

15<sup>TH</sup> MARCH, 1894.

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

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

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

Hon. E. BOWDLER.

Hon. C. P. CHATER.

Hon. Ho KAI.

Hon. J. J. KESWICK.

Hon. T. H. WHITEHEAD.

Hon. E. R. BELLIOS.

Mr. A. Seth, Clerk of Councils.

MINUTES.

The minutes of the last meeting were read and confirmed.

PAPERS.

The COLONIAL SECRETARY—I beg leave to lay on the table a despatch from the Secretary of State on the subject of the Po Leung Kuk Incorporation Ordinance, 1893, and also the report of the Captain Superintendent of the Fire Brigade for 1893.

THE SILVER WEDDING OF THE EMPEROR AND EMPRESS OF JAPAN.

The COLONIAL SECRETARY—The Council may be interested to hear that a telegram has been received from Her Majesty's Minister at Tokio in reference to the message of congratulation that was recently sent on behalf of the Council and community to the Emperor of Japan. The telegram runs as follows—it is addressed to His Excellency the Governor:—"The Emperor desires to convey to your Excellency his thanks for the congratulations of yourself and Government and to express the pleasure with which he has received them."

THE STAFF OF VICTORIA GAOL.

Hon. E. R. BELLIOS—I beg to give notice that at the next meeting of Council I shall ask the following question—"In view of the condition of the staff of Victoria Gaol, as disclosed

by the annual report of the Superintendent, what steps do the Government intend taking to reconstruct the said staff or otherwise to render it efficient?" The object of this question is to ascertain whether or not it would be advisable to employ Eurasians or Sikhs as turnkeys in Victoria Gaol.

The COLONIAL SECRETARY—In view of the fact that this meeting will probably be the last meeting of Council for some time, with your Excellency's permission and with the leave of the Council I will answer that question now. The Government has received on several occasions during the past eighteen months representations from the Superintendent of the Gaol to the effect that the present rates of pay and other advantages were not sufficient to attract men of such qualifications and conduct as it was desirable that the staff of the Gaol should possess. The Government, while seeing reason as at present advised to agree with the Superintendent in the views he has expressed, has been unwilling, pending the appointment of a Retrenchment Commission, to take any steps in the direction of offering higher inducements by salary or otherwise to the staff of the Gaol. It was not considered right, in view of the state of affairs and of the proximate appointment of a Retrenchment Commission, to add any expenditure absolutely unavoidable to the expenditure sanctioned in the estimates. I have great pleasure in informing the Council that it is the intention of your Excellency very shortly to appoint a Retrenchment Commission, and one of the questions which will come before it is the question which the hon. member has raised in connection with the Gaol.

THE OPIUM FARM.

HIS EXCELLENCY—Are there any notices of motion?

Hon. T. H. WHITEHEAD—I was under the impression there would be another meeting of the Council, and I intended to give notice of the following resolution:—"That in view of the fact that the present Opium Farm expires on 1<sup>st</sup> February, 1895, and that tenders for the new farm must be sent in not later than 30th No-

vember, 1894, it is expedient that a Commission be appointed forthwith, with the amplest powers to investigate and report within four months on the working of the Farm in the past; the terms and conditions upon which and the time for which the new Farm, if any, is to be granted; the defects, if any, in the existing Opium Ordinances, and the amendments to be made therein with a view to the prevention of the smuggling of opium, raw or prepared, from the colony, in breach of our Treaties and engagements with the Government of China, and to the protection from risk of forfeiture and fine, through the operations of smugglers, of ships and steamers trading from this port to China and Cochin-China; and with a view to the prevention of the annoyances and indignities inflicted upon Chinese residents and travellers by the perquisitions of the officers of excise appointed by the Farmer under Ordinance."

The COLONIAL SECRETARY—If I might be allowed, although not quite in order perhaps, but as a matter of convenience, I may explain that in saying that this probably would be the last meeting of the Council for some time, I meant there are at present before the Council only three Ordinances which will probably be agreed to without substantial alteration, and it is the intention of your Excellency, in that case, to adjourn the Council *sine die*. As possibly the Council may be aware, the Governor is going on leave next week, and it would be inconvenient to hold a meeting of Council unless necessity existed for doing so in his absence, inasmuch as I shall have to occupy the chair, and I shall be without the services of a Colonial Secretary.

RETRENCHMENT IN THE REGISTRAR-GENERAL'S DEPARTMENT.

Hon. T. H. WHITEHEAD asked the following question—Will the Hon. the Registrar-General inform the Council whether he concurs in the recommendations made by Mr. A. M. Thomson, in the last paragraphs of the Acting Registrar-General's Report for 1893, laid before the Legislative Council at its last meeting, in favour of retrenchment in the Registrar-General's Department, amounting to close upon \$5,000 per annum, and if so, has he at any time called the attention of the Government to the propriety of effecting such an annual saving, and if so, where, and when, and if not, why not?

The COLONIAL SECRETARY—Sir, I have been favoured with the following reply by the Registrar-General:—The recommendations of the late acting Registrar-General as to retrenchment are three in number—(1) The abolition of one of the higher paid clerkships when opportunity occurs, (2) abolition of one of the Inspectors of Brothels when the registration of brothels is dispensed with, (3) the abolition of an attendant. As regards No 3 the Registrar-General does not at present concur. As regards Nos 1 and 2 the Registrar-General is of opinion that the abolition of the posts in question should be considered if an opportunity

occurs by reason of a clerkship becoming vacant, or, in the case of the Inspector of Brothels, if the registration of brothels be dispensed with. In the absence of such an opportunity and as the registration of brothels still exists, no recommendation has yet been made to the Government by the Registrar-General."

THE NEW DRAINAGE SEPARATE SYSTEM.

Hon. T. H. WHITEHEAD asked the following questions:—Will the Government furnish the Council with a return shewing—(1) the extent to which the new drainage scheme on the separate system as designed by Mr. Osbert Chadwick, C.M.G., has been carried out; (2) the departures, if any, from Mr. Chadwick's designs; (3) the total amount of monies expended on the new scheme up to 31st December, 1893; (4) the quantity of work remaining to be done; (5) the estimated cost of completing the same; (6) the cost of the deep sewer, commencing at the Murray Barracks Nullah, running down Arsenal Street, and along the Praya to its outfall about Fenwick's Yard; (7) what amount of the cost of this deep sewer, running through and draining property nearly one half of which belongs to the Imperial Government, has been paid or will be refunded by the Military Authorities; and further, will the Government state whether in the opinion of the responsible Authorities the separate system has worked satisfactorily up to date, and, if not, what are the reasons for its failure, and the remedial measures, if any, it is proposed to adopt?

The COLONIAL SECRETARY—Sir, the Director of Public Works has furnished me with the following statement in reference to these question:—" (1) With the exception of the Kennedytown district and the construction of five sewer outfalls, the whole of the new drainage scheme on the separate system, as designed by Mr. Chadwick, has been completed westwards of the Garden Road. (2) The departures from Mr. Chadwick's original scheme are—(a) The Peak sewage has been carried down Garden Road instead of down Albany Road, (b) the outfall shewn at Western Street has been carried to French Street, (c) one outfall has been constructed at Ship Street in place of the two originally designed to discharge at Spring Garden Lane and opposite Blue Buildings. This necessitates carrying the sewage from the Wanchai Road to the Heard Street outfall. The only one of these departures that is of importance is the one last mentioned. It has been approved by Mr. Chadwick. (3) The total amount expended on the new scheme to 31st December, 1893, has been \$181,504. (4) The work remaining to be done on 31st December last comprised the sewerage of Kennedytown district, and of that portion of the city lying east of Garden Road, and the construction of five outfalls in the Western and Central portions of the city. (5) The estimated cost of completing the same is

\$100,996. (6) The cost of the sewer running from Murray Barracks Nullah down Arsenal Street and along the Praya to Ship Street will be \$7,500. (7) The Military authorities have not been asked to contribute towards the cost. (8) In the opinion of the responsible authorities the separate system has worked quite satisfactorily up to date." This statement supplies explicit and categorical answers to the questions of the hon. member, but as his questions, though not so framed, were probably intended to elicit, *inter alia*, information regarding connections which were of course not designed by Mr. Chadwick, between houses and the separate sewers, I may add that it appears from the report of the Sanitary Surveyor, which was laid on the table at our last meeting, that up to the end of 1893 about 30 per cent. of the houses in the colony have been re drained and connected to the separate sewers. The same report mentioned other improvements that have been effected in our drainage, and I may add that the Sanitary Board are taking steps to require the owners of certain tenements of which the water closets discharge into storm water drains to disconnect them from those drains and to connect them to the separate sewers. At present our separate drainage system, if we include in that term the connection of the houses with the separate sewers, is in a state of transition: when it has been completed, including those connections, which the Sanitary Board is steadily proceeding to compel owners to effect, the Government has every reason to anticipate that the separate system will work satisfactorily. Further, it will not be out of place for me, in connection with the eighth question of the hon. member, to draw attention to the rates of mortality in the colony during the last few years. In 1888 the death rate per 1,000 was for non-Chinese 23.28, Chinese 32.22, combined 31.72. In 1889 they dropped to 17.54, 24, and 23.64 respectively. In 1890 they were 17.13, 23.25, and 22.90. In the following year they were 18.20, 24.18, and 23.90. In 1892 they were 17.37, 21.36, and 21.18, and last year they were 17.97, 22.93, and 22.71. The improvement during the six years is very remarkable, and 1893 shows a decrease in the death rates, as compared with 1888, of 5.31 per 1,000 for non-Chinese, 9.29 for Chinese, and 9.01 for both combined, or a decrease of 23 per cent., nearly 29 per cent., and over 28 per cent. respectively of the death rates in 1888. If, in answering a question which asks for an opinion, I am not out of order in expressing an opinion, I should say that these figures go far to show that Hongkong has already made considerable progress along the road of sanitary improvement and that they reflect great credit on those who have been responsible for the sanitation of the town during the last six years. (Applause).

THE POST OFFICE.

Hon. T. H. WHITEHEAD asked—Will the Government lay upon the table a statement shewing the gross expenditure of the Post Office for the years 1890, 1891, 1892, and 1893, separately, and any liability still outstanding connected with those years, also separately?

The COLONIAL SECRETARY—Sir, I have been supplied with the following figures by the Treasurer and the Postmaster-General:—

	Income.	Expenditure.
1890 .....	\$148,460	\$115,398
1891 .....	142,770	140,165
1892 .....	157,699	154,248
1893 .....	167,597	119,153

Approximate outstanding liabilities, 1892, \$745; 1893, \$34,222. I should mention that these statements of expenditure do not include pensions, nor some other items which are necessary for a complete statement, but are not readily ascertainable, such as interest on cost of buildings and depreciation of buildings.

POST OFFICE, TREASURY, COURT HOUSE, LAND OFFICE, ETC.

Hon. T. H. WHITEHEAD asked—Will Government procure and lay upon the table an estimate of what money these premises would probably realise if exposed to auction, and what would be the probable cost of erecting a suitable Post Office and Court House, including a Land Office, &c., on Government ground on the new Praya Reclamation?

The COLONIAL SECRETARY—Sir, the Director of Public Works estimates the amount realisable at the present time by the sale of these premises, including Crosby Store, at about \$230,000; and the cost of erecting suitable buildings on Government ground on the Praya Reclamation, exclusive of the value of that ground, which is very valuable, and not including a building to replace Crosby Store, at about \$240,000. The estimate of the amount realisable is, of course, a matter of speculation, and the present time is not opportune for throwing a quantity of Government land on the market.

OPIUM ORDINANCE.

Hon. T. H. WHITEHEAD asked—Will the Government lay upon the table a copy of the petition, dated 12th December, 1893, to The Right Hon. the Marquis of Ripon. Her Majesty's Principal Secretary of State for the Colonies, from the Hongkong, Canton, and Macao Steamboat Co., Limited, and the China Steam Navigation Co., Limited, praying the Government assistance in their efforts to suppress smuggling on board their steamships by causing such amendments to be made in the Hongkong law as may be thought necessary and effectual, &c., &c., and a copy of any reply which may have been received thereto?

The COLONIAL SECRETARY—The petition has been forwarded to the Secretary of State. No reply has yet been received. Pending receipt of the reply, it is not proposed to lay any papers on the table.

THE CROWN AGENTS.

Hon. T. H. WHITEHEAD—In view of the West Indian Colonies, including British Honduras and

British Guiana, having recently passed resolutions throughout their Legislatures condemning the Crown Agency system as an expensive and wasteful medium for the transaction of their business, and as a like feeling obtains amongst a large number of ratepayers in this Colony, will the Government lay upon the table at the earliest possible date, a copy of the Parliamentary Paper C. 3075 of 1881, which is said to contain full information as to the arrangements existing between the Colonial Office and the Crown Agents?

The COLONIAL SECRETARY—I have written for the paper, and when I receive it will lay it on the table.

THE PO LEUNG KUK.

Hon. T. H. WHITEHEAD asked—Will the Government lay upon the table a copy of the despatch No. 204 of 22nd December last, from the Right Hon. the Marquis of Ripon, Her Majesty's Principal Secretary of State for the Colonies, in connection with my memorial, dated 27th June, 1893, praying His Lordship to return Ordinance No 10 of 1893 to Hongkong for amendment in the directions indicated therein, and to recommend to the Colonial Government, either to remove the Registrar-General from the governing body of the Po Leung Kuk, or to invest him with powers adequate to his duties and responsibilities to the women and girls under his care, under Ordinance No. 11 of 1890?

The COLONIAL SECRETARY—I laid on the table a few minutes ago the bulk of the despatch in question. The remainder of it is not matter of public interest, and it is not proposed to lay it on the table.

LOCAL FINANCES.

Hon. T. H. WHITEHEAD asked—Will the Government inform the Council—(1.) What monies were expended by the Crown Agents in England on account of the Colony during 1893? (2.) How much of these were defrayed out of the proceeds of the Colony's recent gold loan? (3) What amount if any, of our revenue during 1893 has been remitted to, or drawn for, by the Crown Agents, from the Colony, to defray their expenses, and the rates of exchange, if any? (4.) Have any monies derived either from revenue in 1893, or from Supreme Court or Reclamation Deposits, been remitted to England, or withdrawn from the Colony, during the past nine months, for any purpose other than to defray necessary expenditure in England on account of the Colony. (5.) If so, (a) what amount, from what funds derived, at what rates of exchange remitted, (b) how employed in England, and at what rates of interest, under what authority have such remittances been made, and for what reasons? And (6) What amount of the Colonial Government's funds now remains in England, how much thereof is derived from revenue, how much from deposits, and how much from the proceeds of the recent gold loan?

The COLONIAL SECRETARY—Sir, the answers are:—(1.)—£249,120. (2.)—The whole of the loan was temporarily

employed in this expenditure. The ultimate application of the whole of the loan is restricted by law to expenditure on the public works mentioned in the schedule to the Loan Ordinance. (3.)—\$1,263,000 was remitted from revenue to the Crown Agents by means of drafts drawn by them, in 1893, at rates of exchange varying from 2s. 8 $\frac{1}{8}$  d. to 2s. 2 $\frac{7}{8}$  d. (4.)—In addition to the remittance just mentioned \$200,000 belonging to the Praya Reclamation fund was similarly remitted at 2s. 4 $\frac{7}{8}$  d. as regards \$50,000 of it, and 2s. 4d. as regards the remainder. (5.) a—Already answered b—The authority for the remittances is the order of the Secretary of State, who has forbidden the local Government to retain funds in the local banks beyond a maximum of \$350,000. The reason for the order is the greater security obtained by keeping the funds, in excess of the prescribed maximum, in England. The remittances have been employed by the Crown Agents partly in meeting the expenditure of the local Government in England and partly in reimbursing the loan. Their investments thereof have realised interest varying from 1 per cent. for deposits on short call to 3 $\frac{1}{2}$  per cent. (6.)—On 31st December last, which is the latest date to which their accounts have been received, the Crown Agents held £146,339 sterling belonging to this Government, exclusive of sinking fund on our old loan. The remainder of the question I am unable to answer precisely: an approximate answer may be gathered from my answers to the other questions, to which I would add that on 26th ult. a draft by the Crown Agents for \$100,000 was paid; and that we have local funds available, in excess of the prescribed local maximum of \$350,000, to meet a further draft now almost due for \$250,000.

THE CIVIL SERVICE AND THE FALL IN THE DOLLAR.

The COLONIAL SECRETARY—I rise to move the resolution which stands in my name. It has reference to the proposal of the Secretary of State that those of the civil servants who are domiciled in countries having a gold currency should, on certain conditions, be granted some compensation in view of the serious and continuous fall in exchange. The Council may probably be aware that similar terms have been offered to the civil servants in the Straits Settlements; that a somewhat more favourable offer has been made to the service in Ceylon; and that the civil servants in India—where, by the way, a considerable deficit is anticipated on the budget—have already been granted decidedly more favourable terms. The proposal set out in the despatch of the Secretary of State which was laid on the table at our last meeting is that those of the civil servants who are domiciled in countries having a gold currency, and are willing to submit to a reduction in the rate of the payment of their salaries when on

leave from 4/ or 4/2d, as the case may be, to 3/ to the dollar, should be granted such a nonpensionable allowance as will make the half of their salaries while on active service equivalent to the half of their present salaries calculated at the rate of 3/ to the dollar. There are 253 officers, including police constables and sergeants, concerned in this proposal and they draw salaries aggregating \$378,744. Of these, 197 officers drawing aggregate salaries of \$251,597 are unwilling to accept the proposal while 46 officers with aggregate salaries amounting to \$95,301 wish to accept it, and 10 officers with salaries amounting to \$31,846 are at present absent on leave and have as yet had no opportunity of expressing their wishes. The additional annual expenditure involved in giving effect to the proposal, in the case of those officers who wish to accept it—exclusive of the officers now on leave, whom as yet it has not been possible to consult, and some of whom may accept it hereafter—is therefore on the basis of a 2/ exchange, \$23,825 less the indeterminable saving on the payment of leave salaries. If exchange improved the additional expenditure would proportionately decrease; if it worsened, the additional expenditure would proportionately increase. The reason why the saving on the payment of leave salaries is an indeterminable amount is that it is not possible to estimate beforehand how many officers will take leave during a given period, nor what lengths of leave they will take, nor which of them will spend their leave in countries having a gold currency. The fact that a large number of officers have declined the offer, because they considered it inadequate, does not affect the propriety of allowing those who desire to avail themselves of it to do so. The offer has been conditionally made by the Secretary of State to each officer individually, and the refusal of it by some officers affords no reason for withholding it from others who wish to accept it. The proposal of the Secretary of State has not been evoked by any complaint on the part of the civil service of Hongkong: it has been spontaneously made by his lordship, presumably from a sense of justice and in pursuance, more or less, of the action taken in other silver using colonies and in India. If carried into effect, it will afford those who benefit by it partial compensation, but it will not make their salaries nearly equivalent to what it has on various previous occasions been decided that they should be. To give an illustration of my meaning: By the civil establishment Ordinance of 1860 the Colonial Secretary's salary was fixed at £1,500 per annum. The proposed arrangement will give him a salary equivalent to only £1,215 per annum at an exchange of 2s, and it will subject him to a loss of 1s. in the dollar while on leave. The reason for the proposal is the enormous and continuous fall in exchange, and the force of this reason will, I think, be apparent to the Council without any extended argument. If I may be allowed to illustrate it by a reference to my own

case, I may mention that I am now drawing considerably less salary than I was eighteen years ago when I occupied a much more subordinate office than the one which I am now privileged to hold. During the interval I have received several promotions in recognition of what has been considered good service, and the pecuniary result of this to me is that after eighteen years of what has been for the most part repeatedly characterised by my superiors as exceptionally hard work, I have gained a substantial loss of salary. (Laughter.) That is, sir, I think, anomalous. But the hardship in my case is insignificant as compared with that of those of my brother civil servants whose salaries are smaller than mine, and who either now have, or in the future may have, children to educate, or a wife to support in England; and on their behalf I have no hesitation in commending the proposal to the consideration of the Council with some confidence. I know of one case in which an officer is privately, that is to say at the current rate of exchange, remitting for such purposes more than the whole of his salary. Fortunately he has some private means, but the hardship is nevertheless excessive. The proposal, if agreed to, will be carried into effect as from the beginning of the current year. It is contingent on the concurrence of the Council, and my motion is made with the object of eliciting the opinions of the unofficial members. The question will be put to the vote, but the official members will abstain from voting. With these observations, sir, I beg to move—"That it is desirable to give effect to the suggestion of the Secretary of State for the Colonies that, in view of the fall in exchange, those of the Civil Servants who are domiciled in the United Kingdom or other countries having a gold currency, and are willing to draw their salaries when on leave at the rate of 3/- to the dollar, should be granted such a non-pensionable allowance as will make the half of their salaries while on active service equivalent to the half of their present salaries calculated at the rate 3/- to the dollar."

THE COLONIAL TREASURER—I rise, sir, to second, as a matter of form, this motion. As the Colonial Secretary has already informed the Council, the officials do not intend to vote on this question. The Colonial Secretary has already drawn attention to the number of those who have declined the offer for various reasons, and the only point I wish to make clear is that it is not as a matter of fact the case—I do not mean to say that the Colonial Secretary said that it was—that all the married officers desire to accept the offer. Among the 197 who have absolutely declined are officers having wives and having children.

HON. C. P. CHATER—I beg, sir, to move as an amendment that the consideration of this question be postponed until the Retrenchment

Commission asked for in our memorandum dated January 12th, 1893, has been appointed and until the Council has had an opportunity of carefully considering the report of such Commission. I may preface my remarks on this subject by stating at once that the amendment which I have just proposed is the outcome of a meeting of the unofficial members at which we discussed the motion of the hon. Colonial Secretary and we came to a unanimous decision as to what we considered under the circumstances we should do in this matter. There can, we think, be no doubt that in view of the material fall in the gold value of silver some steps should be taken in regard to a revision of salaries, but we submit that the present is not a good opportunity for doing so. The motion made by the hon. Colonial Secretary by instruction of the Right Hon. the Secretary of State for the Colonies, if agreed to would entail a considerable increase in the expenditure of the Colony, and that at a time when our revenue is unable to meet it, for it will be remembered that our estimates for this year were only balanced by taking too high a rate of exchange for our sterling engagements, and if at the present moment we were to take the current rate of the day for our remittances there would be a considerable balance on the wrong side. Such being the case we feel that we are unable to increase our expenditure without having effected corresponding economies, and we now ask your Excellency for the appointment of a Retrenchment Commission, which, by taking such steps as the recommendation of the amalgamation of certain offices and the reduction of the staff in others, would so decrease our expenses as to enable us to consider the motion before us. But, sir, until that is done we are unable to in any way give our assent to any proposal entailing an increased burden expenditure on the Colony.

Hon. J. J. KESWICK—I rise, sir, to second the amendment which has been proposed by my friend opposite (Hon. C. P. Chater). In doing so I may say that every unofficial member, and I daresay the public at large, will agree with what he has said and what the hon. Colonial Secretary also has said with reference to the desirability of compensating the public servants for the loss they sustain through the depreciation in the value of silver in relation to gold. It is not, however, sir, a question of sentiment or of what we would do, but it is a question of what we can do. And we must in the first place ascertain what we can spend before we decide upon spending it. It is not very long since at this table we considered the budget for 1894. The budget for 1894 was based as regards our sterling remittances on 2/6 to the dollar. The quotation to-day is something under 2/, or let me say in round figures 20 per cent. less than it then was. One item alone, namely, the responsibility this colony has to the War Office, has greatly increased and the decline in exchange which has since taken place makes a difference of somewhere in the neighbourhood of between \$80,000

and \$85,000 on the £40,000 for which we are liable. That, sir, is a very large item and is only representative of a great many others which cannot fail to shew that the condition of our expenses measured by the present rate of exchange as compared to that at the time the budget was considered, shows a marked and very grave difference. I therefore, sir, feel that while the unofficial members have the very greatest desire to meet the public servants on this important matter it is right and proper in the first place that we should understand precisely how we stand, and the Retrenchment Commission which has been asked for, and which we hope your Excellency will soon be able to appoint, will furnish us with the information necessary to enable us to proceed to the discussion of this question. I have pleasure in seconding the amendment.

Hon. E. R. BELILIOS—It is with sincere regret I feel compelled to support the amendment just proposed. The civil servants who are suffering from shrinkage of their incomes, owing to the appreciation of gold, have my warm sympathy; but, sir, this is a common grievance, and a calamity, which affects not a section or a class but more or less every resident in the Colony. High and low, rich and poor, European or Asiatic, all experience the pinch, all are affected, directly or indirectly, by the abnormal enhancement in the value of the yellow metal. Why, therefore, should we be asked to come to the rescue of the civil service alone when no effort is made to extricate us, the majority of the sufferers, from this "slough of despond"? The better course, I think, would be for us, official and unofficial, to make common cause to bring about a cure for this currency trouble. Let us cry out, as did the Egyptians of old, when in consequence of the hardening of Pharaoh's heart the plagues came upon them until they culminated in the death of the first born throughout the land. "There was a cry throughout all the land of Egypt, such as there was none like it, nor shall be like it any more." That grand climax brought relief through the very strength of the lamentations it excited. I maintain that the climax of our financial miseries has now been reached, and it is time that all classes of the community, whether civil servants or those engaged in trade or commerce, should join to make a vigorous representation to the Imperial Government praying that measures be taken to procure an efficient remedy for the evil that has resulted from the demonetization of silver. Instead of sending out such absurd instructions—I say absurd because I hold that the revenue of the Colony, after the commitments we have made in gold, cannot stand the burden that will be cast upon it—instead, therefore, of sending such instructions as  
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tary of State should rather set to work and endeavour to induce his colleagues to hearken to the petitions and deputations that have urged and are urging the advisability of arranging this silver difficulty by international agreement. Instead of seeking, by the course proposed, to make the taxpayers of this colony the scapegoats for the folly of pursuing a gold policy in the teeth of advice and protest, I would ask his Lordship to try the only true remedy by going to the origin of the evil, to remonetise silver, and thus relieve Her Majesty's subjects in every part of the world, who are all suffering in one way or another from the effects of past financial errors.

Hon. HO KAI—I think that perhaps I am expected to say something on this important motion and the still more important amendment. It was only a few days ago that I gave a very reluctant consent to the amendment that has been brought forward to-day by the senior unofficial member and after hearing the eloquent appeal, and just appeal, of the hon. Colonial Secretary it is with more regret still that I support the amendment. I have the fullest sympathy with the public officers who suffer from the present condition of things and I wish cordially with every unofficial member that we could comply with their request not only by making the dollar 3/ but if possible to give them, as it were, what they are justly entitled to—a dollar at 4/2. But at the same time, sir, we know that we have been suffering during the last few years from depression of trade, from the want of funds in the colony, and it is a matter for our consideration whether we can carry out our engagements at all without the necessity of raising more loans. Take the case of the military contribution for an example. There we not only have an increase of £20,000 but we have to pay that increase at a very much higher rate so far as the dollar is concerned. Instead of paying as it were \$5 to the pound we are now paying something over \$10, and for that and other considerations it is impossible for us here, as guardians of the public purse, to consent—however much inclined we may be—to vote any increase. But at the same time after the Retrenchment Commission has been appointed—and I hope they will go to work as soon as they are appointed—no doubt they will be able to say that we can abolish a good many offices and amalgamate others. and in that case we can not only save money but be able to pay a larger amount of salary to those officers who render to the colony the most valuable and indispensable services. (Hear, hear). In that case their salaries might be increased by 50 or even 100 per cent., and in that case I would strongly support a proposition that the officers who are deemed most valuable should have their salaries increased even to as much as 100 per cent. For these reasons I much regret to have to support the amendment. It seems very ungrateful on our part and perhaps some of the official members would think that we are very mean—(laughter)—but still I assure them that we are not mean at all—(laughter)—and we fully sympathise with them. I would like to do the thing right handsomely if

we had the means. (Renewed laughter).

The COLONIAL SECRETARY—Sir, as I understand that the amendment will be accepted by the Government, I of course have nothing to say on the merits of the amendment. But I wish on behalf of myself and the civil servants to tender my sincere thanks to the unofficial members for the very liberal views that they have expressed, and the courteous and kind manner in which they have expressed those views in regard to the civil servants.

His EXCELLENCY—I propose to put the amendment to the vote as I should like the matter to be on record. The hon. Colonial Secretary has, I am sure, interpreted the feelings of the official members in his remarks just now, and the public servants generally will read with a great deal of pleasure the sympathetic remarks which have fallen from the unofficial members. I understand that you unanimously admit that the time has arrived when an increase of salaries paid in silver might properly be made but that you are unwilling to do so until the Retrenchment Commission has been appointed and has reported.

The amendment was then put and carried *nem. con.*, the official members abstaining from voting.

#### APPOINTMENT OF THE RETRENCHMENT COMMISSION.

His EXCELLENCY—I have been in communication with the senior unofficial member for several days with regard to the matter of an increase in salaries paid in silver, and I may say that I gathered from him what the result would be. I, thereupon, took upon myself to telegraph direct to the Secretary of State that the unofficial members would not accept his Lordship's proposal and I urged the necessity of postponement until the Retrenchment Committee had furnished their report. I also added what I have already said, that the unofficial members quite admitted that in view of the fall in exchange the time had arrived for an increase of salaries to be made. I am very glad to inform you that the Secretary of State has concurred in my suggestion and recommendation as to the appointment of a Retrenchment Commission. The names I suggested are—Mr. Justice Ackroyd (Chairman), Mr. Chater, and Mr. J. J. Keswick. I also asked that I might be allowed to appoint a prominent outsider and received sanction for the appointment of Mr. N. J. Ede. I trust the Commission will soon be at work and that it will do its work well both to the satisfaction of the Council and of the community generally. On behalf of the Government I may say that I shall give the Commission every possible facility for carrying on their investigation in the way of placing documents and records at their

service. I propose to appoint an official secretary, and I think that Mr. Sercombe Smith will be a very good man in that capacity if he can be spared from the Registrar-General's Department.

THE PO LEUNG KUK INCORPORATION (AMENDMENT) ORDINANCE.

The ATTORNEY-GENERAL—I rise to move the second reading of a bill entitled an Ordinance to amend the Po Leung Kuk Incorporation Ordinance, 1893. As the question of the incorporation of this Society has now been before the Council and the public for a very considerable length of time I think if I very briefly recapitulate a few dates the Council generally will be of opinion that the time has now arrived when this measure, which has been so long in constructing, should be finally completed and put into force. It was on April 7th, 1892, that the Po Leung Kuk Incorporation Bill was read a first time. On April 25th, 1892, His Excellency referred the Bill, which was down for second reading on that date, to a special Committee. One year elapsed and in April 1893 the reports of that Committee were sent in—one by Mr. Lockhart, Dr. Ho Kai and Mr. May, the Captain Superint'ndent of Police, unitedly, one by Mr. Chater, and one by Mr. Whitehead. On May 25th, 1893, the Bill, somewhat remodelled, was again read a first time and on June 2nd, 1893, the Bill was read a second time, and was unopposed, although one hon. member stated that it would be necessary for him to move various amendments in the Committee stage. On the same day those amendments were moved and the Bill passed through its Committee stage. On June 19th the Bill was read a third time with only one dissentient member, and His Excellency assented to the Bill on June 26th, and it was placed on the statute book as Ordinance No 10 of 1893. The very next day—June 27th—a very elaborate and able protest was addressed to the Secretary of State by one hon. member. A suspending clause was put into the Bill, there being no desire to make it come into operation until everything was fully considered, and thus the Secretary of State has had full opportunity of considering the protest that went home and the various circumstances connected with the Bill. I may add that the protest, which was dated June 27th, 1893, was sent home to the Secretary of State the very next day so that from June 28th, 1893, nearly nine months has elapsed before this amending Bill comes on for second reading. In the result the Secretary of State desired certain amendments to be made as stated in the despatch which was laid on the table. Those amendments have been incorporated in this Bill. They are twofold. In the first they provide for an appeal to the Governor in any case where either the President or any two members of the Po Leung Kuk Board desire to appeal to the Governor, there being a division of opinion in the Board of Direction. The second

of the amendments provides that the officers of the Society should regularly report to the Captain Superintendent of Police. Now it is only right that I should state that these matters were mentioned in the report which was sent in by the three members who joined in sending a united report—Mr. Lockhart, Dr. Ho Kai, and Mr. May—and if I recollect right the reason why we did not put in the Bill a provision as to reporting was that the Governor was empowered to lend officers of the police to the Society on such conditions as seemed fit to him, and the Registrar-General and myself, I believe, in settling the Bill, at that time thought that among the conditions on which officers would be lent to the society there would be inserted one that they should report in due course to the Captain Superintendent of Police. I think, if I may be permitted to say so, that these alterations are decided improvements in the Bill and they are now incorporated in it. I propose to add a clause making the Bill come into operation simultaneously with the principal Ordinance, so that they will both come in to force together. Now therefore, it is more than nine months since this Bill passed through the Committee stage, and the Po Leung Kuk Ordinance having weathered the storm which occurred in the debate on that particular occasion, and having been sent to England to have a proper survey, and the defects found having been made good, I trust that we shall make progress with the measure now, and settle it, in that calm and tranquil atmosphere which is so favourable to the accomplishment of good and effective legislative work. I am prepared to say that in my opinion the Po Leung Kuk has in the past done good and efficient work and it was unanimously agreed in all the reports sent in that the time has arrived for the Society to be incorporated. The only difference of opinion has been in the minor details, one of them especially being whether the Registrar-General should be a member of the Committee or quite outside the Society. It has been decided by the Secretary of State that he should remain. So far as I am aware there are no other points about the Bill to which I need refer, and I trust to-day that we shall be able to complete it. One hon. member on the last occasion gave notice of an amendment. I think I have the authority of His Excellency for stating that to the proposition or amendment as brought forward by the hon. member who represents the Chamber of Commerce there will be no opposition on the part of the Government. I hope not only that this Bill will be passed to-day but that it will be unanimously passed. I should think no Society, Chinese or English, has been subject to closer scrutiny than the Po Leung Kuk; and that it should have run through such an ordeal as the full enquiry that was made, and come out, as one may say, scatheless, is conclusive as to its worth. Even those

who opposed it at first have seen reason, after gaining information on the subject, to agree that it should be incorporated. I think that with these few amendments I have spoken of the Bill might pass, and I trust, as I am sure we all do, that the Society may in the future be the means of putting down more strongly than before those abuses connected with kidnapping and women and children which have been the curse of coolie emigration, and that when these excrescences and evils have been thoroughly put down by the agency of the police and this Society there will be a still brighter future for that emigration, which I consider myself, if properly regulated and managed, would be a great advantage to the Chinese who go to countries abroad and to the countries to which they go. (Applause.) I beg to move the second reading of the Bill.

The COLONIAL SECRETARY seconded.

Hon. HO KAI—I wish to say a few words in support of this Bill. I support the amendments proposed the more cordially because they are nothing but the suggestions and recommendations made by my hon. friend the Registrar-General and the Captain Superintendent of Police, (Mr. May) and myself. I wish it to be distinctly understood that the Secretary of State ordered the amendments from no suggestion or recommendation of anyone opposed to the Bill, as publicly stated elsewhere, but from the recommendations and suggestions which were contained in what is known as the major report of the Committee. I beg to refer to that report. On page 8 at the end of the last paragraph but one are these words:—"It has been suggested that if the President be outvoted on any question he should have the right of appeal to the Governor. Though the Registrar-General considers such a contingency is not likely to arise we think there can be no objection to giving the President and the Committee of the Society the right of appeal to the Governor in cases where there may be a wide difference of opinion." That was the recommendation of three of us. And then on page 10 at the middle of the second paragraph these words occur:—"We find that since the establishment of the Po Leung Kuk there has been little or no co-operation between the police and the Society in the detection of kidnapping and kindred offences. We are of opinion that such co-operation is highly desirable and should be encouraged—an opinion held by the late Captain Superintendent of Police, Major-General Gordon, and which the present Acting Captain Superintendent of Police also shares, and we recommend that the Po Leung Kuk detectives should report regularly to the Captain Superintendent of Police in the manner suggested by Mr. Francis in his draft constitution." Here then these two substantial and material alterations ordered by the Secretary of State are simply two recommendations contained in our report. I do not wish to introduce any matter for discussion at this meeting, because as the Attorney-General has very well put it we should be unanimous in passing this Ordinance incorporating such a useful Society as the Po Leung Kuk, but I think it is distinctly due to myself and the

others who signed the report with me that it should be distinctly understood that to-day in supporting this Bill we are not supporting anything which was not advocated by ourselves. It has been stated elsewhere, as you know, that this has been secured by the strong representations of another member of this Council.

The Bill was then read a second time and Council went into Committee.

Hon. T. H. WHITEHEAD—With reference to the remarks of the hon. member who so ably represents the Chinese, I would remind the Council that but for my memorial to the Secretary of State, these very important amendments would not have been introduced into this Ordinance. I still think that it is a grave mistake that the Registrar-General should be on the Board of the Society, but I willingly give my support in view of the fact that the Po Leung Kuk has in the past rendered very good service to the colony, and I hope it will continue to render such good service in the future. (Applause).

The Bill was read a third time and passed.

THE SUPREME COURT SUMMARY JURISDICTION (AMENDMENT)  
ORDINANCE.

The ATTORNEY-GENERAL—I have the honour to move the second reading of a Bill entitled an Ordinance to amend the Supreme Court Summary Jurisdiction Ordinance 1873 As I said on the previous occasion this is a sort of supplement to the amending of the Jury Ordinance which will be brought forward next. The actual result of these amendments will be as follows. At the present time there is power under the Summary Court Act that if either party, in any litigation, wishes to have a jury they can have one, and it is also added that the Court of its own motion can appoint a jury. In civil cases in England there has been a considerable increase in the instances of judges trying cases without a jury, and if neither of the parties wish it, and if the cases are within the summary jurisdiction of the Court, there is no reason why a jury should be summoned. In the second section the words "witnesses and special jurors" in Section 29 of Ordinance 14 of 1873 are changed to "and witnesses," the result of which is that whereas at present when a special jury is summoned in a summary jurisdiction case the Court has to decide how much they shall have, under this amending Ordinance they will have a fixed amount. It has sometimes been found difficult for the Court to decide how much they should have. By this alteration the remuneration of jurors will be the same in the Summary Court as in Original Jurisdiction.

The COLONIAL SECRETARY seconded,

Bill read a second time.

Council went into Committee, after which the Bill was read a third time and passed.

THE JURY CONSOLIDATION (AMENDMENT) ORDINANCE.

The ATTORNEY-GENERAL—I have the honour to move the second reading of a Bill entitled an Ordinance to amend the Jury Consolidation Ordinance 1887. This Ordinance, it is believed, will remove what has been thought to be a grievance on the part of jurors, who sometimes have been called to serve more than once, while others have not served at all, Hon. members will recollect that the jury lists are made out every year. They are made out in February and come into force for the following year on March 1st in each year. What appears at first sight to be a grievance will still remain however, namely that a man who happened to serve in January or February might by the chances of the ballot box be called on to serve again in March or April, but at least he will, after this Bill is passed, have the satisfaction of knowing that he will not have to serve again in that same year, until the whole of the jury list has been gone through. I do not wish to take up the time of hon. members, because you are already familiar with the reasons that are printed at the end of the Bill and I think that no one will have any objection at all. As regards Sections 4 and 5 they require in criminal cases that the verdict to be taken must be by a majority of at least 5 jurors to 2. In capital cases of course a unanimous verdict is required. By the Jury Ordinance hitherto the law has been that a bare majority of 4 to 3 is sufficient to procure a conviction. This matter has been thought over and I have consulted the Chief Justice on the point, and I think it will be an improvement to make the law in this colony in accordance with the law of other colonies with which I am familiar, where juries are required to have a majority of 5 to 2 in order to secure a verdict. It is seldom, as a matter of fact, that a verdict of 4 to 3 is given. I called for a return for the information of hon. members and I find that in three years there has only been one case in each year in which such a verdict was returned, so the alteration will not be very important and I think it will improve the administration of justice. With these remarks I beg to move the second reading of the Bill.

The COLONIAL SECRETARY seconded.

Bill read a second time.

Council then went into Committee.

Upon clause 3, which repealed sections 11, 22, and 23 of the principal Ordinance.

Hon. T. H. WHITEHEAD—I rise, sir, to suggest that section 29 be added to the sections which it is proposed should be repealed. It was only to-day that I heard from the Chamber of Commerce that they are in favour of a slight alteration of Section 29 of Ordinance No. 18 of 1887. They wish that \$10 a day should be paid to special jurors instead

of \$10 per case. The issues involved in civil cases do not affect the public as a rule, but more particularly affect the litigants, and litigants on occasions are rather cantankerous and insist on a special jury. If they wish for a special jury we submit that they ought to pay for it. It is not a public duty that special jurors are rendering—it is service more especially rendered to the litigants. In criminal cases of course it is a different matter; there the special jurors are rendering a public service. I submit, sir, that this is a reasonable suggestion.

His EXCELLENCY—The pay is to come out of the pockets of the litigants?

Hon. T.H. WHITEHEAD—Yes. The litigants may often be members of the Chamber of Commerce, but they consider that it is only fair and reasonable that special jurors should be paid \$10 a day instead of \$10 per case.

The ATTORNEY-GENERAL—It is a pity that there was not some communication made to me sooner than when I was coming into the room to-day. It is difficult to alter a bill in a moment, without due consideration. I am bound to point out that it must be borne in mind that even private litigation is a matter affecting the public, because you do not know who may be the litigants. Sometimes you may have a poor man sued by a rich man. The case may be a difficult one and require lengthy investigation, but it does not follow that he would be able to pay \$70 a day for special jurors. I do not think that those who recommended this are aware that in England special jurors are included with the ordinary common jury in having to attend the criminal sessions. In this colony the special juror has not to attend, in the ordinary course, at the Criminal Sessions—they have here immunity from attending, and the burden is thrown on the common juror. In England that is not the case; they have to sit cheek by jowl with the common jurors. I am not prepared on the spur of the moment to alter this Bill as it stands now. Although only required by Act to pay \$10 for each juror for a case there is often, I may say, a request for a larger remuneration and if the parties consent to pay it there is no objection to it. But to make a hard and fast rule in every case would be perhaps rather severe on the poor man. I will not take the responsibility to amend the Bill in the way proposed. After some consideration it may be possible to make further amendments if they prove necessary.

Hon. HO KAI—Would it not be possible to put the matter in the discretion of the Court? In that case it might meet the objection of the Attorney-General while at the same time the Judge could in his discretion allow the juror adequate remuneration.

The ATTORNEY-GENERAL—The objection to that would be that we have just this moment passed a Bill taking away from the judge the power to decide what remuneration s h o u l d b e g i v e n

to special jurors, and I don't think it would be a good principle to bestow it in another Ordinance. Special jurors as a rule here are men personally known to the Judge—not as at home where they are perfect strangers to him—and it is rather invidious for the Judge to be applied to at the commencement of a case for special remuneration. It is better that the application should be made, as now, at the beginning of the trial, and if the litigants are willing on both sides to increase the remuneration it can be done. It is a pity, as I said before, that more notice was not given to me of this suggested amendment.

HIS EXCELLENCY—Will you press your point, Mr. Whitehead?

HON. T. H. WHITEHEAD—It is so reasonable, I say. I do not see that the argument of the learned Attorney-General alters the circumstances of the case at all. As the Hon. Ho Kai says, the matter could be left in the discretion of the Court. It seems a very fair and very reasonable thing to do.

HIS EXCELLENCY—You move it as an amendment?

HON. T. H. WHITEHEAD—Yes.

HON. HO KAI—I second it.

HON. E. R. BELILIOS—I said before the

meeting that I would support the amendment, but since the remarks which have fallen from the learned Attorney-General I think that the Ordinance should stand as it is.

The voting on the amendment was as follows:—

FOR.	AGAINST.
Hon. T. H. Whitehead	The Attorney-General
Hon. J. J. Keswick	The Colonial Secretary
Hon. C. P. Chater	The Colonial Treasurer
Hon. Ho Kai	Hon. E. Bowdler.
	Hon. E. R. Belilios

Amendment lost.

The Bill was then read a third time and passed.

ADJOURNMENT.

HIS EXCELLENCY—Gentlemen, I have no more work to put before the Legislative Council now, or in prospect, and therefore as stated by the hon. Colonial Secretary I propose to adjourn the Council *sine die*. I may mention that the Secretary of State for the Colonies has granted my vacation leave for 54 days and I go to Japan on the 21st of March. If there is any necessity for a meeting of Council being called the officer administering the Government will do so, but I shall be back at the beginning of May and I trust that it will not be necessary for us to meet again until we consider the estimates for 1895. (Applause).