

25TH APRIL, 1892.

PRESENT:—

His Excellency the Governor, Sir WILLIAM ROBINSON, K.C.M.G.

Hon. G. T. M. O'BRIEN, C.M.G., Colonial Secretary.

Hon. W. M. GOODMAN, Attorney-General.

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

Hon. F. H. May, Acting Colonial Treasurer.

Hon. F. A. COOPER, Director of Public Works.

Hon. R. M. RUMSEY, R.N., Harbour Master.

Hon. C. P. CHATER.

Hon. Ho Kai.

Hon. T. H. WHITEHEAD.

Hon. E. R. BELLIOS.

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

MINUTES.

The minutes of the previous meeting were read and confirmed.

PAPERS.

The COLONIAL SECRETARY—I have the honour to lay upon the table despatch from the Secretary of State, dated March 15th, 1892. As it is very brief I will read it:—

Sir,—I am desired by Her Majesty the Queen and Their Royal Highnesses the Prince and Princess of Wales, before whom I duly laid the Resolution of Condolence passed by the Legislative Council, which was enclosed in your despatch No. 51 of the 9th ultimo, to request you to convey their sincere thanks to the Legislative Council for this kind expression of sympathy with them in the irreparable bereavement which they have sustained by the death of His Royal Highness the Duke of Clarence and Avondale.—I have the honour to be, Sir, your most obedient humble servant,

"KNUTSFORD.

"Governor Sir W. Robinson, K.C.M.G., &c., &c., &c."

The COLONIAL SECRETARY—I also have the honour to lay on the table the report of the Registrar-General for the year 1891.

NOTICES OF QUESTIONS.

Hon. T. H. WHITEHEAD—Will Government lay on the table copy of the following papers:—(1) Petition to Government from Fung Ming Shan and other Chinese dated about 9th November, 1878, for permission to form an anti-kidnapping Association with power to employ d e t e c t i v e s .

(2) Report or recommendation of the Committee (consisting of Messrs. C. V. Creagh, J. J. Francis, W. M. Deane, and E. J. Eitel) appointed by the Government to investigate the matter and the statutes drafted by Mr. J. J. Francis. (3) Correspondence from the Government to Lord Kimberley, Secretary of State for Colonies, in connection with the subject and Secretary of State's despatches in reply. (4) Any further correspondence between the Government and the Secretary of State for the Colonies in connection with the Po Leung Kuk, and the giving of legal status and power to the society.

Hon. E. R. BELLIOS—At the next meeting of the Council I propose to ask the following question:—"Will the Government acquaint the Council with the number of convictions made and the description of punishments inflicted in regard to the buying and the selling of Manila lottery tickets in this Colony since the recently enacted Gambling Ordinance of 1891 has been in force?" Under this Ordinance, Sir, most stringent measures are taken to suppress gambling—

HIS EXCELLENCY—I shall be glad to hear you, Mr. Bellios, but I may say that you must not begin any argument in giving notice of a question.

Hon. E. R. BELLIOS—I can simply say that the object of this question is to ascertain, considering the impoverished state of the Colony, as to how far the vigilance of the police has been exercised to check the drain of money which is being made into the Philippines from this island.

THE OFFICES OF COMMANDER HASTINGS, R.N.

Hon T. H. WHITEHEAD asked—"With reference to the notification No. 289 in the Government *Gazette* of 29th June, 1891, notifying the appointment of Commander W. C. H. Hastings as 'superintendent of the Water Police,' will the Government inform the Council—1. If Commander Hastings has yet assumed the duties of that office? 2. If not, has Commander Hastings received any emoluments pertaining to the office in addition to free residential quarters, Tsim Tsa Tsui, &c.? 3. If so, what do they amount to, and what is the estimated value of the free quarters, &c.? 4. Is Commander Hastings still drawing any emoluments in respect of the office, and if so how much? 5. If Commander Hastings has not yet assumed the duties of the office, what does the Government intend to do in respect of the post? 6. Will the Government lay on the table any papers pertaining to the creation of the appointment, and the non-performance of the duties of the office by Commander Hastings?"

The COLONIAL SECRETARY—Sir, the hon. member's question really comprises six questions and it would be most convenient, I think, to answer *seriatim*. The answer to the first question is "No." The second question is a little difficult to answer satisfactorily. Before he was appointed Superintendent of Water Police, Captain Hastings drew a

salary of \$2,640 per annum. In view of his appointment as Superintendent of the Water Police, this Council voted him a salary of \$3,000 per annum, and he has since drawn that salary. Meanwhile, the Secretary of State gave his sanction to his salary being fixed at \$3,000 irrespective of whether he continued or did not continue to hold the post of Superintendent of the Water Police. The third question is partly answered by what I have said in answer to the second; as to the remainder of it the estimated value of the free quarters is about \$70 per month. In answer to the fourth question, I have to state that Capt. Hastings draws and will continue to draw, under the arrangement I have already explained, a salary of \$3,000 per annum. He has ceased to be Superintendent of Water Police and has received three months' notice to vacate the quarters. In reply to the fifth question. I have to state that the duties of the office are being discharged by the Inspector of Water Police, and in reference to the sixth question I beg leave to lay on the table copies of the following papers:—(1) Mr. Hastings' application. April 15th, 1890; (2) Mr. Deane's minute, as Captain Superintendent of Police and Acting Colonial Secretary, April 17th, 1890, recommending the appointment of a Superintendent of Water Police; (3) the Hon. F. Fleming's despatch to the Secretary of State recommending the appointment; (4) a paragraph in a despatch (April 3rd, 189) from the Secretary of State, approving the appointment; (5) letter from the Colonial Secretary, 25th July, 1891, directing Mr. Hastings to submit a report in connection with the duties of the water police, &c.; (6) report and reply by Capt. Hastings; (7) report by Acting Superintendent of Police; (8) minute by the Acting Colonial Secretary; (9) minute by the Officer Administering the Government, 5th November, 1891, deciding that further consideration and settlement of the question be allowed to await the arrival of the permanent Captain Superintendent; (10) despatch from the Secretary of State. As the matter is not of any permanent interest, I do not propose to print these papers, which are somewhat voluminous. They will however, remain on the table or in charge of the Clerk of the Councils and any member interested in the subject can at any time look at them.

THE ANGLICAN CHURCH GRANT.

Hon. T. H. WHITEHEAD asked—With reference to the grant of \$3,000 for Protestant chaplains, &c., for 1892, voted by the Council in November-December, 1891, will the Government inform the Council if the Secretary of State has approved of the vote, or any portion of it; if so how much; how is the money to be divided, and what is the principle on which the division is to be made?

The COLONIAL SECRETARY—In answer to this question I have to state that the Secretary of State has sanctioned the allotment of \$600 per annum to the Anglican Church body
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similar amount of \$600 to the Committee of the Union Church. He has allotted these amounts on the ground that they are fair and reasonable under all the circumstances of the case.

THE SHARE GAMBLING BILL.

Hon. T. H. WHITEHEAD asked—With reference to the memorial and petition of bankers, merchants, brokers, traders, and others carrying on business in the colony of Hongkong, addressed to the Right Hon. Lord Knutsford, Secretary of State for the Colonies, in connection with the Bill entitled "An Ordinance to amend the law in respect of the sale of shares in companies registered under the Companies Ordinances 1865 to 1886, and in other Joint Stock Companies," will the Government lay on the table a copy of any reply thereto which may have been received?

The COLONIAL SECRETARY—In replying to this question I have the honour to lay on the table manuscript copy of the following despatch from the Secretary of State on the subject. The purport of it, I may say, has already been communicated to the memorialists:—"I have the honour to acknowledge receipt of your despatches on the subject of the Bill entitled. An Ordinance to amend the law with respect to the sale of shares,' etc., and I have to request that you will have the goodness to inform the gentlemen who signed the memorial that I have considered the objections raised by them but have not seen sufficient reason to advise Her Majesty to disallow it. Her Majesty will therefore not be advised to exercise her prerogative of disallowance in respect of this Ordinance, but I shall be glad to have a report of its working at the end of the first year's operation."

OBJECTS AND REASONS FOR BILLS.

Hon. T. H. WHITEHEAD asked—Will the Government revert to the convenient system obtaining in former years of appending to the printed draft of each new Bill a statement or memorandum of the objects and reasons for its introduction?

The COLONIAL SECRETARY—This will be done in future whenever the objects and reasons of any new bill are not sufficiently disclosed in the preamble.

ADMINISTRATIVE EXPENSES OF HONGKONG.

The following notice of motion stood in the name of Hon. T. H. WHITEHEAD:—"That in consequence of the constantly increasing cost of the Administrative Staff of the Government of Hongkong, it having risen from \$547,650 in 1887, to nearly \$800,000 in 1892, exclusive of \$65,200 for pensions, and that the colony's revenue in the near future is more likely to decrease than expand, Government appoint a Commission selected from the unofficial members of Council, and the general community, with the Honourable Mr. O'Brien, the Colonial Secretary, as Chairman, with full powers to enquire into and report with a view to retrenchment on the working of all the

Departments of the Government, and as 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., &c." He said—With reference to the resolution standing in my name will your Excellency be good enough to allow the postponement of its proposal for a fortnight. I expected that I should have been able to go into the matter, but I have been unavoidably prevented, and I ask your Excellency's permission to allow it to stand over for a fortnight.

His EXCELLENCY assented.

SUNDAY CARGO WORKING ORDINANCE.

Hon. C. P. CHATER asked the following question:—Will the Government lay upon the table a copy of any reply received to the petitions addressed to the Secretary of State for the Colonies by European and Chinese bankers, merchants shipowners and traders residing in the Colony praying for the repeal of the Ordinance to restrict the loading and unloading of cargo on Sunday in the waters of the Colony?

The COLONIAL SECRETARY—These despatches have already been communicated to the memorialists, but for the information of the Council, and more especially the hon. member who has put the question, I will read them. [Despatches refusing to entertain the memorislists' petition read].

THE PO LEUNG KUK INCORPORATION ORDINANCE.

His EXCELLENCY—Before proceeding to the orders of the day I should like to make a few remarks in reference to the Ordinance which is down for second reading, entitled an Ordinance for the establishment and incorporation of the Chinese Society for the Protection of Women and Children commonly known as "The Po Leung Kuk." I was certainly under the impression that this Bill would have been well received and thoroughly approved of by the community as well as by the unofficial members of the Council, but I regret to say that it appears the Bill does not recommend itself to the community or to all of the unofficial members. Although the objections which have been raised by the hon. member for the Chamber of Commerce might have been anticipated, still they have been backed up to a certain degree by the senior member of the unofficial body, for whose opinion, I may say, I entertain great respect. I think it is admitted on all hands that this Po Leung Kuk society has done an immense amount of good work within recent years, work which had it not been performed by that society must have been undertaken by the Government itself at very considerable expense. I think it also is very gratifying to find that so many leading residents of the colony, members of the Chinese community, have been able and are willing to assist the Government in this good work. It is my most anxious desire, I may say, to encourage all respectable

Chinese in this colony to work hand in hand with the Government in all matters that may be for the general benefit of the community. This Bill I propose for the present to postpone for reasons which I shall explain a little further on. The Bill I think has been thoroughly misunderstood. It is not only a Bill to give the society legal status. The real intention of the Bill is to place the society more under the control of the Government than it has ever hitherto been. This view appears not to have been taken by the gentlemen who have opposed the Bill or by the community, who are stated to have strong objections to it. I may say that had the Bill come on for the second reading to-day I was perfectly prepared to modify it in certain particulars. I should have struck out the last clause, I should have amended the Bill so that the meetings of the society and the buildings and establishment of the society should be open at all times to any justice of the peace, and so have removed it from the odium of the charge brought against it by the member for the Chamber of Commerce, namely that it was a secret society. I should also have requested the official members not to regard it as a Government measure. I had also in view the addition of a suspending clause in order that the Secretary of State might have considered the Ordinance most fully in all its details so that it would not have come into operation until his decision had been forwarded to us. But since last meeting of Council, when the hon. member for the Chamber of Commerce stigmatised the Po Leung Kuk as a secret society, very serious charges against the operations of the Society have been made to me. One of them is that the subordinate members of the Society are not disinclined to exercise what is known as the practice of queeuing if an opportunity occurs. Another is that of the \$30,000, which is mentioned by the Registrar-General as the amount of the subscription gathered in aid of the Society—a certain portion of that amount has been obtained by means which could hardly be called justifiable. I think as such very grave charges are hanging over this society, a society which has done very good work, it would be the wish of the members themselves that the matter should be thoroughly inquired into. If these statements are proved it, will be a very serious business, and if they are disproved the hands of the Government and the hands of the Po Leung Kuk Society will be immensely strengthened. I think the leading members of the Society are most respectable—gentlemen who have been resident in this island twenty, twenty-five, or thirty years, and that they would wish that we should defer the consideration of this Bill until these matters have been satisfactorily settled—settled to the satisfaction of the Council and the community at large. I therefore propose, if the Council does not see any objection, that we defer consideration of this Bill in the meantime, and under the Standing Orders, that it be referred at this stage to a special commission—consisting of the Registrar-General, Dr. Ho Kai, Mr. Chater, Mr. Whitehead, and the Acting Colonial Treasurer—for consideration and report. After the Bill has been considered, the question—which is certainly a most

important one—of how much grant, if any, should be made will come up for discussion. With reference to that point I think the Council is pledged to a certain extent to make a grant of money corresponding to the assistance given by the Society to the Government, I now propose to refer this Bill to a Special Committee.

A PROTECTION ORDINANCE.

The ATTORNEY -GENERAL—I beg to move the first reading of a Bill entitled "An Ordinance to amend Ordinance No. 4 of 1865, relating to offences against the person." It has not hitherto been usual to make any statement on the first reading of a Bill, but as there is a desire to hear some explanation at an early stage I may give some statement which will save repetition at the second reading. This Bill is introduced by direction of the Secretary of State. It has for over a quarter of a century been a very serious offence in this Colony to have unlawful intercourse with girls under the age of twelve years, but in Eastern countries girls are married at a very early age and although it has not been the custom for the husbands to have intercourse with their wives under twelve years of age there are some brutal men who have done so, and if prosecuted for the offence it might be urged that it was not unlawful, the girl being the defendant's wife. A Bill similar to this has been passed in India, the Straits Settlements, and other places. The Secretary of State desires uniformity of legislation, and though I expect that the operation of the Bill will be very small indeed in this colony—because the Chinese are not accustomed to any such practice as is condemned by this Bill—still we shall secure uniformity of legislation on this subject in Her Majesty's possessions throughout the East. That is really the object of bringing forward this Bill.

The COLONIAL SECRETARY seconded the first reading.

Hon. HO KAI—I have some remarks to make, I do not want to oppose the Bill, because I think it is a very necessary one; but I should like to ask the Government that the Bill should be translated into Chinese and made as widely known as possible. I quite agree with the Attorney-General that the practice of child marriage among the natives, that is, among the Cantonese in this colony, is almost unknown; but I believe that among a not inconsiderable section of the community, I refer to the Hakkas, such marriages oftentimes occur; and I think it is only fair that the provisions of this Bill should be made as widely known as possible in order to prevent any hardship to these people.

Hon. T. H. WHITEHEAD—I rise to support what has been said by the hon. member who represents the Chinese. It is necessary, I think, that the Ordinance should be translated into Chinese and circulated as has been suggested, and I would further suggest to the Attorney-General that the objects and reasons for which the Bill has been introduced might also accompany the Chinese translation of the Ordinance.

DANGEROUS GOODS.

The ATTORNEY -GENERAL—I beg to move the first reading of a Bill entitled "an Ordinance to repeal Ordinance No. 19 of 1890 and to amend 'the Dangerous Goods Ordinance, 1873.'" I would also like to say a few words with regard to this. The Ordinance No. 8 of 1873 was very similar in its provisions to this, but in some respects it was deficient. It provided that in the landing of cargo certain precautions should be taken, but nothing was said as to shipping or transhipping. It was pointed out that the Ordinance did not touch this, consequently in 1890 the Attorney-General received instructions to draw up a short Bill amending the clause which omitted reference to shipping and transhipping. That was done by Ordinance 19 of 1890. It has now been deemed advisable to amend it still further so as to provide for moving and carriage. Sometimes the goods were taken in boats from one part to another; it is now thought necessary to include removal and carriage as well as shipment and transshipment, and this is provided by this clause which is substituted for the original clause 8 of the Dangerous Goods Ordinance of 1873.

Hon. T. H. WHITEHEAD—The second last paragraph finishes as follows:—"Where any ship is moored, anchored, or stopped." I do not quite understand what "stopped" means.

HIS EXCELLENCY—That will be explained at the second reading.

The ATTORNEY -GENERAL—The words are used because it is possible to stop the vessel without anchoring her. It is merely to prevent a quibble.

The Bill was read a first time.

THE RATING ORDINANCE.

The COLONIAL SECRETARY—I rise to move the second reading of a Bill entitled an Ordinance to amend Ordinance No. 15 of 1888, entitled "The Rating Ordinance, 1888," and Ordinance No. 16 of 1890 entitled "The Waterworks Ordinance, 1890." This Bill, sir, as appears from its title, is simply an amending Ordinance. The necessity for it has arisen owing to certain defects having been discovered in the working of the law which I shall mention as I proceed to explain the provisions of the Bill. The first section is purely formal. Section 2 repeals subsection 2 of section 1 of the Rating Ordinance, 1888, and the substituted subsection amends the definition of *interim* valuation. The

repealed subsection defined such valuation and doubts arose whether under it an assessment could be legally altered by an *interim* valuation when the tenement had been destroyed or reduced in value. The substituted definition removes those doubts. Section 3 repeals several portions of the Rating Ordinance. The first portion it deals with is section 28 of that Ordinance. In that section the rates in the city of Victoria are fixed at 13 per cent., in the hill districts at 8¾ per cent., and for other places at 7 per cent. The present Ordinance amends these figures, making the rate for the city 13 per cent., for some portion of the hill district 10¾ per cent., for the remainder of the district 8¾ per cent., and for Yaumati, Kowloon Point, and Hunghom 8¾ per cent. Since the Rating Ordinance was passed a portion of the hill district has been supplied with water. It is now proposed therefore to levy an additional 2 per cent upon that portion which is receiving the benefit of water. The remaining portion of the hill district will remain as it is, rated at 8¾ per cent. In certain other districts which are mentioned and marked in the plan which has been signed by the Surveyor General the rate is raised from 7 to 8¾, which is the maximum rate for police. The reason for this is, that it has been represented that these portions of the Colony are receiving as much in the way of police protection as other portions which are paying the full rate. There seems to be therefore no reason why they should not pay the same rate. In section 34 subsection 1 of the Rating Ordinance, 1888, the words "not being a tenement in the hill district" are repealed, and subsection 2, except the proviso at the end. As section 3 stands at present, tenements "refund" can be paid in the hill districts only in cases where the tenements have been unoccupied for six consecutive months or more. The circumstances of occupation of tenements at the Peak and in the hill districts have so far altered since the Rating Ordinance was passed that there seems to be no longer any reason for treating such tenements differently from tenements in other portions of the colony in regard to the conditions of refund. Section 35 subsection 5, which relates to refunds on tenements in the hill district, is also repealed. Section 5 provides a penalty in addition to those provided by section 42 of the Rating Ordinance, where a knowingly false or incorrect notice has been given with a view to obtaining a refund. The effect of the first subsection of the sixth section is to continue the power of the Council to alter by resolution rates and limits of districts from time to time, and to continue the provision under which the rates levied are to be carried to the water account and made applicable, firstly to defray the expenses of that supply, and secondly to meet the expenses of any extension of the waterworks, and thereafter by resolution of the Council to any other sanitary purpose. With these observations I beg leave to move the second reading of the Bill.

The ATTORNEY -GENERAL—I have much pleasure in seconding it.

Hon. E. R. BELLIOS rose to speak, but the Council evolved itself into Committee on the Bill.

Hon. E. R. BELLIOS—I simply suggest that I think it would be wise while this Bill is being amended now to insert a clause to obviate the necessity of paying in taxes and then drawing them back again in the event of houses being vacated. I have an experience of other places. In Calcutta, for instance, when houses are being vacated notices are sent to the Treasurer and the proprietor stops paying taxes, whereas here you have to pay in taxes and then draw them again. If a clause as I suggest is put in now it would obviate the necessity of having such indication as that conveyed in the notification which now appears in the papers above the signature of the Hon. the Treasurer. From what I hear people object to a thing of that kind being made public. It shows that some landlords are behind in paying their taxes. If a clause of that kind were inserted it would simply save us the trouble of paying in taxes and getting them paid back to us again.

His EXCELLENCY (to the Acting Colonial Treasurer)—Have you anything to say?

The ACTING COLONIAL TREASURER—I would like to refer to the Rating Ordinance before I say anything.

The COLONIAL SECRETARY—I may mention that in considering this Bill I have had occasion to refer to previous Ordinances, and I am sure the hon. member who has made the suggestion has no idea of the amount of trouble that would be involved in carrying it out. It also seems to me that his reason is not a very strong one. It appears that certain landlords are in arrears with their taxes and that they object to have the fact published. I think it is well that it should be made public, and if they object to it it may make them a little more particular in future as to paying their taxes. Speaking for myself alone, and not for the Government, I am not prepared to accept the amendment.

The ATTORNEY -GENERAL—The refunds are dealt with by sections 34 and 35 of the Ordinance 15 of 1888. These contain special subsections, and it would be impossible without a very great deal of careful consideration to make these alterations. We should have to repeal those clauses and we should create a very dangerous precedent. I don't think the Act would be improved by doing it. The refund is a privilege granted. We should have to make so many alterations in these Ordinances that I am quite sure it would be a pity for the hon. member to press this suggestion. If the hon. member had the experience I have had, I am sure he would not. It is like touching mosaics; touch one, you destroy the continuity of the whole pattern.

His EXCELLENCY—The hon. member's suggestion has not been seconded.

The Bill was then considered clause by clause and without discussion passed through this stage and referred back to the Council.

The COLONIAL SECRETARY gave notice that at the next meeting of Council he would move the third reading.

THE BANKRUPTCY ORDINANCE, 1891.

The ATTORNEY -GENERAL—I have the honour to move the second reading of a Bill entitled "An Ordinance to amend the Bankruptcy Ordinance, 1891." The original Bankruptcy Ordinance of 1891 was an extremely elaborate piece of legislation. The standing Committee of this Council sat upon it for several weeks and took a great deal of care and trouble over it. In spite, however, of all their care a few slight errors—printers errors some of them—are to be found; and it is certainly not to be surprised at that in such a long and elaborate measure there are some little flaws. The original Bill was sent home and referred at home by the Secretary of State to the Board of Trade, and the Inspector-General of Bankruptcy in England made a careful report to the Secretary of State on it, considering the variations of our Ordinance and the Imperial statutes of 1888 and 1890. The result was that one or two slight amendments became advisable, though some of the provisions of the Act were considered by the Inspector-General to be improvements on the English law. Since Mr. Fielding Clarke, the Acting Chief Justice, returned to the colony—he was away at the time this measure, in which he took so much interest, was passed—I have had an opportunity of going through the amending Ordinance with him. We have had the advantage of four months' experience of the working of the Act, and we have been favoured by a careful memorandum by a professional gentleman, a member of a firm of solicitors, who is well acquainted with bankruptcy. These matters I have very carefully considered and Mr. Fielding Clarke has been very kind in assisting me. In the result the present amending bill is brought before you. I will explain the sections very briefly. One or two amendments I shall have to move in Committee, but to facilitate the business I have prepared a few copies of the corrected Ordinance for the use of members. I will take the Bill as it stands now. If you will refer to sections 2, 4, 8, 9, 10, 11, 12, part of 13, 14, and 17 you will find that they may be very properly described as merely printers, literal, and clerical errors. As regards section 5 that may be described as simply preventing the farce of issuing a receiving order when there is nothing to receive. It had already been provided by the Committee that in the case of a creditor's petition where there were no assets the Court can refuse to make a receiving order. By some oversight the same provision was omitted in the case of a debtor's petition.

It is scarcely worth while, we think, to make a receiving order to receive assets which do not exist. In connection with section 6 I may say that in England the receiving order stays proceedings unless the Court otherwise orders, thus avoiding the expense of a special application to stay. It is difficult for the Court at so early a stage to gather sufficient evidence in every case as to the property and circumstances of the bankruptcy and to know whether any particular creditor should have power to receive any particular property. By this amendment the Court may allow any execution against the person to proceed until the debtor finds sufficient security to appear and abide by all orders of the Court in relation to the bankruptcy proceedings. As regards section 7 I propose to have that struck out as it is not necessary. It was inserted at the suggestion of the Official Receiver, who feared that he might have to be called upon to advertise bankruptcies with no money in hand to pay for them; and he wished this clause to protect him. He agrees now, however, that it is not necessary, and therefore I beg leave to withdraw it. Section 15 deals purely with the convenience of the Official Receiver in banking. I was shown the otherday the amount of trouble which the present system entails. I was shown at the office the large number of trifling accounts which had to be kept separately and have separate passbooks for every account. In the remaining sections there is nothing but formal matter of trifling importance. These are the facts that I have put before you. I am afraid it has not been very interesting, for it is purely technical matter; but you will accept these amendments, I feel sure, to help to make the Act as perfect as we can make it.

The COLONIAL SECRETARY seconded the motion for the second reading of the Bill.

Bill read a second time.

The Council then went into Committee on the Bill, the ATTORNEY -GENERAL explaining the technical points of the clauses.

Upon clause 13.

Hon. T. H. WHITEHEAD said—I have no objection to the clause, but I would respectfully suggest that as unofficial members did not and do not have a copy of the Ordinance as corrected the further consideration of the Bill might easily stand over. I think it is rather an informal proceeding. I should like to have the opportunity of looking over these amendments and seeing what the results of the alterations may be. It is only reasonable that members should have that opportunity.

The ATTORNEY -GENERAL — These are all purely technical matters: there is nothing new in any of them. I beg to give notice that I shall move the third reading of the Bill at the next meeting of the Council, and if the hon. member finds anything to which he objects he may mention it at that time.

ST. JOHN'S CATHEDRAL ORDINANCE.

The ATTORNEY -GENERAL—I have the honour to move the second reading of a Bill entitled "An Ordinance to provide for the due performance of divine worship and other services in accordance with the rites of the Church of England at St. John's Cathedral Church at Victoria in this Colony and elsewhere, to incorporate a Church Body, to vest the said Cathedral in such Body, and for other purposes in connection therewith." One of the early wants of the inhabitants of this Colony was a Church where they could worship in the manner in which they had been accustomed to worship in the old country. The history of the formation of a body and the building of the Church is contained in the Church Ordinances which are repealed by this Ordinance, namely No 2 of 1847 and No 3 of 1850. On March 11th, 1847, an Ordinance was passed and subsequently amended by No. 3 of 1850. The recital of the Ordinance No. 2 of 1847, shows us that several persons had subscribed a sum of money to erect a church to be conducted on the lines of the Church of England by a minister to be appointed by the Government. The Government consented to grant from the public chest a sum equal to double the amount of the subscription which had been furnished by those interested in building this church. It was provided that the total amount that the Government were to supply was not to exceed £4,600 sterling and it was recited in the Act that that sum was provided by the public chest. I am not sufficiently acquainted with the history of the colony to know exactly what the "public chest" means, but I take it to mean the Imperial fund. As far back as 1847 I presume that the public chest would be aided by the Imperial funds. The subscribers were to appoint two trustees and the Government four. That was done. The church and the land on which it stood was conveyed in trust for the purposes of the church. The Colonial Chaplain was made Chairman of the body of trustees and certain sittings in the building were to be reserved. The rest of the Ordinance may be described as providing the machinery for carrying out such church requirements as might arise from time to time. In May, 1849, it seems Her Majesty had created Victoria, by letters patent, a bishop's see, appointed Dr. Smith to be Bishop, and constituted the Church of St. John a Cathedral Church. Therefore, that is one reason I suppose why so soon afterwards, in 1850, it became necessary to pass a short Ordinance. That Ordinance recited that the whole of this money, the £4,600 which had been supplied by the Government, as well as the half of that sum, the £2,300 which had been subscribed by the public—amounting altogether to £6,900—all that money had been spent and that they were in debt to the extent of \$2,500. This amending Act authorised the trustees to borrow that sum on a mortgage of the pew rents and profits

of that sort, recognised the Bishop by putting him in place of the Colonial Chaplain, making him Chairman of the body, and gave him the rights in regard to that which the Chaplain had had. These were the two simple Ordinances upon which the church was constituted in Hongkong, and for over forty years that church has continued to do good work here. The services of the church were conducted in a liberal spirit, they were conducted in such a way as to be between the two opposite poles of religious thought. They were, I may say, neither High nor Low. The consequence was that not only has it been attended largely by the ordinary members of the Church of England, but by a large number of those who were not communicants and a large number of those who, passing through the colony, were only too glad to find here a pleasant and cheerful Church service reminding them of the sort of service they were accustomed to in far distant England in their own parish churches. When Sir John Pope Hennessy was Governor, in 1881 it was decided that the Colonial Chaplain, who as I have pointed out was to be appointed under the Act of 1847 by the Governor was no longer to be paid a salary by the Government, whenever a change should occur. The Rev. Mr. Jennings had been recently appointed, and at that time it was supposed, I presume, that he would be here for a long while; but in the middle of last year, about June I think, Mr. Jennings retired. The church was found somewhat in a state of unpreparedness on the sudden information that was received that there would be no further payment to the Colonial Chaplain and no salary provided by the State for the Colonial Chaplain. It may be said, "Well, the church should have put its affairs in order sooner." We all know, however, what Hongkong is. The *personnel* changes very rapidly. Persons who were here in 1881 have probably many of them gone away, and many who are now here had no knowledge of what occurred in 1881. Therefore I say it came suddenly upon the Church in 1891. I am only mentioning all these things because there has been some little delay in bringing forward the Ordinance, and it has been very difficult to arrange matters because there are always two persons to a contract. It became necessary in repealing these Ordinances to make some sort of provision for some other body. In places like Hongkong people are so busy and so much occupied that it is very difficult to get a meeting of persons interested in church matters and sufficiently representative to carry out any scheme of change. They did what they could, however, and had a church meeting, and negotiations were entered into between the members of the church and the Government as to what terms should be offered to the church and on what terms the church body would be willing to come forward and offer themselves as trustees elected by the seatholders and others to take the places of those trustees who had been abolished by law. That is the

history of these Ordinances. I am sorry that I have detained you so long upon these matters, but when you see the recital of the Bill I think you will understand the position of things. As regards the particulars of the Bill itself I will briefly point out the features. Section 2 repeals the previous Ordinances. Section 3 mentions the church body shall consist of Bishop Burdon as Chairman and the Acting Chaplain (or their successors.) and that those two form permanent members of the body. These with six other lay members mentioned in the section are to be the trustees to whom the church fabric is to be transferred. In section 4 this new body is constituted a body corporate. In section 5 there is transferred to the church the property, estate right, interest, &c., of the trustees, reserving to the public the right of way which has existed in the ground in which the Cathedral stands. Then section 6 provides for the transfer of books, deeds, papers, and other documents hitherto in the possession of the trustees. Section 7 empowers the church body to appoint a chaplain from time to time to carry on the work. Of course the church body will have to pay him. Section 8 provides that matters of religious rites and ritual should be under the control of the Bishop, and the temporal affairs under the control of the church body, but there is a clause put in that the latter shall not be held personally liable for the payment of sums incurred by the body. There would be, I should think, no injustice to the public in that, because the members of the church body would be the same as the shareholders in a limited liability concern. Clause 10 refers to a series of regulations. It was thought best that the church body should make their own regulations, and power is in this clause vested in them to do so. In section 11 there is power given to sue for money. Section 2 refers to the grant of \$500 made by the Government. The section of course rests upon whether the Government intend to continue to provide that. The practice has been for a long time for \$500 per annum to be paid to the church body for the use of the Cathedral by the military at morning parade service, and if the grant is not to be continued that clause of course must come out of the Bill and it must be left to the church body to make arrangements of their own with the military, and depending upon that will be the attendance or not of the troops in the Cathedral. As to clause 13 there is an answer given in reference to that to the hon. member for the Chamber of Commerce to-day. At the time the clause was drawn up it was not known how much the Secretary of State would sanction. I should like to point out one thing in connection with the \$600 which the Secretary of State has permitted. We were told that this amount to the Church of England

would be granted in the same way and upon the same principle as the amount granted to the Roman Catholic Church. When I was acting as Colonial Secretary in Finance Committee one day the matter came before the Council and I gave figures which were based upon an average of a year and a half. In the report in the newspaper there was a word left out, which had the effect of making it look as if I was speaking of the total numbers for a year and a half. What I actually did say was that the average of the year was based on a year and a half's numbers. The figures I gave therefore should have been regarded as those for one year. I made the correction the next day when the report was sent to me for revision, but unfortunately the Secretary of State did not see the corrected version, but saw what I was reported to have said in the original report. Allowing \$600 to the Church of England he has assumed that I spoke of a year and a half instead of a year. I do not know whether when it is explained to him he will make an alteration and allow \$900. Certainly if it is to be regulated by my figures to the Committee the grant should be \$900. The \$600 is based upon a misapprehension of what I actually said. Passing on to the clauses again, clause 14 provides that all regulations shall be approved by general meeting. Section 15 provides that changes in the constitution of the church body be made public. 16 deals with vacating seats. 17 is the former clause for dealing with disorderly conduct in the building. 18 is not new at all; it

provides that no burial shall take place at the church. 19 allows the church to get rid of old monuments in an improper state of repair upon due notice being given; and section 20 protects the Crown rights. After this somewhat lengthy explanation of the principle and details of the measure I beg to move the second reading.

The COLONIAL SECRETARY seconded, and the Bill was read a second time.

The Council then resolved itself into Committee and the clauses of the Bill were considered *seriatim*, a few literal errors being rectified and some trifling alterations made.

The ATTORNEY -GENERAL—I beg to give notice that at the next meeting of the Council I will move the third reading of the Bill.

ADJOURNMENT.

His EXCELLENCY—I think, gentlemen, there is hardly any necessity to meet next Monday. I think we might adjourn until May 9th.

The Council then adjourned.
