. T. H. WHITEHEAD then asked — Will the Government lay on the table a list of the number of convictions for offences against the new Gambling Ordinance since the date it came into force to 30th September last; the amount of fines levied; the amount of fines collected; the number of persons imprisoned in default of payment of fine, with the periods of their imprisonment and the cost to Government of their detention in gaol; and the number of persons now in prison for such offences?

The ACTING COLONIAL SECRETARY—In reply to the hon. member I may say that the number of convictions from the commencement of the new Gambling Ordinance is 1,179, the amount of fines levied \$11,748.50, the amount of fines collected \$6,301.50, number of persons imprisoned 414, of whom 406 have been imprisoned for 14 days, 6 persons

for 10 days, one person for 7 days, and one for 4 days. The number of persons in prison on the day this question was asked (October 21st) was 66. I am afraid there is one part of this question I have not answered and which I cannot answer. It is impossible for me to tell what each person imprisoned has cost. We have to make elaborate calculations and consider the proportion of salaries paid in the gaol—

Hon. T. H. WHITEHEAD—I am quite satisfied.

## THE ASSIGNMENT OF DEBT.

Hon. T. H. WHITEHEAD—I now beg leave to ask—Is it correct as stated in the *China Mail* of 12th November, 1891, that in the course of the bankruptcy proceedings in the Supreme Court on that date it was revealed that there is no provision in the law of the Colony to assign debt, and if so will the Government take steps to amend the law in that respect?

The ACTING ATTORNEY -GENERAL—There appears to be some misapprehension as to what took place with regard to this. I have made enquiries and I find there was no revelation that there was no provision to assign debts and that the statement that there was no such provision was qualified. What I understand took place was this. Mr. Ewens, a solicitor of this Colony, in the course of some bankruptcy proceedings objected to the appearance of the assignee of a bill of sale as he produced no power of attorney from the assignor. In the course of his observations he said there was no law in the Colony for the assignment of debts, but he qualified that statement by saying there could be no assignment at law, and he then referred to section 25, subsection 6 of the Judicature Act, 1873, which has not been introduced into this Colony, and provided in effect that an absolute assignment in writing under the hand of the assignor—not being a charge only—of any debt or legal chose in action of which express notice in writing had been given to the debtor, trustee, or other person from whom the assignor would be entitled to recover, should confer on the assignee the power to sue for the debt or chose in action and to give a charge for the same without the concurrence of the assignor. Before the passing of that Act in England the law was the same as it is now in this colony, debts were assignable in equity but not at law, that is to say, so as to give the assignee a right to sue. In any suit for a debt in equity the assignee could sue in his own name, but he had to make the assignor a party to the suit either as co-plaintiff or defendant and at law he would have to sue in assignor's name and give an indemnity to the assignor against costs. That is the state of the law in the Colony at the present time. In answer to the latter part of the

question of the hon. member, the Government has under consideration the introduction into this Colony of subsection 6, section 25 of the Judicature Act of 1873.

#### THE REGISTRAR-GENERAL'S DEPARTMENT.

Hon. T. H. WHITEHEAD asked—As it seems only reasonable that the public should have an opportunity of judging of the work done by the Registrar-General's Department, will the Government lay on the table copies of the Registrar-General's last annual report in the same way as is done with the reports of other departments, and as was formerly done in regard to the department in question?

The ACTING COLONIAL SECRETARY—Not only can I find no record of any such annual report of the Registrar-General's Department having been laid on the table as stated by the hon. member, but no such annual report has so far as we can learn ever been written hitherto. The Secretary of State, however, has requested this year that the Registrar-General should furnish an annual report, more especially showing the effect of the Women and Girls Protection Ordinance, and at the expiration of this year such a report will be laid on the table in the usual manner.

Hon. T. H. WHITEHEAD—I have reason to believe that the last report published was in 1870.

#### THE OPIUM FARM SYSTEM.

Hon. T. H. WHITEHEAD—With reference to a paragraph in the address of H.E. Governor Sir Cecil Smith to the Legislative Council of Singapore last month, which states that the Secretary of State has intimated that the Farming system ought to be considered with a view, if practicable, to its modification, and the adoption of a system of licences to be issued at high rates—the object being to "diminish the evils of the opium traffic without seriously crippling the revenue." will the Government lay upon the table a copy of any despatch received from the Secretary of State within the past few months intimating that the farming system before the new three years' lease about to be granted expires should be considered with a view if practicable to its modification, and the adoption of a system of licences to be issued at high rates—the object being to diminish the evils of the opium traffic without seriously crippling the revenue?

The ACTING COLONIAL SECRETARY—No such despatch has been received.

#### SESSIONAL PAPERS.

Hon. T. H. WHITEHEAD—I beg to move that in future two copies of all papers to be laid upon the Council table be forwarded direct to the unofficial members at their private address if possible 24 hours before the meeting of Council or longer. I think that it is very desirable that this should be done. On previous occasions I have asked that it

should be done, but the former practice has been abandoned, and is still evidently in abeyance. Take, for instance, the despatch which was laid on the table last Monday, dated August 18th, from the Officer Administering the Government to the Secretary of State, and a portion of the contents of which came up for discussion during the same afternoon. It was utterly impossible for unofficial members, or those who had not seen the despatch, to be acquainted with the contents thereof. If the unofficial member happens to be unavoidably absent from a meeting of the Council, papers laid on the Council table on that particular day are not forwarded to him. He has therefore no opportunity whatever to see those papers unless by chance he should see them in the public prints or send to the Clerk of Councils for them, if his attention should have been directed to their existence. If it is not possible to circulate them twenty-four hours before the meeting of the Council I would earnestly suggest that they should be forwarded to each unofficial member as soon after the meeting of the Council as possible. I am sure this is not an unreasonable request to make and I hope that your Excellency will acquiesce.

Hon. P. RYRIE, in seconding the motion, said that formerly they got documents more than a day before the meeting.

The ACTING COLONIAL SECRETARY—With all desire to meet the convenience of the unofficial members it would be impossible, I may say at once, for the Government to undertake to do anything of the kind suggested by the hon. member in his resolution. On several occasions the hon. member has sent in notice three days before the meeting of the Council asking that papers might be laid on the table. That has to go through all the ordinary routine. The Clerk of Councils first receives it and sends it to the Governor, the Governor gives it to the Colonial Secretary, and the Colonial Secretary in turn has to make a search in the office. Then it has to be sent to the printers, who have to print the papers and return them to the Colonial Secretary. They are then laid upon the table. Hon. members will see that all that involves a great deal of work and on several occasions by pressing the printer I have been able to get papers one hour before the meeting of the Council. We do not as a rule take action the same day on the papers laid on the table for the information of hon. members. If they think it necessary to take any action on them they move some resolution or take such action as appears to them desirable. I am sorry to say that I am instructed to say that we cannot undertake to send copies, of papers twenty-four hours in advance to hon. members. I shall be glad to meet the convenience of hon. members as far as I can. I am instructed by his Excellency to add that whenever any hon. members are absent if they express a desire for any particular papers they shall be sent to them.

Hon. T. H. WHITEHEAD—I would wish to alter the resolution and make it read, "twenty-four hours after the meeting of the Council," if your Excellency would agree to that—not only that papers should be sent to the unofficial members when absent, but in any case. On several occasions it has occurred that papers have been laid on the table and they have not been circulated. Unofficial members have not seen them. Only the other day an important paper was discovered by myself in that way. So whether unofficial members are absent or not I would ask that the papers be sent them.

The ACTING COLONIAL SECRETARY—Do I understand that the hon. member withdraws that resolution and now moves a fresh resolution of which he has not given notice?

Hon. T. H. WHITEHEAD—I propose to alter the wording of the resolution and make it read, "twenty-four hours after the meeting of the Council."

HIS EXCELLENCY—I see no reason why we should not accept the resolution as amended. As a rule—always, I believe—papers laid on the table are circulated around the table with the intention that members should take them away to read. But there is no reason, I think, why the additional copy should not also be sent to members' private addresses.

Hon. T. H. WHITEHEAD—I have no reason to press the resolution if your Excellency assures us that copies will be sent.

HIS EXCELLENCY—I do not see why that should not be done.

THE CHAIR AND JINRICKSHA NUISANCE.

Hon. T. H. WHITEHEAD asked for information as to the distribution and number of constables on day and night duty in the colony. In moving a resolution for such a return the hon. member said—Section 3 of Ordinance 21 of 1887 gives the Governor in Council power to issue rules for the regulation of public vehicles, and of traffic carried on by means of such vehicles. Such rules have been issued, yet there is no serious attempt to enforce them, or to regulate the traffic in the public streets. At several points at certain hours it is positively dangerous to pass along Queen's Road, Central, East, and West, on foot, in chair, jinricksha, or other conveyance. Jinrickshas and chairs are allowed by the Police to loiter about plying for hire without let or hindrance in the streets, and in the roads, and many of them are not required to have their lamp lit after darkness has set in. At the Clubs, the Hotels, the wharves, and the landing places, chair and jinricksha coolies with their chairs and rickshas, half a dozen, more or less, at the same time are free to rush at passengers and invariably a fierce struggle amongst them ensues as to who shall devour the passenger. The passenger meanwhile runs the risk of having his or her head or ribs broken or sustaining some injury while the

fight is going on between the coolies as to who shall secure the hire. Carts of every description, many carrying heavy loads of goods, are tolerated to move to and fro, east and west, in whichever part of the road suits their convenience. There is no practical attempt at the regulation of the traffic, and a more dangerous or more unsatisfactory condition of affairs it would be difficult to contemplate. Is it not possible to have jinricksha stand ~~as~~ in Shanghai? In the Model Settlement no jinricksha coolie is permitted to move his vehicle out of proper turn, and when such vehicles are in motion those going in one direction have to keep in line, or in turn, and to one fixed side,—the left side—of the road, while those moving in the opposite way have to keep the other side of the street. In this and in many other respects the Police Superintendent or authorities would do well to follow Shanghai. Its system of Municipal Government is a model and would work admirably in Hongkong. Our Police Superintendent, evidently with the sanction of the Government, tolerates the Excise Officers, and the minions of the Government Opium Farmer, to continue to search the persons of respectable Chinese men, and respectable Chinese women, not in suitable places set apart for the purpose, but on the public wharves and in the public streets. The continuance of such searching of the persons of the Chinese in the public thoroughfares is diametrically opposed to the progress and welfare of Hongkong and is nothing short of an outrage on public decency in a British Crown Colony. It is earnestly to be hoped the Government will at once put a stop to this searching of persons in the streets, enforce the existing rules for the regulation of public vehicles, and of the traffic carried on by means of such vehicles, and that the rules will no longer remain a dead letter.

Hon. P. RYRIE seconded. He said—As far as the 'ricksha coolies are concerned nothing could be worse than the existing system. Going in a chair from the Club to the City Hall or a little further on the road all the way is very crowded. Rickshas go flying in and out instead of in a regular line. Chairs are not so bad except on the wharves. Rickshas are everywhere and they have no regular stand. Consequently they are careless and are very objectionable. I have much pleasure in seconding the resolution of my hon. friend.

HIS EXCELLENCY—As this Council is constituted I consider proposals of this kind are more properly made in the form of questions than in a resolution of this sort. In this case the information asked for in the first alone of the six heads of the resolution fills 38 pages of a book printed for private use in the Police department. The grounds on which the proposal of the hon. member is urged are not shown and I do not gather that they have been explained to-day. But the nature of these particulars is such that if the arrangements were

published to-day it would be absolutely necessary to cancel them to-morrow and rearrange the beats. The Police are distributed in a way deemed to be most suitable for safeguarding the lives and properties of orderly citizens, and that distribution is modified and altered from time to time as circumstances may require. But so long as I am responsible for the government and good order of this Colony I am not prepared to publish for the benefit of the criminal classes information as to the exact places where they may and may not find police constables to check them in their nefarious designs, and the number of such constables. I am quite prepared to give the hon. member permission to peruse the lists of the beats and to receive from him or anyone else suggestions for having any particular spot more closely watched than it is, and such suggestions will always receive due consideration. Every police constable has orders on his beat to enforce the traffic rules. I admit that the regulations for traffic do require some fresh modification, and it was partly with this view that the Government contemplated changing the present system of limiting the monopoly of rickshas to two or three instead of as at present to a larger number. One of the great advantages of that proposal was that those who were anxious to undertake the farm as it is called were prepared to supply certain regulators for the ricksha traffic and to be responsible to the Government for the due carrying out of the regulations. But it was thought desirable after all to continue the old system as regards licensing and not to further limit this monopoly. The new licences will be issued at the commencement of next month, and it is still under the consideration of the Government what fresh regulations shall be made and what fresh instructions shall be given to more strictly carry out the regulations which have been in force for some time. I presume that under these circumstances the hon. member will not wish to press his resolution to a vote.

Hon. T. H. WHITEHEAD — I have no wish to inconvenience in any way whatever the actions of the Government. I am perfectly satisfied. The condition of the traffic is so bad that I wished to draw your Excellency's pointed attention to it and I am quite sure that under your Excellency's directions it will be amended.

#### NOTICE OF MOTION.

Hon. T. H. WHITEHEAD gave notice that on that day fortnight he would move the following resolution:—"That in consequence of the fact that the cost of the Administrative Staff of the Government of Hongkong is constantly increasing, having risen from \$547,650 in 1887 to the enormous amount of \$758,139 in 1891 and to the still larger estimated sum of about \$800,000 for 1892 exclusive of \$65,200 for pensions for 1892, it is incumbent on the unofficial members of Council, being the lawfully constituted guardians of the public purse, to earnestly consider and strenuously urge upon the Government the necessity for retrenchment in every possible direction,

more especially when it is remembered that the Colony's financial position is not strong, that we are threatened with a shrinkage in its revenue in the near future, and that our position with reference to opium and the revenue derived therefrom is precarious, I beg to move that Government appoint a Commission composed of members exclusive of Government officials with full powers to enquire into and report on the working of all the Departments of the Government with the view to retrenchment, and to the desirability or otherwise of the redistribution of work, the amalgamation of certain offices, the increasing of the hours of the official day, privileges in the way of leave, &c."

#### THE BUILDING ORDINANCE AMENDMENT BILL.

The ACTING ATTORNEY-GENERAL—In rising to move the second reading of this Bill, I may say that its objects are manifold. Its first object is to remedy certain defects in the provisions of the Building Ordinance of 1879 with regard to the thickness of walls of structures; the second object is to fix more definitely the position of the damp-proof course in new buildings; thirdly, to add stability to walls; fourthly, to permit the erection of temporary structures of inflammable materials, which has hitherto been prohibited; fifthly, to abate the nuisance caused by carrying smoke flues through the walls; another object is the greater proof against fires by having the upper surface of the floor under ovens or fireplaces made of incombustible materials, that is really increasing the size of the hearths. A further slight amendment is to bring new works under the same definition as new buildings. The last clause deals with the obstruction of the streets. So far as I have been able to discover the only express provision at present in force relating to the obstruction of streets is an old Ordinance of 1856 which prohibits obstruction of the streets and imposes a penalty for obstructing the streets but makes an exception in the case where the obstruction is sanctioned by lawful authority. The definition of lawful authority is left vague, and therefore this clause gives the power to the Surveyor-General to exercise his discretion in stopping the streets. Hon. members will also see that I have introduced a fresh clause. I am sorry they have not had it before, but it only occurred to me on Saturday in considering the question of piers and wharves to introduce it Section 68 of the Building Ordinance of 1889, which deals with the construction and reconstruction of piers and wharves, provides for the sanction of the Governor being first obtained, and the maintenance and construction of piers and wharves is subject to regulations to be made by the Governor in Council, but nothing is stated in the Ordinance as to payment for use of these wharves or for encroachment on the foreshore. In March,

1889, a Government notification was issued (I believe there was a prior one) stating that the Governor's sanction to encroachments by piers and wharves would only be given on payment of the rent, a scale of which was inserted in the notification. The amendment which incorporates that notification can be added when the Council goes into Committee. I do not think I have anything further to add, but if any further information is required the Surveyor-General will afford it. I now move the second reading.

The ACTING SURVEYOR-GENERAL seconded.

Bill read a second time.

The Council went into Committee on the Bill.

The ACTING COLONIAL SECRETARY—I may mention that three minutes before coming into Council I received a letter relating to this matter. I have not had time to read it but I have handed it to the Acting Attorney-General, who I believe has read it. It is impossible to acquaint oneself with the contents of letters that come in at the last minute and I have mentioned this matter so that the gentleman who wrote the letter might know that his communication had not been passed over.

The ACTING ATTORNEY-GENERAL—I have read the letter and have showed it to the hon. member on my left (Hon. C. P. Chater). From this letter, the writer appears to think that the Bill was only published on Saturday last, whereas there has been a week to consider it. The hon. member to whom I have shown it thinks that probably some little amendments that will be proposed by the Acting Surveyor-General will meet the case.

On clause 15, which gives the Surveyor-General power to close roads,

Hon. HO KAI said—I beg to move an amendment to this clause, which gives very large powers to the Surveyor-General. To a great extent we know it is necessary, but in order to cause as little inconvenience as possible to the public and in order to prevent the Surveyor-General's department constantly creating nuisances by obstructions in the streets I propose to insert at the end of the clause the following:—"Provided that in every instance where such power is exercised, reasonable notice shall be given to the public beforehand." I think it is only reasonable that some notice should be given to the public when the Surveyor-General finds it necessary to stop up a road, to prevent misunderstanding and to prevent Government contractors depositing rubbish in places where it should not be. I hope the Government will have no difficulty in agreeing to my amendment.

Hon. T. H. WHITEHEAD—I rise to second the amendment. I think the powers given here are really very large, if not somewhat too much so. Some months ago the public were caused serious inconvenience by the blocking up of a road on the Praya leading towards the east. One of the bridges there was undergoing repair and for a long period, some

months I believe, people were put to serious inconvenience in not being able to make use of the road. The powers taken in this clause I cannot but regard as too great, and I think it would be well if the Government could modify them in some way or other.

HIS EXCELLENCY—I should like to ask the Surveyor-General if he has any remarks to make on this matter.

The ACTING SURVEYOR-GENERAL—I do not see any objection to giving notice but, I do to the use of such an indefinite word as reasonable. I should be quite willing to give two or three days' notice, where possible. I have no desire to interfere with the traffic or to interfere with anybody, but it is absolutely necessary sometimes to block up a street suddenly. In the case of a water or gas main bursting you have to close the street at once. Under ordinary circumstances two or three days' notice might be given.

The ACTING COLONIAL SECRETARY—As far as the amendment goes it is quite clear that the power must be reposed in somebody. In the parishes in England the Borough Surveyor has the power to shut up the roads. It seems to me it is quite unnecessary to put this proviso. I quite agree that the Surveyor-General should not shut up streets unnecessarily. If he does use his powers improperly, I do not see there is any reason to believe he would, the proper course is to complain to the Governor and the Surveyor would be reprimanded and such an occurrence prevented in future. All the public services here are subject to the jurisdiction of the Governor. I think it inadvisable to make a hard and fast rule, which might have to be broken suddenly and thus he be forced to commit an illegal act.

The ACTING ATTORNEY-GENERAL said he did not see any difficulty in accepting the amendment if the words "where practicable" were inserted.

Hon. HO KAI—After what the Acting Surveyor-General has stated I will not press the amendment in its present form, but I would ask to put it in this way, "provided that in every instance where such power is exercised, public notice, wherever practicable, shall be given."

The clause as amended was agreed to.

Several minor amendments having been made the Bill passed through Committee.

#### THE FURTHER APPROPRIATION BILL.

The ACTING COLONIAL SECRETARY laid on the table the report of the Finance Committee on the Further Appropriation Bill, the votes in which were recommended by the Committee.

The Council having gone into Committee on the Bill, it was passed through without amendment.

The Bill was read a third time and passed.

#### MERCHANT SHIPPING BILL.

The Council resumed consideration of this Bill in Committee.

On Section 39, which gives the Governor in Council power to make regulations for the licensing of boats and vessels.

Hon. T. H. WHITEHEAD proposed the insertion after the words "boats and vessels" of the words "plying for hire." Private vessels should not be taxed the same as others. The Government might just as well tax private chairs and jinrickshas.

The ACTING ATTORNEY-GENERAL said the very object of the clause was to bring under control those boats not plying for hire. It did not follow necessarily that they would be taxed. The clause existed in 1879 but was repealed in 1889. He proposed to leave it standing as at present, but if any hon. member could point out how these boats were injuriously affected by being brought within these regulations they could go back and reconsider it.

On Table A of the Schedule, which gives the rules and regulations as to the carrying of life-saving appliances, increased fittings, &c.

Hon. T. H. WHITEHEAD said the Chamber of Commerce considered that these fittings were a great deal in excess of what had been required in the past, and it might not be possible to get them in the Colony except at an exorbitant cost; the Chamber of Commerce suggested therefore that time should be given to shipowners to import them.

The ACTING HARBOUR MASTER said the appliances were what were required by the Merchant Shipping Act of 1888 and had been embodied in this Bill.

The ACTING ATTORNEY-GENERAL—I may point out that the Bill will not come into operation till proclaimed by the Governor, and if representations are made that it is necessary to get out these new appliances I have no doubt consideration will be given as to the time when the Ordinance shall be brought into force.

Hon. T. H. WHITEHEAD—The Chamber of Commerce suggested so long a period as twelve months.

HIS EXCELLENCY—I don't think the operation of the Bill could be delayed so long a period as twelve months. The proposal will, however, be borne in mind and will be met as far as possible, but to what extent I am not prepared to say just now.

On Table C, which lays down the scale of fees for surveys.

Hon. T. H. WHITEHEAD said—These fees are considered by the Chamber of Commerce, especially those for surveys at overtime, as most exorbitant. I think they might be reduced to a more reasonable figure. The revenue derived from these surveys not only suffices for the upkeep of the staff required but yields a considerable surplus to the revenue. It seems to me that if the fees go to the Government they might be reduced to a reasonable figure. I understand the fees go to the Government.

The ACTING HARBOUR MASTER—All of them.

Hon. T. H. WHITEHEAD—The Chamber of Commerce

regards them as excessive.

The ACTING HARBOUR MASTER—There is no increase; they are the same as they have always been, and slightly lower than those charged under the Board of Trade in England. We have charged \$5 here where it is £1 in England.

Hon. T. H. WHITEHEAD—All the same \$20 an hour seems to be most unreasonable.

The ACTING ATTORNEY-GENERAL—That is for overtime work, surveys made before 6 a.m. and after 8 p.m.

The table was passed.

Several tables were passed without discussion, progress being reported at Table K.

The Council adjourned to the 30th inst.

#### FINANCE COMMITTEE.

At the conclusion of the Council meeting a meeting of the Finance Committee was held, the Acting Colonial Secretary presiding, to consider the remaining items of the Appropriation Bill for 1892.

#### THE ECCLESIASTICAL VOTE.

The CHAIRMAN—With regard to the Appropriation Bill, 1892, the Finance Committee have dealt with the whole except two items which stood over, the ecclesiastical vote and the vote in connection with the gaol. As regards the ecclesiastical vote I have talked carefully over this and taken His Excellency's instructions in the matter. It was a matter that required some consideration and I now propose to amend the grant by substituting for the words "grant for Protestant chaplain for gaol and Hospital" the words "grant for Protestant chaplains, &c," that is, putting in the plural. Last time we considered the vote it was objected to that it was proposed to give the Anglican chaplain a certain sum and not to give anything to the minister of the Union Church as the representative of a religious community and one who had just claim for remuneration. I use the words "just claim for remuneration" because they are the words of the Secretary of State. I should like to say a few words in explanation of this amendment. It seems to me that in this case second thoughts are better than first. We give \$720 to the Roman Catholic Chaplain on the basis that there are 200 Roman Catholics pass through the Gaol and Hospital every year. A small committee was then appointed to consider what sum should be given to the Church of England Chaplain. We arrived at the sum on the same principle. For 200 Catholics the chaplain got \$720 and we thought that at least the Protestant Chaplains should get three times as much. At that time it was intended that the whole sum should go to the Anglican chaplain. No other religious body had put in any other claim, and

it was rather assumed that the independent religious bodies, those who do not care to have any connection with the Government, preferred to be perfectly independent and that when they visited the Gaol or Hospital to hold services such as I have mentioned they looked upon them rather as works of charity and did not wish to receive anything for them. A short time ago, however, I received a letter from the Committee of the Union Church asking that they might receive a portion of the grant and their request seems to me a very reasonable one. I propose now to put in a rather larger sum than was put down for one chaplain, the distribution of which can be arranged afterwards. It is quite clear to my mind that the Union Church should come in for some share of this grant, and I propose to put down \$3,000 instead of \$2,100. We have taken as a basis the numbers for the whole of the year 1890 and the first half year of 1891. It appears during that time the total annual average number of persons admitted to the Hospital, professing the Christian religion, other than Roman Catholics, was 728. We got these returns from the Hospital, where they are very carefully made up. The annual average number of prisoners admitted to the gaol professing the Christian religion and not being Roman Catholic was 104. These figures being added together give a total of 832. Now the Secretary of State allowed a grant for the Roman Catholic Chaplain of \$720 when the number of Roman Catholics for the year at the Gaol and Hospital was 200. The sum therefore becomes a very simple one. If the Roman Catholic Chaplain gets \$720 for 200 persons how much should the Protestant chaplains get? The answer is, as 200 is to \$720, so is 832 to \$2,995.20, and we have therefore put down a sum of \$8,000. The exact provision as to what share is to go to each chaplain must be determined afterwards.

Hon. T. H. WHITEHEAD—By whom?

The CHAIRMAN—I can hardly say at this moment. We are providing for next year. There is not the least doubt that it will be divided fairly. It is sufficient for the Committee to confirm the alteration now and some arrangement can be come to afterwards with respect to the division of the vote.

Hon. HO KAI—The Union Church did not make a claim because they did not know that any money was to be granted. The Anglican Church knew of it and put in a claim.

The CHAIRMAN—It has been part of the Colonial Chaplain's duties to hold these services, and now that he has been done away with, the Secretary of State said that due provision would have to be made for the Gaol and Hospital. Of course if the Union Church comes in the Chaplain will have to do his share of the work and hold services regularly.

Hon. T. H. WHITEHEAD—It seems to me it is simply continuing the grant under a different heading and leaving it in a not very satisfactory manner. At all events I hope this money will not be apportioned in any hole-and-corner way as other matters have been done. As evidence of what I say it appears that a Committee was secretly appointed by the

Government to enquire into the site for a Gaol. There was a Public Works Committee but it was never consulted on the point.

The CHAIRMAN—The Gaol is the next item. When we come to that we shall perhaps be able to satisfy the hon. member about the appointment of that Committee.

Hon. T. H. WHITEHEAD—The same thing may occur here. I hope this matter will not be dealt with in any hole-and-corner way.

The CHAIRMAN—I do not think the hon. member would desire to make those remarks on further consideration. My sole desire in this matter has been to do everything that is right and fair. There has been nothing hole-and-corner with regard to this vote. I think when you come to look into it you will find that everything has been the other way. You could not expect the Government to go about asking if there was any other body who wanted a share of the grant. They have done the work for nothing hitherto.

Hon. HO KAI—Will you give us the assurance that the money will be apportioned by a representative Committee?

The CHAIRMAN—It is for the Governor to arrange all that. I cannot promise anything.

The REGISTRAR-GENERAL—I think hon. members may take it for granted that the Governor will see that the money, whether apportioned by a Committee or otherwise, is fairly divided.

Hon. T. H. WHITEHEAD—I see there is a grant for burials, baptisms, &c., of \$400. To whom is that to go?

The CHAIRMAN—That will have to be apportioned in the same way. Some religious bodies bury their own dead without any provision being made. On the other hand some poor fellow may be washed ashore or die here without friends and the chaplain has to bury him. It entails considerable hardship and ties the chaplain down very much. He is afraid to go away as some such thing may occur, and he has to be on the spot to direct the burial.

Hon. C. P. CHATER thought that some provision should be made for such cases as those mentioned.

Hon. T. H. WHITEHEAD—On what do you base this \$400 for burials?

The CHAIRMAN—It is very difficult to arrive at any sum that can logically be put down. No one can tell how many people may require burying next year. I have made enquiries, from Mr. Taverner amongst others before he left, and it is considered that this is as fair a sum as could be arrived at.

Hon. T. H. WHITEHEAD—I agree to vote the \$3,400, to be apportioned by a representative

Committee, the apportionment to be submitted to the Legislative Council for its approval.

The vote was then agreed to.

#### THE PROPOSED NEW GAOL.

The CHAIRMAN—The next matter is with regard to the new Gaol. I am aware that there is a feeling of opposition on this point amongst some of the unofficial members.

Hon. T. H. WHITEHEAD—Amongst all, not some.

The CHAIRMAN—The Secretary of State has issued instructions that a new Gaol is to be erected and he was surprised that no proper provision for commencing the work was made in the estimates last year. I may say at once that the present despatches have been based on the reports, as I suppose valuable reports, that have been sent home, not in my time; it has been going on for years. The Secretary of State has devoted a great deal of time and attention to this subject, and on these instructions it is quite clear that as far as the official members are concerned we cannot do anything but vote some reasonable sum to commence operations with next year. I have discussed the matter with His Excellency and he has instructed me to say that although a sum of \$10,000 has been put down, none of that money will be spent until properly detailed plans and estimates are made and submitted to the Public Works Committee. A Committee has been appointed and has gone very carefully into the matter and they have reduced the sites to two, the Bonham Road or Causeway Bay. I am not in a position to say which is the better site and therefore it may seem a little strange to vote money before the site is fixed, but you are asked to make some provision for the money to be spent next year, by the commencement of which probably a definite site will be fixed upon.

Hon. C. P. CHATER—I am strongly opposed to this vote. It appears to me that this is an attempt to work in the thin end of the wedge for eventually building a new Gaol at an enormous cost, at an unfortunate time, and contrary to the wishes of the whole community. I may say I had the honour some little time ago to be appointed on a Gaol Commission, and we went into this matter very thoroughly. It certainly was proved that there was overcrowding in the Gaol, but to no very great extent. Overcrowding there was, no doubt, and in going into the question as to how that overcrowding was to be done away with, my colleagues, three officials, were strongly of opinion that a new Gaol should be built and that we should begin by spending the small sum of \$10,000 on one wing of the proposed new building. On questioning my colleagues as to what the final cost would be I was given to understand it would be a sum of about \$500,000. The small sum now asked for this wing is only the beginning of the building of a new Gaol, and the Colony will find itself burdened with the payment of a sum of \$500,000, or probably before the work was finished, \$700,000 or \$750,000. I need hardly tell you, sir, that I most strenuously opposed the report which was sent in to

the Government, and I may say that I proposed the other scheme. That was the extension of the present Gaol by putting a new wing on the police compound and the extension of the Police barracks in view of what they had to give up. I was over-ruled and the report went in recommending the new building, but the then Administrator, Mr. Fleming, with whom I had a personal interview, after going down to the spot on two occasions with my colleagues and myself, was, I think, almost convinced by me that the scheme of the extension of the present Gaol was a good one. The then Administrator wrote home a despatch and strongly recommended that my suggestion should be carried out. I have not seen the despatch, but I believe he wrote strongly on the matter, and pointed out that the whole community were against building a new one. Since then I have not heard anything beyond what I heard on the last occasion, and on this occasion from you, Sir, and I am now given to understand that neither the new Gaol nor the extension is necessary. I am informed on good authority that the number of prisoners at present in the Gaol is much smaller than was the case when that Commission sat. The objection to the Gaol overcrowding is the fear of epidemics, diseases, or sickness. I am informed that the health of the prisoners in the Gaol could not possibly be better. The Gaol has been overcrowded for many, many years. I have sat on two commissions on overcrowding, and in spite of the overcrowding the health could not be better than at the present moment. In fact I believe the death rate in the Gaol is far less than in the best gaols in England.

Hon. T. H. WHITEHEAD—Hear, hear.

Hon. C. P. CHATER—That being the case I do not see the necessity for burdening the Colony with the heavy expenditure when money is so needed for the carrying out of several more important works than the commencing a new Gaol. If there is really overcrowding at the present moment in the Gaol, I would willingly vote not \$10,000 but \$20,000 or \$30,000 for the extension of the gaol, but certainly not a penny for the building of a new Gaol. The extension if carried out as originally proposed, not as the late Surveyor-General made out, could be done very easily for \$20,000 or \$30,000. I believe it was the estimate made up by the late Surveyor-General that caused the Secretary of State to send out instructions for the building of a new gaol. I trust my colleagues are with me, and I am sure it is the feeling of the whole Colony that to spend so large a sum of money would be absurd, I therefore move that this vote be struck out.

Hon. T. H. WHITEHEAD—I have much

pleasure in seconding the hon. member's motion. I heartily agree and I believe that every intelligent and right thinking person in the Colony agrees with what he has said. This \$10,000 would be the thin end of the wedge which may ultimately mean our spending \$700,000 and even perhaps a million. The Causeway Bay site is an unknown quantity, and if the new Gaol were constructed there it may ultimately be found to be so unhealthy that it will have to be removed. There is no more healthy situation in the colony than where the Gaol is at present. As the hon. member has stated, the death rate is less than that of the majority of the gaols in England. The Government here have appointed a Committee, yet so far as I know not one of the unofficial members has been consulted.

The CHAIRMAN—What Committee?

Hon. T. H. WHITEHEAD—The Committee appointed to select the site. I think the Government should be more frank and open and consult the representatives of the public in a matter of such vital importance as this. The Public Works Committee are interested and should have been consulted.

The CHAIRMAN—I really do not think the hon. member has the slightest occasion to make use of the expressions he is using.

Hon. T. H. WHITEHEAD—Surely the representatives of the public should have been consulted.

The CHAIRMAN—I do not know that you are the representative of the public any more than the rest of the members. There are members selected by the Chamber of Commerce and the Justices of the Peace and I take it the other members are appointed to assist the Government. I cannot help being surprised at it being continually thought that the Government are always going to do something that will injure the community. I take it that we are equally interested in the public benefit. I am sure I work as hard, to the best of my ability, for the benefit of the public as any one in the colony. I do not like to hear remarks made as though we had some personal benefit in going against the wishes of the public. I have no desire to do anything except the best I can for the public good. I do not always agree with the views of other people, but I try to be frank and honest. In appointing the Committee, the Colonial Surgeon, the Surveyor-General, and others were selected as the people most competent to decide on a suitable site. That is all they were appointed for.

Hon. T. H. WHITEHEAD—I do not insinuate that any individual member of the Government is deriving any illegitimate benefit from this policy or course of action, but their course of action in this matter cannot be too strongly condemned. The representatives of the public should have been consulted.

The CHAIRMAN—We are consulting you now.

Hon. T. H. WHITEHEAD—They should have been consulted before this Committee was appointed.

The ACTING SURVEYOR-GENERAL said he thought the hon. member was under a mis-apprehension. The Committee had been appointed to select a site so that they might have something definite to lay before the Public Works Committee.

The REGISTRAR-GENERAL—I take exception to certain expressions used by the hon. member. He spoke just now of things being done in a hole-and-corner way. I challenge him to show a single instance in which money has been spent in a hole-and-corner way or in which the unofficial members have not been consulted. Opposition is the salt of the earth, so to speak. It is good for all of us, but when it deteriorates into what is simply a misstatement of facts, I think opposition ceases to be useful and becomes obstruction.

Hon. T. H. WHITEHEAD—I may refer the Registrar-General to one instance where money was spent in a hole-and-corner way. I refer to the taking out by our late Governor Sir Wm. des Voeux of the public treasury without the Council's sanction the sum of £20,000 for the military contribution for 1890, and for which unconstitutional act the Right Hon. the Secretary of State has since apologised to the unofficial members. I need not refer to any other instances.

The CHAIRMAN—That payment was ordered by the Secretary of State and afterwards approved by the Council.

Hon. T. H. WHITEHEAD—I strongly oppose this vote and we shall if necessary petition Hon. Majesty the Queen rather than submit to it. In view of the embarrassed financial condition of the Colony we are not justified for one moment in sanctioning this vote of \$10,000, which may be the forerunner of one aggregating before finality one million dollars.

Hon. HO KAI—I have not very much to add to what the hon. member on my right (Hon. T. H. Whitehead) has said except to say that I quite agree with the two unofficial members who have spoken before. I am certain the residents of this Colony are opposed to voting this money for a new Gaol. The vote will be forced through this Committee just the same as every other vote, and the fact that it will be so carried shows the inaccuracy of the statement just now made by you, sir, that the officials are here to look after the interests of the public as much as ourselves. The intentions of the officials are, I know, honest and honourable, and so far as that goes they look after the interests of the public, but there are occasions when they are ordered from home, it may be against their own convictions, to vote a certain way and they have to do so. That shows that the unofficial members are really and truly the only persons who look after the public interests. We do not need to be repeatedly reminded that

this is a Crown Colony and that arbitrary instructions from home will have to be carried out whatever be the wishes of the community. It is no argument in its favour that it will be forced down our throats, but we should not be doing our duty to the public if we did not express ourselves against it as strongly as possible while we have breath to do so.

The CHAIRMAN said as he had already mentioned the orders of the Secretary of State were that some provision was to be made in the estimates for the new work.

Hon. C. P. CHATER said it might have been that the estimates sent home for the extension were so large that the Secretary of State decided to go on with the new Goal. The estimates he intended were only for the purposes he had mentioned and not for the building of new quarters for the Governor of the Gaol and the Captain Superintendent of Police. He had reason to believe that the estimates sent home included a great deal more than he recommended,

and that might have had the effect of deciding the Secretary of State to go on with the new Gaol.

The Committee then divided on the amendment for striking out the vote. Hon. P. Ryrie had left the chamber some time before the division was reached.

FOR.	AGAINST.
Hon. T. H. Whitehead	The Acting Harbour Master
Hon. C. P. Chater	The Acting Surveyor-General
Hon. Ho Kai	The Colonial Treasurer
	The Registrar-General
	The Acting Attorney-General
	The Act. Colonial Secretary

The amendment was therefore lost and the vote passed.

The Committee then adjourned.

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