

9TH MAY, 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. BELILIOS.

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

MINUTES.

The minutes of the previous meeting were read and confirmed.

FINANCIAL MINUTES.

The COLONIAL SECRETARY moved that the financial minutes, having been read, be referred to the Finance Committee.

The ATTORNEY-GENERAL seconded.

Carried.

REPORTS.

The COLONIAL SECRETARY—I have the honour by direction of His Excellency to lay upon the table the Acting Harbour Master's Report for 1891 and the Postmaster-General's Report for the same year.

QUESTIONS.

Hon. T. H. WHITEHEAD asked the following questions:—
Will the 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 detectives. (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 statistics drafted by Mr. J. J. Francis. (3.) Correspondence from the Government to Lord Kimberley, Secretary of State for the 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.

The COLONIAL SECRETARY—The papers which have been asked for have been already printed. They will be
f o u n d i n a G o v e r n m e n t

Gazette and in a Parliamentary Blue Book, which will be accessible to the hon. member at any time that he likes to consult them. Perhaps it would save trouble if, with the permission of the Council, I state the gist of the matter, which is as follows. Certain rules of the Society have received the recognition of the Government with the approval of the Secretary of State for the Colonies. A former Governor recommended the Secretary of State to allow the incorporation of the Society by special Ordinance. The Secretary of State, however, expressed the opinion that if the Society were incorporated under the Companies Act of 1853 that would probably be found to meet the case sufficiently, but if it were found not to meet the case it would then be time to consider what other steps, if any, should be taken. There the matter rested until recently and the proposed Ordinance for the incorporation of the Society has been referred to a special Committee.

THE MANILA LOTTERY.

Hon. E. R. BELLIOS, in accordance with notice, asked—Will the Government acquaint the Council with the number of convictions made and the description of punishments inflicted in regard to the buying and selling of Manila lottery tickets in this colony since the recently enacted Gambling Ordinance has been in force?

The COLONIAL SECRETARY—I have pleasure in laying on the table a return giving the information that the hon. member desires to have.

THE OPIUM ORDINANCE.

Hon. T. H. WHITEHEAD—Sir, towards the close of last year I asked a question in connection with offences under the Opium Ordinance of 1884, in the following terms:—Will the Government lay on the table a list of the excise officers appointed by the Governor under Section 5 of the Opium Ordinance of 1884; a statement shewing the number of convictions for offences against the Opium Ordinance from the date of the commencement of the existing Opium Farm 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; the number of persons now in prison for such offences; the quantity of opium seized and confiscated during the same period, and how disposed of? An answer was promised to this question but some considerable time was required to make out the returns. With regard to the cost of the detention of prisoners in gaol, if it is inconvenient for the Government to answer that part of the question there is no necessity to give it.

The COLONIAL SECRETARY—I beg leave to lay on the table some returns which have been received in reply to the questions of the hon. member, and I hope their utility will

be found to be proportionate to the time and labour involved in preparing them. I may mention that the labour entailed has almost caused a dislocation of public business in one department at the Magistracy. It is not proposed to print the returns, which are very voluminous, but they are at the service of the hon. member. In answer to the question as to the cost of maintaining prisoners in gaol I may state that the cost per head per diem for European prisoners for a period under fifteen days is 4¼ cents and for Asiatics 2½ cents; for any period between 15 days and six months, 15 cents for Europeans and 4¼ cents for Asiatics. As regards the disposal of opium that has been from time to time confiscated under the Ordinance, the Police Magistrate informs me that with respect to prepared opium it has been the practice to adjudge the whole of it to the Farmer, and as regards raw opium to allow half the amount to the Farmer.

OFFICIAL SALARIES—MOTION FOR RETRENCHMENT.

Hon. T. H. WHITEHEAD—I rise to move the resolution standing in my name, and of which due notice has been given. On 3rd July last year the Honourable the Colonial Secretary informed the Council that the total expenditure of the Government under the head of salaries for the year 1887 was \$547,670, and that the estimate for 1891 was \$758,139. The estimated expenditure for salaries during this year is still further increased, exclusive of \$65,000 for pensions. There is undoubtedly a strong feeling in the Colony that the expenditure on the administration of the Government has assumed alarming and disproportionate dimensions—in short, that it is too great for the work done, is constantly increasing, and that it ought to be decreased. The Colony's revenue in the near future is not likely to expand, and it may not be maintained. As anticipated, when I supported a similar motion to the present one in this Council last December, there has been a large shrinkage in the revenue derived from opium. In the Estimates for this year opium revenue was put down at \$519,600, whereas it will only realize \$405,600 including arrears—or \$340,800 net per annum for next three years. In your very able and exhaustive address to the Council in January last, your Excellency said—"The highest tender which has been received for the next three years is at the rate of \$340,000 a year, and therefore the receipts for 1892 will be as follows:—1891, ten months' arrears, at \$5,000 per month, \$50,000; 1892, January and February, at reduced amount, \$35,800, \$71,600; 1891, ten months' at \$28,400 per month, \$284,000, making a total of \$405,600 and leaving a deficit on the estimated revenue for 1892 of \$114,000 and a prospect of \$740,800 only from the Opium Farm for 1893 and 1894." Our opium revenue may further decrease, and at no very distant date disappear altogether, which latter on economic grounds

would not be wholly undesirable. Carriage, chair, and other licences were \$277,000 in 1891, but for this year they are estimated at \$45,000. Land sales last year were \$55,000, but are estimated for 1892 at \$100,000. It is doubtful if the latter will be realized, and it is almost certain the estimated profit of \$80,000 on subsidiary coinage will not be obtained this year. It is generally believed there is room for retrenchment, and that Government expenditure can be curtailed by the redistribution of work and the amalgamation of certain offices. The work of the Registrar-General's department might now usefully be redistributed, giving the registration of cargo boats &c. to the Harbour Master, the registration of births, deaths, and marriages to the Sanitary Board and the protection of women and children and the registration of brothels to the Police, while the translation of Chinese documents could be done by an assistant possessing a knowledge of the Chinese language attached to the Colonial Secretary's office. The assistant could also act as a medium between the Chinese and the Government if such medium be still considered desirable. In former years a medium may have been necessary, but surely it is not so requisite now. The Chinese have their able and trusted representative in this Council, two representatives on the Sanitary Board, and 13 of the Chinese are Justices of the Peace, while most of their leading men speak the English language. Could the Police and Gaol not be under one head permanently as at present instead of two heads? The Post Office, Stamp Office, and Treasury might also be amalgamated under one head. The Government cannot well longer continue the existence of useless offices, such for instance as the Assistant Harbour Master, the Assistant Postmaster, the audit department, &c. The Observatory is perfectly useless for all practical purposes so far as Hongkong is concerned and should be abolished forthwith. The large annual cost of maintaining the Victoria College should now be borne by the Chinese, for whose benefit it almost entirely exists. Last year one Magistrate did the whole work at the Police Magistracy with great ease to himself, and to the entire satisfaction of all concerned, whereas two Magistrates are now in office. The hours of the official day might be lengthened by an hour or more without hardship to any one. Leave regulations should be assimilated to what is laid down in the Colonial Office Regulation No 133 whereby vacation leave would be reduced from four months to three months in every two years. Hongkong is passing through the throes of a financial crisis without a parallel in its history and the outcome of which it is impossible to determine. The colony is surfeited with the hasty legislation of last year. The new laws are interfering with the customs and the peace of the Chinese residents, unnecessary restrictions have been placed on trade and shipping, and the result of the new Share Bill is an absolutely dead stock market. Any increased taxation at the present juncture would bring complete ruin on the colony. There is pressing necessity for the strictest economy and retrenchment in the cost of administration of the Government, more especially in the present impoverished condition of the colony with unprofitable trade and general financial and commercial depression, and when the future of our revenue is not

assured, that derivable from opium being precarious, and the profit on subsidiary coinage practically a thing of the past. There ought to be no objection on the part of your Excellency's Government to letting in light on the working of the Civil Service. If the Commission asked for, after careful enquiry discovers no abuses or wastefulness and ?? that the increased cost is indispensable to the efficient working of the administration, the Government's hands will be strengthened, but on the other hand if it is found that economy can be effected or efficiency promoted there should be no hesitation in taking steps which will advance the prosperity and welfare of the Colony. Under the circumstances I entreat your Excellency to grant the prayer of the resolution now before the Council and I beg to move:—"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."

Hon. C. P. CHATER—Your Excellency, I have much pleasure in seconding the proposition of the hon. member. As your Excellency is aware, a proposition somewhat similar to this was brought forward by the hon. member before your Excellency's arrival in this colony but was not carried. On that occasion I happened to be absent from the colony, but before my departure I addressed a letter to the Acting Colonial Secretary, which with your Excellency's permission I shall now read:—

Victoria Buildings,
Hongkong, 3rd December, 1891.

The Hon. W. Meigh Goodman, Acting Colonial Secretary.

Sir,—As Mr. Whitehead's resolution asking for the appointment of a commission to enquire into the question of the constantly increasing cost of the maintenance of the administrative staff of this colony is shortly to be brought forward, and as I shall then

be absent, I have the honour to address you by letter on this subject.

There is no doubt that there is a strong feeling prevalent in the colony that this increase, the figures of which are given in the wording of Mr. Whitehead's resolution, is assuming alarming and disproportionate dimensions. On this point I offer no opinion, but I am certainly in favour of the passing of Mr. Whitehead's resolution, and on the following grounds. Should such a commission as he asks for be appointed, the question will be carefully and thoroughly examined in all its bearings. If the decision arrived at is that the increasing cost is indispensable, without interfering with the administrative working of the colony, the public will be satisfied that such is really the case, the feeling of which I have spoken will be dispelled, and things will go on more harmoniously.

On the other hand, if the commission decides that there is room for retrenchment, the colony will then be afforded an opportunity for curtailing expenditure at a time when the financial outlook is not of the brightest.

These, Sir, are my reasons for supporting Mr. Whitehead's resolution.—I have the honour to be, Sir, your most obedient servant,

C. P. CHATER

The reasons given in this letter apply equally well to the proposition now before us. During the conversation which I had the honour of having with your Excellency I learned that your Excellency was for retrenchment (hear, hear), and I have not the slightest doubt, in fact I am perfectly confident, your Excellency has used every endeavour towards that end, but in spite of that the expenditure of the colony is increasing, whilst the revenue, at all events from one particular source, is very materially diminished, though I hope and sincerely trust that as regards other sources the reverse is the case. Still, financially speaking, the position of the colony is, to say the least of it, in a rather unsatisfactory position and it behoves us one and all to use our very utmost endeavours to economise as much as possible. What the hon. gentleman has asked for is certainly not much. If I understand him rightly he asks that a commission be appointed to inquire into the question whether the administration of the Government of Hongkong is carried on upon too extravagant a basis; secondly, which of the departments in particular; and thirdly, what are the remedies to be applied to curtail this heavy expenditure. Limited to this extent, the only functions therefore of the commission if appointed would be to inquire and suggest. Whether your Excellency would carry out their suggestions either in whole or in part would be altogether a different matter. Therefore I cannot conceive what possible objection there could be to such an inquiry. There is absolutely nothing to hide, and it will at all events help to clear up—I will not say the dissatisfaction—but the

doubts which exist in the minds of a large section of the community as to the working of several of the Government departments. I know, Sir, you are for economy, and therefore the commission if appointed will help to strengthen your hands and enable you to carry out or exercise that economy where it is most needed. Under the circumstances. I sincerely trust your Excellency will be pleased to allow this proposition to go through. As I said before, it cannot possibly do any harm, whilst it may do a great deal of good. If the commission finds that there are extravagances, why the sooner we know it and the sooner economies are practised the better for the colony; if on the other hand it states that there are no extravagances, then the sooner that is known the better it will be for all parties concerned. I have much pleasure in seconding the proposition of the hon. member.

The COLONIAL SECRETARY—It is not without a certain feeling of regret, sir, that I rise to oppose the motion. Your Excellency's disposition to meet the wishes of the unofficial members of this Council as far as possible is as well known as your desire to effect economies in the public expenditure, and it is therefore perhaps a little unfortunate that a motion with a view to retrenchment brought forward by an unofficial member so early in the course of your administration should have to be met with a direct negative on the part of the Government. Of course I credit the hon. member with the best intentions in bringing forward this motion. But the duty of the Government is clear and it has no alternative but to reject the motion. This being so I do not propose to follow the hon. member in detail throughout the various statements which he has made nor to review the figures which he has drawn up in battle array, but it may be useful if I say a few words in explanation and application of the principles which have guided the Government in its decision. I oppose the motion, Sir, partly on the ground that the case on which it is based is so stated as to be calculated to create an incorrect impression in regard to its most important particular, but mainly on the ground that the commission which the hon. member desires to be appointed is unnecessary, and that even if it were conceded that all the objects at which he aims were patently desirable—which I am not prepared to concede the appointment of such a commission would not afford the best means of attaining those objects. The hon. member has moved "that the 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." And first as regards salaries: it is only very recently that the rates of official salaries payable in Hongkong have been settled by this Council and have received the approval of the Secretary of State for the Colonies after a great deal of consideration, and the Government is not prepared to reopen the question now. The fact of my being a comparative stranger here and of my having served elsewhere may possibly lend some little weight to the statement that in my humble opinion the scale of official salaries in Hongkong is by no means excessive. I hope I may be excused for adding the personal detail that having regard to the cost of living here I am at the present moment decidedly worse off pecuniarily than I was six years ago and rather worse off than I was fifteen years back in my official career. Next as regards the distribution of work, the amalgamation of existing offices, and the length of the official day: all these are matters of administration which lie peculiarly within the province of the Government to adjust, and on which the Government does not require the assistance of a commission. They have already engaged your Excellency's attention, and the hon. mover and the Council at large may rest assured that you will deal with them from time to time as opportunity may offer with a view to economy and in the best interests of the public service. To effect retrenchment in public establishments without impairing efficiency or laying the foundations for subsequent additions to the staff is an achievement which not only requires administrative experience but also demands both time and opportunity. But I may mention to the Council as an earnest of your Excellency's desire and intention to effect such retrenchment when and where possible that you have already stayed expenditure on the following works which cannot be described as of any urgent public necessity:—The construction of the new road to connect Plantation Station with Magazine Gap \$7,000, the trigonometrical survey \$10,000, and improvements to the recreation ground at Happy Valley \$15,000. These sums, aggregating \$32,000, were voted by the Council before your arrival in the colony; it has remained for you in the interests of economy after your arrival to stay the expenditure which had been already sanctioned. Lastly as to privileges of leave and pension. These privileges form an important part of the basis of the contract of service of the civil servants, and their variation would constitute a distinct breach of faith on the part of the Government. It was stated in the course of the debate on a previous similar motion that private employers in Hongkong do not grant their employes leave on full pay. It was also stated that they did not as a rule grant pensions. But if they contracted to do so I imagine that they would have to fulfil their contracts, and if their contracts happened to include the payment of pensions, they would probably find it convenient, if only

with a view to ultimate economy, to be a little more liberal in the matter of leave. The motion of the hon. member sets out that the revenue of the colony is more likely to contract than expand in the near future. In itself that is no more than a somewhat carefully guarded expression of opinion, but, taken in connection with the context in which it occurs, it naturally tends to create the impression that the hon. member apprehends that at no distant date the revenue may be found inadequate to the calls upon it. Now if this were correct it would be none the less inopportune at a time when we shall very shortly have to go to the market for a public loan. Such an impression is calculated to seriously prejudice the credit of the colony, especially among those—and the capitalists to whom we shall have to apply for our loan fall under the category—who are not intimately acquainted with the circumstances of the colony nor conversant with the Government's system of accounts. I do not say that the hon. member was bound, under all circumstances whatsoever, to refrain from creating such an impression—under certain circumstances he might very properly feel it his duty to create it—but I do most distinctly say that before doing so he was bound to make sure that it was absolutely correct. And I submit that it is not correct, and, further, seeing that I stated here the other day, when I laid on the table the report of the Committee appointed to enquire into the proposal to raise a loan to meet the cost of our public works extraordinary, that in view of certain considerations your Excellency had decided not to press the matter immediately, thereby clearly implying that the matter was postponed for a short time only, I submit that that statement of mine should have precluded the hon. member from raising an impression which under the circumstances is not correct, which at the present juncture is peculiarly inopportune, and which is calculated to prejudicially affect the credit of the colony. The existing taxation in Hongkong is extremely light in proportion to the volume of business in the colony as evidenced *inter alia* by the bank note issue in circulation which exceeds \$6,000,000, and if need were it could easily be increased without undue hardship to the taxpayer. Fortunately there is no such need for any such increase, because the revenue derived from this light taxation more than suffices to cover the ordinary expenditure, that is to say the whole of the expenditure of the Government with the exception of what is termed the Public Works Extraordinary expenditure, or expenditure on large works of construction. These works will benefit posterity, and I maintain that it is unfair and inconsistent with sound principles of finance to cast their whole cost on the current

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in Weising lottery tickets were persecuted and hunted to death, men buying and selling Manila lottery tickets were allowed to ply their trade in peace and freedom. The craving for Manila lottery tickets was evident, and the Spanish Government were equal to the occasion; they came forward and filled up the gap. The gambling law instead of being damaging has proved beneficial to the authorities in Manila. In December, 1891, they increased their issue to 30,000 double tickets, which selling at \$12 each represents \$360,000. Out of this sum about \$??,000 per month is collected in this colony. You can imagine the amount of distress and privation which the drain of this money is likely to entail on the already impoverished inhabitants of this colony. It is a serious matter, I think, and demands active measures at the hands of the Government. I maintain that it is an evil that requires prompt and effective measures to eradicate. My resolution has not been published yet. With your Excellency's permission I will read it:—"That the Government shall take early and effective steps to put a final stop to the sale and purchase of Manila lottery tickets in this colony, and in the event of the provisions of the Gambling Ordinance dealing with this question being found insufficient for the purpose, the law shall be so amended as to secure the complete abolition of this evil". I beg to move this resolution.

Hon. HO KAI—I have pleasure in seconding the resolution. I may say I do not agree entirely with the hon. member opposite as regards the evil effects of Manila lottery tickets. I do not hold quite such strong opinions with regard to it, but at the same time what has been pointed out by the hon member is perfectly correct. If the law was made to suppress gambling of all kinds in this colony and the Manila lottery was included, then I think it should be suppressed along with, and with the same stringency as, other forms of gambling; and if it is true—I am sorry to say it is not within my own knowledge, but I have the information from the hon. member opposite—that there are firms established in this colony actually dealing in lottery tickets and dealing openly and largely without any interference from the Police, then I say the law is being carried out partially, and for that reason I think the resolution of the hon. member demands the support of this Council. On the other hand, if the hon. members of this Council are on opinion that the Manila lottery should not be suppressed, it should not be included in the Ordinance, but from my reading of the Ordinance it is clearly included, and as that is so I think it is only common sense and justice that it should be suppressed along with the others with the same amount of energy.

The COLONIAL SECRETARY — The Government is completely in accord with the hon. member that it is desirable to minimise as far as possible the evil of gambling in this colony. But the matter is one of excluding difficulty, and if the hon. member really believes that it will be found possible by means of any legislation whatsoever

to put a complete stop to all forms of gambling I have very little doubt that he will live to be disappointed. Public gambling, or what may be called promiscuous gaming, including the promotion of public lotteries, are comparatively easy to deal with, and the reports which I have received from the Police Magistrate and the Captain Superintendent of Police are very encouraging as showing that a great deal of good has been effected by the operation of the Gambling Ordinance No 7 of 1891. But the nature of things and the experience of other countries, and very especially that of Great Britain, all tend to show that it is idle to hope that any Acts of Parliament or Ordinances of Colonial Legislatures can ever avail to make all forms of gambling vanish out of the land. It might be an excellent thing if they could, but we know that they cannot, and there are the gravest objections to passing laws which are bound, within the knowledge of their framers, to be evaded and fail of their object. It is impossible for the Government to accept a motion which binds it to such an amendment of the law as shall secure the complete abolition of the evil, for it does not believe that it is within the bounds of possibility to amend the Ordinance so as to effect this object. Such an amendment, such an amending Ordinance, to be effective would have to contain provisions which cannot be thought of. It would have, for example, to empower the Post Office authorities to open letters and tamper with correspondence. It would be very little use to make the sale of Manila lottery tickets in the public street punishable at law while persons could always receive tickets with impunity by post. I need hardly say that the Government would never dream of giving any such authority to the Post Office, and I may mention generally that it is not prepared to go further than the Ordinance 7 of 1891 in the direction of interfering with personal liberty. At the same time if it can be shown that Ordinance 7 of 1891 requires to be amended and that it can be amended so as to make its provisions really and actually more effective without undue interference with individual liberty, the Government will at all times be ready to consider any practical suggestions it may receive in that behalf from the hon. member or from any other quarter. I would suggest to the hon. member (Hon. E. R. Belilios) that perhaps he would do well to accept this expression of sympathy and intention on the part of the Government and withdraw his motion. Should he press his motion to a division the Government, for the reasons I have stated, will be obliged to vote against it.

The ATTORNEY -GENERAL—I may perhaps say a word or two as to the law on the subject.

Of course there are two matters to be dealt with first the making of the law and secondly the possibility of enforcement. As regards the law I do not think it is deficient. I would call the attention of hon. members to two sections in the Ordinance. It is there provided that supposing you buy tickets in the street you are gambling within the meaning of the Act. If you purchase tickets in a house which is constituted a common gaming house you are liable to the penalty. Section 2 B, deals with that. As far as the law is concerned there are it does forbid the sale of these tickets, but if the hon. mover of the resolution has any special information as to a particular place used for the sale of these tickets such a place would come under the definition of a common gaming house and he would do a service by reporting the place to the Police. I take it the Police are not aware of the existence of any such place.

Hon. E. R. BELLIOS—I would point out the weak parts of the Gambling Ordinance. A person may have as many tickets as he likes as long as there is no dealing. I believe the law is different with reference to Weising lottery tickets. The forfeiture clauses are also weak. A case was decided some time ago, while Mr. Wise presided as Magistrate, and I believe in that instance it was found that half the tickets were sold on board a steamer. The sales were effected on board the steamer and the money and tickets found in the possession of the sailor were all returned to him. Again, buying and selling might be done in a private house. In that enclosure business transacted in this way is not affected by the present law unless the place is kept purposely for gambling. A person may buy and sell as many tickets as he likes at one time, and can only be fined \$25, so that if he had a thousand tickets or only one ticket the penalty would be the same. These are particularly weak points of the law and I thought it was my duty to point them out. Of course we cannot, I am afraid, press the motion if it is the wish of the Governor that I should withdraw it. I will do so with pleasure.

HIS EXCELLENCY—Will you be satisfied if we issue instructions to the Captain Superintendent of Police to be more efficient and active in this matter? You see your amendment would involve the altering of the Ordinance to such an extent.

The COLONIAL SECRETARY—It is a motion for an amendment which every one must know to be impracticable.

Hon. E. R. BELLIOS—I contend that if the law as it is were carried out more effectively it will serve the purpose I am aiming at.

HIS EXCELLENCY—We will see to it.

The motion was then withdrawn.

MERCHANT SHIPPING CONSOLIDATION ORDINANCE, 1891.

The ATTORNEY -GENERAL—I rise to move the first reading of a Bill entitled an Ordinance to amend the "Merchant Shipping Consolidation Ordinance, 1891." In pursuance of the request of the hon. member (Hon. T. H.

Whitehead) I have prepared a short statement of the objects and reasons, which I presume is circulated with the Bill. It is therefore unnecessary for me to say any more on the first reading.

The COLONIAL SECRETARY seconded.

Bill read a first time.

THE DIOCESAN SCHOOL

Hon. C. P. CHATER rose to move the second reading of a Bill entitled "an Ordinance for the incorporation of the Chairman of the Committee of the Diocesan School and Orphanage." He said—As you are aware this private bill was introduced in the Council by my hon. friend. Mr. J. J. Keswick, who is now absent from the colony. Those interested in the Bill requested me to take charge of it and see it through the Council, but there is one main point which has not yet been settled and which will probably take the next day or two to settle. I will therefore ask your Excellency to postpone the second reading of the Bill until the next meeting.

HIS EXCELLENCY assented and the second reading was accordingly postponed.

OFFENCES AGAINST THE PERSON.

The ATTORNEY -GENERAL—I rise to move the second reading of a Bill entitled "An Ordinance to amend Ordinance No. 4 of 1865 relating to offences against the person." I explained it shortly at the first reading and the explanation I then gave will be fresh in the member of hon. members. I think it will be unnecessary therefore to take up their time by repeating what I have already said. I will propose that the Bill be taken in Committee.

The COLONIAL SECRETARY seconded.

The Council then went into Committee, after which the Bill was read a second time.

DANGEROUS GOODS ORDINANCE

The ATTORNEY -GENERAL—I beg to move the second reading of the Bill entitled an Ordinance to repeat Ordinance, No. 19 of 1890 and to amend the Dangerous Goods Ordinance, 1873. On the occasion of the first reading I explained briefly the objects of the Bill. I may simply state to-day that the first Ordinance, that of 1873 was found insufficient and Ordinance 19 of 1890 substituted a fresh section. That section has still been found to be faulty. It did not deal with the movement and carriage of dangerous goods; it dealt only with shipment and transshipment. It has been found advisable to enlarge the powers of the making regulations to deal with such movement and carriage. This Ordinance therefore practically puts a new section in place of section 8 of the Dangerous Goods Ordinance, 1873. Rules will have to be made under this amending Act when it is passed.

The COLONIAL SECRETARY seconded.

The Council then went into Committee on the Bill.

Upon clause 2, which dealt with the power of the Governor to make certain orders.

Hon. T. H. WHITEHEAD said—I ask that the words "in Legislative Council" be inserted after the word "Governor." In the Merchant Shipping Ordinance I brought forward a similar suggestion, and I think in certain instances it was agreed to.

His EXCELLENCY—I think it was Executive Council.

Hon. T. H. WHITEHEAD—If the necessity arises for important alterations to be made I think it would be desirable that these regulations should be submitted to the Legislative Council.

His EXCELLENCY—They may be made in Executive Council and laid on the table before the Legislative Council. I have no objection to that.

The ATTORNEY -GENERAL—This is not a new principle. The words were the same before.

Upon another section,

Hon. T. H. WHITEHEAD said—I think no provision has been made for a steamer passing through the harbour having the necessity to stop, come to anchor, and then go on again, having dangerous goods on board. Such a thing might arise.

The ATTORNEY -GENERAL—That would come. I take it, under the head of "carriage of goods." Anything passing through the harbour would be carrying goods. Subsection A is worded "movement, carriage, landing, shipment or transshipment from, into, or within the colony or the waters thereof." Passing through the harbour would certainly be carriage of goods. I may say that the word "carriage" is a new one in this Ordinance. I think perhaps that the hon. member did not notice it.

Hon. T. H. WHITEHEAD—If it is covered by that I am quite satisfied, but it seems to me that it would be a great hardship that a steamer passing through the harbour and delayed by some accident should be liable to the penalty of \$250.

The HARBOUR MASTER—If such an accident did take place no action would be taken by the persons in authority.

Hon. T. H. WHITEHEAD—That is scarcely sufficient guarantee. Provision should be made for such a contingency in the Ordinance.

Reverting again to section 2 and the Governor's power.

The ATTORNEY -GENERAL said—You will find it very inconvenient sometimes to make these rules contingent on the consultation of the Legislative Council.

The REGISTRAR-GENERAL—It would be a contradiction of terms to say "Legislative Council." You cannot say "it shall be lawful for the Legislative Council" to do so and so, because the Legislative Council makes the law. It would be an absurdity.

Hon. T. H. WHITEHEAD—The reason I suggested this alteration was in consequence of having seen in the *Gazette* in the course of yesterday some very important rules indeed affecting the shipping under the quarantine regulations. It seems to me that the Government might very well have submitted the proposed rules to the

Legislative Council for a week or two so as to give them the opportunity of expressing their opinion thereon and whether they were for or against them. We are quite alive to the fact that the Government have a majority in the Council; that they can carry over our heads any propositions or views they may have; but at the same time I think it should not be forgotten that it is possible for useful and practical suggestions to emanate from those who are particularly and closely connected with the shipping on which we are so much dependent.

The COLONIAL SECRETARY—Some rule might urgently require to be adopted or amended at a time when the Legislative Council was not sitting, and it might be very inconvenient to summon it for the purpose. I think it would be sufficient if public notice of any alterations were made in the *Gazette*. There might be a provision made that afterwards they should be laid on the Council table and then any member might draw attention to them if he cared to do so.

The subsequent clauses passed through Committee without discussion.

The Bill was read in Council a second time and the Attorney-General gave notice that at the next meeting he would move the third reading.

THE RATING AND WATERWORKS ORDINANCE.

The COLONIAL SECRETARY rose to move the third 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." He said:—Before moving the third reading I wish with the permission of the Council—I am aware I am not quite in order in doing so—to have the Bill re-committed in order that a trifling alteration may be made.

The Council went into Committee and the designation of the Director of Public Works was substituted for that of the Surveyor General.

The Bill was afterwards read a third time and passed.

THE BANKRUPTCY ORDINANCE, 1891.

The ATTORNEY -GENERAL—I beg to move the third reading of a Bill entitled an Ordinance to amend "The Bankruptcy Ordinance of 1891."

The COLONIAL SECRETARY seconded.

Bill read a third time and passed.

THE CHURCH BILL.

The ATTORNEY -GENERAL rose to move the third reading of a Bill entitled an Ordinance to provide for the due performance of 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
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and for other purposes in connection therewith. He said—I ask permission to re-commit this Bill. There are one or two clauses in it in which slight amendments are required, and hon. members are aware that in accordance with Rule 43 a Bill may be re-committed at the third reading if it is necessary.

Council went into Committee.

The ATTORNEY-GENERAL—I beg to move that the title of the "Bishop of Victoria" be altered into "Bishop of the Church of England, residing and officiating at Victoria, in Hongkong." I may say that the point was not lost sight of by me when the Bill came before the Council on the previous occasion, and read a second time, but there had been a considerable amount of difficulty about this matter a great many years ago and I was anxious to get certain papers and read the subject up again, and I was not prepared to alter the Bill until I had had the opportunity of going through them. The subject was dealt with in 1874 and 1875 before the passing of the Act No. 7 of 1875, and that Act sets out the whole matter so clearly that I trust there will be never any difficulty in the future. (Sections of the Act read.) The matter was very carefully thought out in 1874 and opinions were given by the present Sir Julian Pauncefote. I see the opinions from him were approved by the Secretary of State and after that the Ordinance was passed, and it recites the history of the letters patent and the Bishops. It then says, "Whereas by letters patent dated the 1st day of November, 1872, after reciting the above mentioned letters patent and that the said see and bishopric had become vacant by the resignation of the said Bishop Alford, Her Majesty was pleased to revoke and determine the said recited letters patent of the 11th day of May, 1849, and of the 14th day of January, 1867, and every clause, article, and thing therein contained," "and whereas by the revocation of the said letters patent the said See and Bishopric of Victoria ceased to exist as heretofore constituted." It further recites that "whereas the Right Reverend John Shaw Burdon, Doctor of Divinity, has been duly consecrated to be a Bishop of the Church of England and as such Bishop is residing and officiating in this colony, and as such Bishop and by the desire of His Grace the Archbishop of Canterbury has undertaken the management of Saint Paul's College and is now discharging the duties of warden of the said college." I may say that I have mentioned the subject of title to the Bishop himself, and I can only say this, that the Government has decided that the proper way of describing him would be the way I have suggested, and I propose therefore to substitute for the words "Bishop of Victoria" the words "Bishop of the Church of England residing and officiating at Victoria in Hongkong."

Hon. T. H. WHITEHEAD—Might I ask under what instructions or authority he is officiating?

The ATTORNEY-GENERAL—He is officiating as Bishop sent here by the Archbishop of Canterbury. Having been duly consecrated by the Bishop of London and other

Bishops in England, by the Queen's mandate—sent out as Missionary Bishop for Hongkong and South China—he is exercising the duties of his high office as Bishop under the powers conferred on him by his consecration. I suppose he would officiate at confirmation if required.

Hon. T. H. WHITEHEAD—I understand that Bishop Burdon is a purely missionary Bishop and may be necessitated to leave for elsewhere. In such case it seems to me that the Church body of the Cathedral, who have to bear the expenses of the services, would be placed at great inconvenience. Would it not be better to give the Cathedral over to the Church body and let it revert to the Government if the Church body are unable to or do not carry out the purposes for which the Cathedral is intended.

The ATTORNEY-GENERAL—I understand the hon. member, but I would point out that the Bill has been through a great many additions and alterations. The present edition was submitted months ago to the Church body, which was elected at a largely attended meeting of seatholders and they have approved it in its present form.

Hon. T. H. WHITEHEAD—I understand that the Church body have come to a conclusion during the last few days adverse to part of the Ordinance before the Council.

The DIRECTOR OF PUBLIC WORKS—There has been no meeting of the Church body, as far as I know, since the general meeting.

Upon clause 8, which provides that all matters connected with the religious services of the said Church or the rites and ritual thereof shall be under the immediate direction and management of the Chaplain for the time being, subject nevertheless to the control of the said Bishop for the time being,

Hon. C. P. CHATER said—I understand that the hon. Attorney-General has been in communication with the Church body on this matter.

The ATTORNEY-GENERAL—I think it is only right to mention that at the meeting at which I was present one gentleman, I think it was Mr. Ede, suggested that instead of the Bishop having the control of the rites of the Church it should be vested in the hands of the Church body. The Bishop did not seem to approve of that and the Church body did not approve of it. The Bishop pointed out to Mr. Ede at the time that the Church was not a Congregational Church but Episcopal. I had some communication with Mr. Ede and he said that he would like to ascertain the views of the seatholders on the matter. I believe a circular was thereupon sent round to ascertain the views of the seatholders, and I have had put into my hands a short time

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which shown that 33 voted in favour of the Bishop retaining the control of the rites and 34 in favour of it being in the hands of the Church body. I cannot help thinking that it would be most deplorable to create any ill-feeling in the Church on a matter of this kind. There may be some people who agree with the bare majority of one, so far as the seatholders are concerned, that the Church body should have the control. There would be probably others, looking from a religious point of view, who will say that although a missionary Bishop, Dr. Burdon is a bishop and duly consecrated. He is Chairman of the Church body and many would feel that it would be a slight to ask him to give up the management of the rites and ritual of the church to the Church body. This is a clause which has caused me a good deal of anxiety and thought, and I cannot help thinking that we had better leave it as it is. Should the control of the Bishop be found to be unsatisfactory it would be possible to amend that clause and legislate again, but as it has been decided that the Bishop should be chairman of the Church body and as the services are to be conducted according to the rites of the Church of England, surely it is more right that he should control the matter. If there was a big majority one way I should have thought it would be best to consider the question again very carefully. As it is there are only 33 for and 34 against the control of the Bishop. It may be said that in one case some will be offended, but on the other hand we shall offend the religious susceptibilities of many. I trust that no such differences will occur and I trust we shall be able to retain the good feeling as it exists now, and that those who do not entirely agree with what is done will feel that there is a conscientious effort made to do the best possible under the circumstances, and that at a time of crisis in the history of the Church they will not withdraw their support from the institution.

Hon. C. P. CHATER—I regret to say that I cannot endorse the opinion of the hon. Attorney-General, and for a very good reason. The Attorney-General has told us that the Church body consists of the Bishop, Chaplain, and six lay members, and that the Bishop is the Chairman of the Church body. Surely he being the Chairman of the Church body, the lay members will certainly be guided by the Bishop in matters affecting the ritual and the rites of the Church. It would therefore mean being guided by the Church body guided in turn by the Bishop. I think therefore it is best that the powers should be left in the hands of the body rather than left in the hands of an individual. I have much pleasure in proposing an amendment to that effect.

Hon. T. H. WHITEHEAD—I rise to second the amendment of the hon. member and I think that the matter might well be left over until all the subscribers and seatholders have had the opportunity of deciding one way or another. I understand that some ten or more have not yet had that opportunity.

The COLONIAL SECRETARY—There may be some difficulty in accepting the amendment suggested if it is the case, as I have been informed, that the Church body do not wish to have this control. They prefer the clause to remain

as it is, I am told.

The DIRECTOR OF PUBLIC WORKS—At a meeting of the Church body, which I may mention was elected by a largely attended general meeting of the seatholders, it was agreed that it would be much better to place the control of the ritual and rites of the Church in the hands of the Bishop, and as far as I know there has been no meeting of the Church body held since to alter that resolution and the Ordinance as it now stands.

The COLONIAL SECRETARY—You say the Church body was unanimous in that?

The DIRECTOR OF PUBLIC WORKS—Yes.

The ATTORNEY -GENERAL—Hon. members will see the great difficulty in which I am placed in this matter. There are three of the members of the Church body absent and I should not like to alter this Ordinance in any way contrary to their views. We cannot very well consult the whole of the seatholders on the subject. I should think that the largest number of seatholders we have seen for a long time were present at the meeting when the Church body was elected. It would be very invidious of me to take upon myself to alter what the Church body has already approved.

Hon. C. P. CHATER—Are the members of the Church body at present in Hongkong still unanimous?

The ATTORNEY -GENERAL—I cannot tell you.

Hon. T. H. WHITEHEAD—I think several of the members of the Church body have altered their views, and I think the best thing would be to leave that one point for the next meeting.

The ATTORNEY -GENERAL—I have no objection. My only desire is to do what is right in this matter.

Hon. C. P. CHATER—I think, too, that is the best course that can be adopted.

The remainder of the Bill was accepted without discussion.

ADJOURNMENT.

HIS EXCELLENCY—I propose to meet again on the 16th and then on the 23rd, I hope, for the last time this session.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately after the adjournment of the Council the Colonial Secretary occupying the chair.

The CHAIRMAN said—The first matter before the Committee is the following:—The Governor recommends the Council to vote a sum of \$130 for the purchase of a new

boat for the use of Swatow Postal Agent. This application has been made in consequence of representations made by the Acting Postmaster General in a letter received last month (communication read). The boat appears to be wanted, and the price seems to be reasonable. There are no available funds as the letter I have read shows, and I suppose there will be no objection to the vote.

Vote agreed to.

The CHAIRMAN — The Governor recommends the Council to vote a sum of \$1,500 for the purchase of furniture for the new quarters for the Nursing Staff at the Government Civil Hospital. The expenditure will be more than covered by a surplus on the vote for the building I may say that I have read a good deal about this building, and I believe there has been a certain amount of feeling as to the sum it has cost, but I think the Committee will be of opinion that the building having been provided furniture must now be supplied to make it of use. The Colonial Surgeon estimates the cost of the necessary furniture—of which some detail is given—at \$1,500. The Director of Public Works tells me that fortunately there has been a saving of more than the amount required to meet this expenditure. If any member of the Committee sees any objection to this vote or has any remarks to make upon it I shall be glad to hear anything that they may have to say.

Hon. E. R. BELLIOS—How is the furniture to be purchased, by tender or how?

The CHAIRMAN—I asked about that point, but I do not think it has been quite settled. I put the question as to how furniture required for public buildings was generally obtained, and the answer to that was that furniture for new establishments was obtained by the Director of Public Works, while supplementary furniture required from time to time was bought in the market by the head of the department. I have referred since to the Director of Public Works and he says that this is not the case; that furniture is never bought by him and that the head of the department is the person in the best position to meet such requirements. The proposal of the Colonial Surgeon is that he should purchase the furniture in the market but he does not propose to call for tenders; but if the Committee in recommending the vote think it a desirable condition, it could be done. I do not myself know enough about the supply of furniture in Hongkong to express an opinion.

Hon. C. P. CHATER—I think we might safely leave the matter in the hands of the Colonial Surgeon.

Hon. E. R. BELLIOS—Yes, I think so.

Vote passed.