

3RD MAY, 1897.

PRESENT:—

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

His EXCELLENCY Major-General BLACK, C.B. (Officer
Commanding the Forces).

Hon. J. H. STEWART LOCKHART (Colonial Secretary).

Hon. W. M. GOODMAN (Attorney-General).

Hon. T. SERCOMBE SMITH (Colonial Treasurer).

Hon. F. A. COOPER (Director of Public Works).

Hon. F. H. MAY (Captain Superintendent of Police).

Hon. R. MURRAY RUMSEY (Harbour Master).

Hon. C. P. CHATER.

Hon. T. H. WHITEHEAD.

Hon. E. R. BELLIOS, C.M.G.

Hon. HO KAI.

Hon. WEI A YUK,

Mr. J. G. T. BUCKLE (Acting Clerk of Councils).

NEW MEMBER.

Hon. T. Sercombe Smith was sworn in on taking his
seat as Colonial Treasurer.

MINUTES.

The minutes of the previous meeting were read and
confirmed.

PAPERS.

The Colonial Secretary laid a budget of Government
papers on the table.

FINANCIAL MINUTES.

Financial minute No. 28 of 1896 and Financial minutes
Nos. 1 to 9, 1897, were referred to the Finance Committee.

THE AFFORESTATION DEPARTMENT.

The COLONIAL SECRETARY — With reference to the
statement by the Superintendent of the Afforestation
Department I have just laid on the table I beg to move—
"That the Council, having considered the statement drawn
up by the Superintendent of the Afforestation Department,
resolves that it is expedient to incur the liability proposed to
be incurred in 1899."

The COLONIAL TREASURER seconded.

Carried.

SPECIAL GAP ROCK LIGHTHOUSE DUES.

Hon. T. H. WHITEHEAD—The resolution of which I gave notice on the 14th December last reads—"That, whereas the special Gap Rock light dues were imposed for the sole purpose of raising the monies required for the construction of the said lighthouse, and the Government are pledged to their abolition as soon as the requisite amount had been raised, and whereas it appears that a sum of about \$42,000 in excess of the amount required has already been received—Resolved that in the opinion of this Council the special Gap Rock light dues should no longer be levied," With reference to this resolution certain correspondence has since been received from the Colonial Office, including the Secretary of State's Despatch, dated 17th March last. Paragraph 2 of that despatch concludes by saying—"I concur in your view that moderate dues may properly be levied in Hongkong, provided the proceeds do not in ordinary times exceed the total expenditure on the Harbour Department, including Lighthouses, Water Police, etc." and Paragraph 5 says—"Next year the charge must be reduced to such a rate as will, with the other harbour receipts, be sufficient to cover all harbour and lighthouse expenditure, &c." That correspondence and these instructions render this resolution now unnecessary and with the permission of the Council I wish to withdraw it.

His EXCELLENCY—Certainly.

Hon. T. H. WHITEHEAD—In connection with the subject I beg to give notice that at the next meeting of Council I will ask the following question:—Will the Government lay upon the table a detailed statement framed in terms of and in accordance with the instructions contained in the Secretary of State's despatch, dated 17th March, 1897, showing (1) the estimated total revenue which will be receivable from all shipping, separately under each head, during the year 1898, and (2) the estimated total expenditure which will be chargeable to all shipping, separately under each head, during the same period?

THE SANITARY MAINTENANCE OF OPIUM DIVANS.

The COLONIAL SECRETARY—I beg to bring up certain by laws made under sub-Sections 4, 12, and 13 of Section 13 of Ordinance 24 of 1887 for the cleansing, lime-whiting, and sanitary maintenance of opium smoking divans and for the prevention of overcrowding therein, and I beg to move that they be approved.

The COLONIAL TREASURER seconded.

Hon. T. H. WHITEHEAD—In reference to the question of opium divans I understand that this morning a petition was addressed to the Council by the opium farmer applying to

be heard by counsel in connection with these proposed by-laws. I have a copy of the petition in my hands. Rule No. 52 of the Standing Rules and Orders of Council reads:—"In any case where individual rights or interests of property may be peculiarly affected by any proposed Bill, all parties interested may, upon petition for that purpose, and on motion made, seconded, and carried, be heard in Council, or in Committee thereof, either in person or by counsel." I submit, Sir, that this is a case where the opium farmer should be heard by counsel before these bylaws are brought into force. A copy of the petition from the opium farmer, dated as long ago as January of this year, has been submitted to me, and the case made out by the opium farmer in that petition is, in my opinion, a very good one.

Hon. T. H. WHITEHEAD then read the petition and proceeded—I think, Sir, this is certainly a case where the opium farmer ought to be heard by his counsel and I beg to move that he be now heard.

Hon. C. P. CHATER—From the petition just read it appears that the opium farmer at all events thinks he will be injuriously affected by these by-laws, should they be passed. Without going into the question of whether or not he will be injuriously affected I am of opinion, as he says he will be affected, that he should be allowed to represent his case by counsel. I have therefore much pleasure in seconding the resolution.

The ATTORNEY -GENERAL—I would like in the first place to point out that I am not aware of any power under the Standing Orders for counsel to be heard as suggested by the hon. member. The hon. member, when he read the Standing Order No. 52, did not seem to quite appreciate the wording of it. The words are "In any case where individual rights or interests of property may be affected by any proposed Bill," etc.; that is to say, any Ordinance brought forward which may prejudicially affect property. I have yet to learn that counsel have been heard in this Legislative Council when by-laws were being brought forward for approval. Bills are not by-laws and there is nothing in the Standing Orders to give any such power. It seems to me that the petition will speak for itself, and I do not know that even if counsel were more could be said upon the subject. For heard some time past it has been discovered— at all events during the past year the matter has been prominently brought to the attention of the Government—that the opium divans were greatly overcrowded at night and that they therefore formed an excellent place for the propagation of disease. It is desirable in the interests of the people in this colony to stop the propagation of disease and the Government is now doing all in its power

to stop such propagation. The Sanitary Board called attention to the state of these divans, but it is not proposed to put into force any new power, but powers which have been in force for nearly ten years. These powers are under Ordinance 24 of 1887—the Public Health Ordinance—and Section 13 provides that the Sanitary Board shall have power to make by-laws for the sanitary maintenance of common lodging houses, opium smoking divans, factories, &c. It will be fresh within the members' recollection that difficulties arose about the common lodging houses — difficulties which have now been surmounted. We were told that there were insuperable objections, but all those terrors are passed. Common lodging houses are now properly conducted and what is now required is that smoking divans should conform to the ordinary principles of health and that they should not form centres for the propagation of disease in the colony. It may be thought that the Government was acting hardly with the opium farmer and oppressing him, but the by-laws were roughly drafted, and on the 22nd October, 1896, the opium farmer having been furnished with a copy, presented his petition, embodying his objections and asking that those by-laws should not be enforced. Considerable care was then taken and they were thoroughly revised before being brought before the Legislative Council and another edition was made; indeed there were three editions, and the third edition eliminated all the things that could be eliminated or reasonably be found fault with and that would press hardly on the opium farmer. The by-laws as they stand at present were sent to the opium farmer, with the following letter dated 31st March, 1897, to his solicitors, Messrs. Deacon and Hastings: — "Gentlemen, — I am directed to acknowledge the receipt of your letter of the 29th January forwarding a petition from the Man Fook Company on the subject of certain by-laws made by the Sanitary Board on the 21st December with regard to opium smoking divans. In reply I am to inform you that your clients' petition has been carefully considered and the by-laws have been revised with a view to prevent the infliction of any apparent hardship upon your clients, but that it is necessary to consider the public health, and the granting of the Opium Farm in no way implied that the Sanitary Board should be precluded from making by-laws in pursuance of the powers conferred upon it under the Public Health Ordinance of 1887, which was in force when that contract was made. I enclose for your clients' information a copy of the most recently made by-laws which will be submitted for the approval of the Legislative Council when it next meets.—I have the honour to be, &c., J. H. Stewart Lockhart, Colonial Secretary." This is not any new law which we are putting in force. The opium farmer knew, or ought to have known, when he made his contract that the Sanitary Board could make such by-laws. Precisely the

same argument might be used by any Crown tenant. He might just as well say, "When I made my contract there was nothing to prevent me from building my houses as I liked or overcrowding them and thereby getting extra rent. Since that time they have introduced new laws and consequently I shall refuse to pay my Crown rent." I defy any hon. member to find any fault with the analogy. The contract was made with the Government, the opium farmer seems to have taken a good deal of licence, and he knew the Sanitary Board could stop some of that licence. Every Crown tenant must submit to the law and so must the opium farmer. If he has been making extra profits all this time unknown to the Government—the Government began to find it out last year—by overcrowding and conducting these places in a most insanitary manner he must have been making improper gain. The by-law he specially objected to has been eliminated and the only one he can now possibly make any objection against is the present by-law 3, which says that a keeper of an opium smoking divan shall not permit his premises to be overcrowded between the hours of midnight and 5 a.m. Coolies use these places to sleep in and if they went next door, which may be a common lodging house, no more than a certain number would be permitted. The common lodging house people have now seen the advantage to the public health of the by-laws against which they formerly kicked. There is nothing objectionable in these by-laws and the opium farmer will find that he will lose nothing at all by them. If he does it is simply because he has been making money by overcrowding to the detriment of health.

Hon. T. H. WHITEHEAD—With reference to the quibble raised by the learned Attorney-General that these by-laws are not a Bill. I submit they are the operative part of Ordinance 24 of 1887. Without the sanction of this Council these by-laws cannot be passed. The law is being altered in a material way and the proposed alteration may very seriously prejudice the opium farmer's interests. Section 15 of the Public Health Ordinance 24 of 1887 reads, "All by-laws made by the Board, when approved, shall have the same force and be equally valid as if they had been contained in this Ordinance." I submit, Sir, this is a most important part of the Bill; this is the operative part of the Bill and without the sanction of this Council the position of the opium farmer cannot be altered. The learned Attorney-General referred to counsel not being able to place before this Council any new matter, facts, or argument, but I think that the learned member must have forgotten that the unofficial members of this Council are unaware of the conditions

of the grant from the Government to the opium farmer, and before we are asked to pass these by-laws it is desirable that we should know what the terms and conditions of the grant really are.

The ATTORNEY -GENERAL—I should like, in reply, to say a word or two. The hon. member spoke of a quibble. I think it is my duty as Attorney-General to point out the distinction between by-laws and a Bill. I understand the hon. member said a by-law is a Bill.

Hon. T. H. WHITEHEAD—I submit that the by-laws now before us are the operative part of Ordinance 24 of 1887, and these new by-laws cannot be brought into force until they have received the sanction of this Council.

Hon. C. P. CHATER—I beg to second the resolution of my hon friend.

The resolution proposed by the Hon. T. H. Whitehead was then put and lost. All the unofficial members voted for it and the officials against.

The by-laws were then passed.

ADDITIONAL BAKEHOUSE BY-LAWS.

The COLONIAL SECRETARY moved that additional bakehouse by-laws made by the Sanitary Board as amended be passed.

Hon. T. H. WHITEHEAD—These by-laws came into my hands only at six o'clock on Thursday night. During the two working days which have since elapsed it has been impossible for me to go into the merits of the by-laws, and whether the interests of those concerned are adversely affected I cannot say. The by-laws appear to have been passed by the Sanitary Board last December and it is indeed passing strange that the Government could not have given us an opportunity of consulting those whom we represent. We might at least have had two or three weeks or a month—reasonable time—to consider these by-laws.

The COLONIAL SECRETARY—The by-laws were discussed at the public meetings of the Sanitary Board and if the hon. member had been anxious to ascertain the views of the owners of bakehouses he could easily have taken action before this.

Hon. T. H. WHITEHEAD—I submit that we should have had the papers sent to us at least a month before they are brought forward for the consideration of the Council. I am not in a position to vote that these by-laws be approved; I shall vote against them on principle.

Hon. E. R. BELLIOS—Would it not be expedient to postpone the discussion on the by-laws for a fortnight?

Hon. C. P. CHATER—I may mention, Sir, with regard to the by-laws which are to follow these, that I have been requested by my unofficial colleagues to ask for the postponement of the passing of them for a fortnight, and perhaps the whole question might be settled at one time. As

the hon. member has just pointed out, they were received by the unofficial members late on Thursday afternoon and they are of opinion that they have not had the opportunity of considering them carefully. To facilitate matters perhaps you may consent to postpone the whole of them now.

The COLONIAL SECRETARY—I think the hon. member will be more in order if he brings forward that resolution when the by-laws to which he refers all brought forward for approval.

The ATTORNEY -GENERAL—There are only four or five by-laws and they cover only about two inches of printed matter; it would not take two or three days to read that.

Hon. T. H. WHITEHEAD—It is not a question of reading. I submit we should have an opportunity of consulting those whom we represent and those whose interests will be effected.

A vote was then taken, Hon. Dr. Ho Kai and Hon. C. P. Chater and the official members voted in favour of the by-laws being passed; the remainder of the unofficial members voted against them.

INSANITARY DWELLINGS.

The COLONIAL SECRETARY—I beg to move that the by-laws made under section 93 of Ordinance 15 of 1894 be approved by this Council.

The COLONIAL TREASURER seconded.

Hon. C. P. CHATER—On behalf of the unofficial members I would like to ask your Excellency if you could postpone the consideration of these by-laws to a future occasion, say a fortnight. The reasons for asking for a postponement are that they were only in the possession of the unofficial members on Thursday afternoon and there has been no time to consider them carefully. These by-laws are not, like the last ones, only a few lines in length, but they are contained in several sheets and they affect property perhaps very seriously, and, secondly, they are of far more importance than those we have just passed.

Hon. Ho Kai—I beg to support the motion made by the hon. the senior unofficial member. These by-laws affect the interests of the Chinese very seriously, and I for one should like very much to have the by-laws translated and to consult the Chinese respecting them. I think it is only fair we should consider them, whether they are right or wrong from a sanitary point of view, before they are passed. As the senior unofficial member pointed out, they are of great length and so far as the unofficial members are concerned they have had no opportunity of consulting their constituents. For those reasons I second the resolution.

Hon. T. H. WHITEHEAD—I rise to support what has been said. I think the request for time to consider these important by-laws is only fair and reasonable, and it would be unreasonable for the Government to pass these by-laws through the Council at this sitting,

as the unofficial members have not had the necessary time to consider them or to consult with those whom they represent. Why we have not had an opportunity of having these by-laws several weeks or at least a month ago I do not understand, but I think our request for time is a reasonable one and I hope that the Government will not refuse it. If the Government do refuse I submit, Sir, that the mode of procedure now proposed by the Colonial Secretary, and the proposal to pass these by-laws to-day must tend to bring the proceedings of this Council into the neighbourhood of a farce. To vote important by-laws such as these which have come into our hands only two clear days before the meeting of Council is what I am not prepared to do. They may be the right thing, but we cannot take it for granted; at all events, I cannot take it for granted, and I submit that the public and those whose interests are affected have a right to be heard. I also submit that it would be unreasonable of Government to now force them through the Council.

The DIRECTOR OF PUBLIC WORKS—I think the position which has just been taken has arisen somewhat through a misunderstanding. There is very little new matter in the by-laws before the Council to-day and with your permission I will briefly point out the difference between the by-laws we are now asked to approve and those which were approved on the 4th April, 1895. By-law No. 2 is apparently new, but on reference to Section 4, sub-Section A of Ordinance 15, 1894, it will be seen that the ground surface referred to in this by-law must be concreted to the satisfaction of the Sanitary Board. The Sanitary Board, in revising these by-laws, thought it expedient to elaborate it so as to show clearly to those concerned what were the requirements in order that there should be no mistake about such work. By-law 3 is exactly the same as the existing by-law No. 2. By-law 4 is practically the same as by-law 3 with the addition as to concreting of floors, a practice which I may mention is generally adopted by persons constructing such buildings. By-law 5 is an extension of the existing by-law and refers to streets on which buildings abut. It has been found impossible to secure even light and ventilation in this colony if obstructions can be caused by these private lanes, which are in the majority of cases extremely narrow and which are in most instances seriously obstructed and form the only access to these buildings, unless the Board has power to prevent unnecessary obstructions to these lanes, although the backs of the buildings do not abut thereon. By-law 6 is practically the same as existing by-law No. 5, areas being substituted for width of back yard. By-law 7 is the same as by-law 6. By-law 8 is the same as No. 7. By-law 9 is the same as No. 8. By-law 10 is the same as No. 9. except that 8 a.m. has been substituted instead of 5 a.m. That is to say, that no

officer of the Sanitary Board shall, between the hours of midnight and 8 o'clock the following morning, enter any domestic dwelling. In the old by-law the hours were between 12 and 5. This is a concession to the Chinese and the public generally in the colony which it is not considered will be detrimental to the work of the Board. By-law 11 is the same as by-law 10, except that 8 o'clock a.m. is substituted instead of 10 a.m. Hon. members are no doubt aware that an officer performing duties of inspection in this colony is about the streets before 10 o'clock in the morning and it is an extremely inconvenient arrangement that he should have to pay a return visit to a house for the purpose of inspection, and it was thought that the substitution of 8 a.m. instead of 10 a.m. would not, under the existing conditions in this colony, bear hardly on the occupants. The latter part of by-law 11 has been inserted; it is practically Section 53 of Ordinance 24 of 1887 and is according to the custom that has been in force in this colony for some time. Under Section 53 of Ordinance 24 of 1887, I may mention, no notice is required. Here it is proposed to give notice. By-law 12 is practically the same as existing by-law 11, only a little less stringent, as it permits of the windows being closed when the weather is inclement. By-law 13 is practically the same as by-law 12, with the addition of the word "householder." On reference to the definition of occupier and householder it will be seen that where only the occupier is responsible it will be very easy indeed for such occupier to evade the law, and it is extremely difficult, when a nuisance is found to exist, to find the person against whom action can be taken. The addition of the word "householder" gives power to take action against the person in charge of the house at the time and who is responsible for the property. The same remark applies to by-law 14. The first part of by-law 15 is the same as existing by-law 15. The second part is new. That has been inserted with a view to providing or securing that premises should not be occupied as a domestic dwelling unless there is proper ventilation and light. The third part of by-law 16 is the same as existing by-law 16, and the fourth part is also the same. The fifth part is new. The fifth part has reference to the area that it is necessary to provide at the back of any basement between the wall and the ground, and I venture to think that no hon. member of this Council would for one moment think that in providing an area for light and ventilation it was intended that it should be obstructed and afterwards blocked up. It is absurd to think that an area should be provided for light and ventilation and that at the same time we should give permission to block it up. That portion can

hardly be considered as new. By-law 16 is the same as the existing by-law 15, except that it prevents the obstruction of streets. An addition has now been made to prevent the obstruction of streets, it having been found that persons evaded the spirit of the law because we were unable, owing to the letter of it, to compel people to keep the streets clear; and the length of 30 feet for a room is new. The Board considered that a room of greater length than 30 feet is too long. The next portion is the same as by-law 15 unless lighted and ventilated from the back. By-law 17 is the same as existing by-law 28 and the latter part is the same as by-law 29. By-law 18 is the same as existing by-law 19 except the last portion of it, which provides for the detention of persons in an infected house until they can be removed under proper supervision. That has been the practice, which has been approved by the members of this Council, but at present the Sanitary Board is advised that it had no power to make such an order. By-law 19 is practically the same as existing by-law 20, By-law 20 is the same as by-law 21 with a further explanation, By-law 21 is the same as existing by-law 23, By-law 22 is the same as existing by-law 24, and by-law 23 is the same as existing by-law 25, By-law 24 is the same as by-law 27, and by-law 25 is the same as by-law 26, except the last two paragraphs, which are new. The first of the two paragraphs provides that infected premises shall not be re-occupied except under a certificate of the Sanitary Board, and the latter part provides that the Board shall erect matsheds or hire buildings, &c. I think there can be no doubt about the desirability of such provisions as these, By-law 26 is practically the same as existing by-law 22, The latter part is new, but I would ask hon. members to compare this by-law with by-law 22 and I would ask them to consider the circumstances under which by-law 22 came before this Council in 1895, and I cannot help thinking that this Council will approve of the Sanitary Board, by its officers, entering premises during the existence of an epidemic in this colony in order to thoroughly cleanse and disinfect them. I think that hon. members will agree that unless illegal cocklofts, mezzanine floors, &c., can be removed and light and ventilation restored other measures would be no good at all. (Hear, hear.) The report of the Medical Officer of Health concerning the outbreak of plague in 1896 conclusively proves that if the cleansing and disinfection of premises is to be carried out successfully the Board must of necessity have this power. I refer particularly to the following paragraph, which with your Excellency's permission I will read—"The exceptionally large number of "repeat" cases which occurred in No. 2 Health District affords a remarkable justification, from the sanitary point of view, of the action taken by the Sanitary Board in demolishing cubicles and cocklofts with a view to the admission of light and air to the dwellings. The eastern district of the city was

declared affected by the epidemic on 2nd April, 1896, and during that month a general cleansing of the houses was carried out, but owing to some misinterpretation of my instructions, no demolition of cocklofts or cubicles occurred. The disease continued unabated in the district, and I accordingly issued instructions during the first week of May that the whole district should be again cleansed, and that all dirty woodwork and obstructions to windows must be removed; as a result of this second and more thorough cleansing, disinfection, and aeration of the dwellings, no "repeat" case occurred in any house infected later than 5th May, although the disease lingered on in the district until September." I know a great deal was heard about the exercise of this power during last year, but I think the agitation was limited to a very few. I do not for one moment wish to refer to the cases which were heard at the Supreme Court, but to what has been referred to on a previous occasion by the hon. member representing the Chamber of Commerce, who said the Sanitary Board was holding itself up to ridicule, He afterwards withdrew a resolution which he proposed, but I regret to say he did not withdraw his speech. The intention of this by-law is to give the Sanitary Board officers the necessary power, but not as some suppose, to place them outside the pale of the law. There is no doubt that at times cases occur in which zeal may outrun discretion, and of course these cases have to be considered and if any damage is done the Sanitary Board will do their utmost to make it good. I have now gone through the by-laws, but I should like to refer to papers which have also been before this Council. During the epidemic of 1894, on the 11th May, this Council approved of by-law 6, which reads—"If the premises so visited or any part thereof shall be found in a dirty or insanitary condition in the opinion of the officer making such visitation, he shall forthwith take steps to have the same thoroughly cleaned out and disinfected, &c." I lay special stress on the word "forthwith," because it is recognised now that any steps taken on the occurrence of plague must be prompt. If parties are going to insist on receiving 24 or 48 hours' notice before steps can be taken the Board had better no longer exist, so far as trying to prevent the spread of plague is concerned. On 6th May, 1895, I had the honour of addressing the Colonial Secretary a letter on the steps taken to deal with the outbreak of plague that occurred in that year. The letter set forth the steps taken by the Sanitary Board and also enclosed a report from Mr. Crow showing how the additional staff granted by the Government for the purpose had been disposed of and it included everything which we

now aspire to do and which the Sanitary Board, until the opinion of the Attorney-General was obtained, was of opinion it had power to do. To that report the senior unofficial member now in Council wrote the following minute:— "On behalf of my unofficial colleagues, amongst whom these papers have been circulated, I wish to express our appreciation of the prompt and vigorous measures taken to combat a possible invasion of the plague. As the colony in general seems to be unaware of what precautions have been adopted, we would suggest that they be communicated to the local press, as also any further steps that may from time to time be taken, so that the community may be assured that everything possible is being done to avert danger of a recurrence of the disease." On the 21st October, 1895, a further report from Captain Hastings and Mr. Crow, who had charge of the inspection and disinfection of the dwellings in the colony, was laid on this table, and in that report the following sentence occurs—"The experience of this year would seem to demonstrate that the disease was nipped in the bud and an epidemic averted by the prompt removal and segregation of the inmates and the disinfection and cleansing of the infected premises. The drastic measure it was deemed necessary to adopt were fully justified by the nature of and the circumstances attending the outbreak." That was laid on the table in October, 1895, and up to this date no hon. member has expressed disapproval of the steps taken in that year. On the 6th April, 1896, when this colony was again threatened with an epidemic of plague, I addressed a letter to your Excellency on behalf of the Sanitary Board, pointing out the necessary steps that should be taken, and amongst others were the cleansing and disinfecting of infected premises, and the general cleansing and limewashing of all tenement houses, and your Excellency granted the staff asked for by the Sanitary Board and from that time not a word of dissent was raised by any hon. member of this Council. I think, therefore, we are justified in assuming that, though in one or two instances mistakes may have been made—but in these cases persons have been recompensed where material was destroyed—the whole of the members of this Council have been fully aware for the last two years at least that the Sanitary Board have been combatting with the plague in a manner proposed to be now legalised by these by-laws, and, further, on several occasions they have expressed their approval of the work that has been done, and I do not think under these circumstances it can be said that the by-laws come before them in an entirely new form. The Sanitary Board has brought these by-laws forward now because it is evident that the plague exists in the immediate neighbourhood of this colony, and the Sanitary Board asks for the early passing of these by-laws so as to enable it to grapple with the disease immediately on its occurrence. And I must say

that, personally, I consider any postponement of these by-laws will practically render useless any steps that the Board may take to deal with even two or three cases of plague that may occur in this colony any day. We have reliable information that the plague has broken out in Swatow, Formosa, the West River, and Macao, but I am glad to say that no cases have been reported in this colony so far. The Sanitary Board has made preparations, subject to the passing of these by-laws, for the immediate grappling with any cases that may occur. I may mention that from the literature which has been recently published in scientific papers concerning the plague in Bombay, the general opinion would thoroughly endorse what I wish to state on behalf of the Sanitary Board, namely, the absolute necessity for the Board being empowered to enforce the provisions of these by-laws, and therefore I hope that members will withdraw their opposition to the immediate passing of the by-laws.

His EXCELLENCY — You all know perfectly well, gentlemen, that I am not desirous of pushing anything through this Council by means of what is called "the official phalanx." The only object we have in view in regard to these by-laws is the improvement of the sanitary condition of the colony, and after the very full statement which we have heard from the Director of Public Works, who will be leaving the colony next week, I should have been very pleased for these by-laws to pass to-day. On the other hand, I think the unofficial members have a very reasonable objection to pass them, as they cannot be absolutely aware of their contents. I therefore do not object, although I do not like to take the responsibility, to postponing this matter for a week only. At the same time, with reference to what Dr. Ho Kai has said, that they would certainly affect the Chinese inhabitants, I beg to inform the Hon. Wei A Yuk and Hon. Ho Kai that the measures proposed and which are referred to in these by-laws must be carried out, and the compulsory visits especially must be put into force. I will promise that this shall only be done by officers of standing who will give satisfaction to the community. (Applause.) I must again say that we shall have to bring forward these by-laws and make any amendment if necessary on Monday next, and we must pass them then. I cannot take the responsibility, with the plague in the neighbourhood of this colony, of postponing all this necessary work for a further period. (Applause.)

Hon. T. H. WHITEHEAD—Will you not give us a fortnight? If the plague should unfortunately come in our midst I am perfectly certain that every unofficial member will attend an emergency meeting to pass the requisite by-

laws in order to grapple with the plague. These by-laws require time for consideration and I think that under those circumstances your Excellency might give us a fortnight.

His EXCELLENCY—I consider that prevention is better than cure, Mr. Whitehead, and I cannot give you longer than a week.

The consideration of the by-laws was then postponed for a week.

FIRST READINGS OF BILLS.

The following Bills were, on the motion of the Attorney-General, seconded by the Colonial Secretary, read the first time:—

A Bill entitled an Ordinance to amend The Vaccination Ordinance, 1890.

A Bill entitled an Ordinance to enable the Government to provide suitable latrine accommodation for the public.

A Bill entitled an Ordinance to amend the law as to Flogging.

A Bill entitled an Ordinance to amend the regulation of Chinese Ordinance, 1888.

A Bill entitled an Ordinance to provide for the punishment of stowaways arriving in this colony.

A Bill entitled an Ordinance to consolidate and amend the laws relating to the protection of women and girls.

BILLS PASSED.

The following Bills were read the third time and passed:

A Bill entitled an Ordinance to further amend the Medical Registration Ordinance, 1884.

A Bill entitled an Ordinance to declare and amend the law of partnership.

A Bill entitled an Ordinance to consolidate and amend the laws relating to probates and letters of administration in this colony.

ADJOURNMENT.

The Council then adjourned until next Monday.

FINANCE COMMITTEE.

A meeting of the Finance Committee was then held. Hon. J. H. Stewart Lockhart presided and all the members were present.

MINUTES.

The minutes of the previous meeting were read and confirmed.

VOTES RECOMMENDED.

The following votes were recommended:—

A sum of \$959.50 for expenses incurred in connection with the quarantine of the steamer *Cheang Hok Kian*.

A sum of \$4,488 to meet the following expenses during the current year:— Personal Emoluments—Assistant Surgeon, Medical Department, \$2,400.00, Resident Surgeon, Tung Wa Hospital, 1,800.00, Messenger, 72.00. Other Charges—For conveyance, 216.00. Total, \$4,488.00.

The CHAIRMAN explained that this vote was the outcome of the recommendations made by the Commission appointed by His Excellency the Governor to enquire into the working of the Tung Wa Hospital.

A sum of \$1,200, being increase to the salaries of the undermentioned officers for the current year:—Mr. W. Chatham, Executive Engineer, Public Works Department, \$600.00, Mr. H. P. Tooker, Executive Engineer, Public Works, Department, \$600.00. Total, \$1,200.00.

The CHAIRMAN explained, in reference to this vote, that it was considered the officers named were worthy of an increase of salary and the Secretary of State for the Colonies approved of the recommendation.

Hon. T. H. WHITEHEAD thereupon uttered a somewhat doubtful "Hear, hear."

The CHAIRMAN—I am glad to hear the approval of the hon. member elected by the Chamber of Commerce.

A sum of \$28,612.32, being the unexpended balances on the following votes for 1896 for Extraordinary Public Works:—Slaughter-house, pig and sheep depots, including pier, \$8,471.16; raising Praya wall, Shektongsui, opposite M. L. 126 and 177-183, \$5,000.00; improvement of street lighting, \$8,872.65; storm water drain, Wing Fuk Street, \$3,943.51; Salisbury Road, Kowloon, \$2,325.00. Total, \$28,612.32.

A sum of \$2,424.93, being the unexpended balance under the vote "Isolation Hospital 1896."

A sum of \$550.00, to cover the salary and allowances of the newly appointed student interpreter from 1st March to 31st December, 1897.

A sum of \$600, in aid of the vote "Maintenance of Juvenile Offenders in the Reformatory."

A sum of \$200, in aid of the vote "Isolation Hospital."

A sum of \$6,000, for repairs to roads outside the City of Victoria.

The CHAIRMAN said this was a sum he felt sure the Committee would gladly recommend as they would agree that the present condition of the roads was exceedingly satisfactory.

Hon. T. H. WHITEHEAD—Hear, hear.

The CHAIRMAN—I am glad to hear that Mr. Whitehead approves.

Hon. T. H. WHITEHEAD—I do not approve. Recently I have been over several roads and they are certainly far from being in a satisfactory state.

The CAPTAIN SUPERINTENDENT OF POLICE thought the roads were in good condition.

The CHAIRMAN—The Captain Superintendent of Police and Mr. Whitehead must have been travelling over different roads.

Hon. T. H. WHITEHEAD asked if it was not possible to have made a nearer estimate;

the amount was very large and wide of the estimate.

The DIRECTOR OF PUBLIC WORKS—The roads have been considerably improved lately and a good many outstanding liabilities at the end of last year have been paid out of this year's vote.

Hon. T. H. WHITEHEAD—The answer is satisfactory, but I did not wish to be misrepresented by the Chairman.

The CHAIRMAN—I beg your pardon, there was no desire to misrepresent your views, which do not coincide with those of the Captain Superintendent of Police.

The last vote was a sum of \$3,438.76, to meet expenses in connection with the Kennedytown Hospital during the months of January, February, March, and April, 1897.

ADJOURNMENT.

The Committee then adjourned.
