

17TH SEPTEMBER, 1909.

**PRESENT:—**

HIS EXCELLENCY THE GOVERNOR, SIR  
FREDERICK JOHN DEALTRY LUGARD,  
K.C.M.G., C.B., D.S.O.

H. E. COLONEL C. H. DARLING,  
(General Officer Commanding).

HON. MR. A. M. THOMSON (Colonial  
Secretary).

HON. Sir H. S. BERKELEY, K. C.  
(Attorney-General).

HON. Mr. C. McI. MESSER (Colonial  
Treasurer).

HON. MR. P. N. H. JONES (Director of  
Public Works).

HON. MR. A. W. BREWIN (Registrar-  
General).

HON. MR. F. J. BADELEY (Capt.  
Superintendent of Police).

HON. Dr. HO KAI, M.B., C.M., C.M.G.

HON. MR. W. J. GRESSON.

Hon. Mr. E. OSBORNE.

HON. MR. E. A. HEWETT.

Hon. Mr. MURRAY STEWART.

Hon. Mr. WEI YUK, C.M.G.

MR. C. CLEMENTI (Clerk of Councils).

**Minutes**

The minutes of the last meeting were read  
and confirmed.

**The Liquors Ordinance**

The Council went into Committee for the  
further consideration of the Ordinance to  
provide for the collection of duties upon  
intoxicating liquors.

THE ATTORNEY-GENERAL proposed that  
clause 3, with regard to duty, be recommitted.  
When the Council sat the previous day they  
had under consideration an alternative scheme  
of duties submitted by the unofficial members.

THE COLONIAL SECRETARY seconded,

and the motion was agreed to.

The scale was as follows:

|   | Per Gallon |
|---|------------|
| Brandy and liqueurs .....   | \$3.00     |
| Whisky .....  | 2.40       |
| Gin, Rum, & other Spirituous liquors ...  | 1.20       |
| Champagne .....   | 2.40       |
| All other sparkling wines .....   | 1.80       |
| Port, Sherry, Madeira .....   | 1.80       |
| Other still wines in bottles .....  | 1.20       |
| Other still wines in wood .....   | 0.60       |
| All other intoxicating liquors, excepting<br>Spirits of Wine, and native wines and<br>spirits ..... | 0.24       |
| On all native wines and spirits, other<br>than Arrack .....   | 0.15       |
| Spirits of Wine and Arrack .....  | 3.00       |

THE ATTORNEY-GENERAL proposed that  
in the scale submitted by the unofficial  
members the words "On all native wines and  
spirits other than arrack, 15 cents per gallon"  
should be deleted and the following  
substituted:—

**Per gallon**

- (a) on all native wines and spirits  
containing under 20 per cent.  
of pure alcohol by weight ..... 15 cents
- (b) on all native wines and spirits  
containing over 20 per cent.  
and under 40 per cent. pure  
alcohol by weight ..... 40 cents
- (c) on all native wines and spirits  
containing over 40 per cent. of  
pure alcohol by weight ..... \$1.20

THE ATTORNEY-GENERAL also  
suggested that they should strike out "whisky  
in wood" and "whisky in bottle," leaving  
whisky as it was proposed by the unofficial  
members.

HON. MR. OSBORNE — You make no  
difference?

THE ATTORNEY-GENERAL—We accept  
the amendment of the unofficial members with  
slight alterations.

HON. MR. BADELEY—The wording wants to be altered a little. You say under 20 per cent. and over 20 per cent?

THE ATTORNEY-GENERAL—Make it 20 per cent. and over.

HIS EXCELLENCY—The proposal is to accept the scale exactly as submitted by the unofficial members except for the present amendment regarding native wines and spirits.

This was agreed to, as also the consequential alteration in the definition.

Part II. was then considered.

On clause 18 HIS EXCELLENCY said it was proposed to reduce the fee for a licensed warehouse to \$250, as a fee of \$1,000 or even \$500 would fall heavily on the Chinese, of whom there were a very large number who did a small import and export trade.

HON. DR. HO KAI—I suppose any two firms can join together and have one warehouse?

HIS EXCELLENCY—A dozen firms can join together if they like.

HON. DR. HO KAI—Under the same licence fee of \$250?

HIS EXCELLENCY — There is nothing against any number of firms joining together.

HON. MR. OSBORNE—But the licence will be granted only to the one firm?

HIS EXCELLENCY—The licensee will be responsible for any goods stored in his warehouse. The licence will be issued to one man only.

HON. MR. HEWETT—And if he allows his friends to use his godown, the Government does not interfere?

THE ATTORNEY-GENERAL — He can store as much as his warehouse will hold.

HON. MR. OSBORNE—There is nothing in the Ordinance to say that a licensee must be one firm.

HIS EXCELLENCY—But one man will be

the responsible licensee. The Government will not object to his allowing other people to put liquor in his godown.

THE ATTORNEY-GENERAL—I propose to add to the end of sub-section 2, "but no fee shall be charged for licences granted the naval and military authorities for naval and military purposes."

HON. MR. HEWETT—We are giving them a bonded warehouse free of charge.

THE ATTORNEY-GENERAL—Yes.

HON. MR. OSBORNE—But the naval and military authorities might allow private stores to be placed in their warehouse.

HIS EXCELLENCY stated that the warehouse was only for liquor which was the property of the Admiralty or War Department.

HON. MR. OSBORNE — Then it is not intended to store private goods there?

HIS EXCELLENCY—No, but I do not think the amendment is expressed very well. You cannot use intoxicating liquor for purely naval and military purposes. (Laughter.)

HON. MR. HEWETT—Is it necessary to explain in the Bill who the naval and military authorities are?

THE ATTORNEY-GENERAL—No.

On clause 19,

HON. MR. OSBORNE asked — On the question of samples, will the King's keeper be protected from claims under this Ordinance?

HIS EXCELLENCY — Samples will be taken by the Government Analyst for purposes of analysis.

HON. MR. OSBORNE—If the Government Analyst comes along to take samples, and has to open a cask, and afterwards the owner of the cask says the contents are spoiled through that opening?

THE ATTORNEY-GENERAL—The keeper would be protected, because he would be doing what the Ordinance required him to do.

HON. MR. HEWETT—It is invariably done at Home.

Hon. MR. GRESSON—Does "keeper" mean excise officer?

THE ATTORNEY-GENERAL — No. The keeper of a warehouse.

HON. MR. OSBORNE pointed out that another clause provided for the keeping of warehouse books in English, and asked if the regulation applied to the licensed warehouses of the Chinese.

HON. DR. HO KAI—I think it should be "in English or Chinese."

THE ATTORNEY-GENERAL—The King's warehouse books must be kept in English.

HON. MR. HEWETT — The King's warehouse books clearly ought to be kept in English.

HON. MR. OSBORNE—They cannot be kept in anything else.

The Committee decided to delete the words "in English" from the clause, the words "proper books" being sufficient.

Sub-section (3) Clause 21 was struck out.

The whole of Clause 25 referring to medicated wines was omitted. His Excellency pointed out that if they were medicated so as to be unfit for use as a beverage they would be included under the definition of "denatured spirits," and would therefore not be dutiable as intoxicating liquors. If, on the other hand, they were consumed as a beverage they would be dutiable. Any particular case would be considered on its merits, and under a new clause which it was proposed to insert at the end of the Bill the Government would have power to grant exemptions.

On Part IV.,

HON. MR. HEWETT said there were certain medicated wines which were distinctly medicines and not intoxicating liquor. Would it be necessary to specify that the Governor-in-Council would grant exemptions to them?

THE ATTORNEY-GENERAL replied that they were going to give general powers in the regulations to make exemptions.

On Part V.,

HON. MR. OSBORNE suggested that sub-section (3) of Clause 26, which compels every licence-holder to exhibit his licence was unnecessary and vexatious. His Excellency agreed to delete the sub-section, remarking that it did not properly belong to this Bill, but to the Liquor Licence Ordinance.

On Part VI.,

HON. MR. OSBORNE suggested that in clause 28 sub-section (5), providing that every revenue officer, when acting against any person, shall on demand declare his office and produce his badge of office, the words "on demand" be omitted.

HON. MR. STEWART said there were complaints as to the manner in which the Opium Farmer's officers went on board ships and searched people without displaying any badge at all.

THE ATTORNEY-GENERAL replied that the revenue officer must show his authority.

HON. MR. STEWART thought it would be better if he wore his badge.

It was decided that the clause should stand with the words "on demand" deleted.

HIS EXCELLENCY said that he proposed to omit Clause 30 entirely. This clause provided for the creation of "Examination Stations," and was in reality intended solely as a convenience to the public, who in case baggage had to be searched could have it done on the spot, instead of going some distance to a Police Station as laid down in the next clause. It had, however, a certain Customs' House flavour about it, and might be misunderstood—as was apparent from the speech of the hon. member at the end of the table (Hon. Mr. M. Stewart). He had therefore no objection at all to omitting it.

On the clause providing for the search of baggage and goods (Clause 31),

THE ATTORNEY-GENERAL proposed to insert that, after the words "every person landing from any ship or entering the Colony by land," there should be added the words "accompanied by any goods or baggage."

HON. MR. HEWETT—Does that mean the gentleman with the two bottles of whisky up his sleeves?

HIS EXCELLENCY explained that Clauses 31 and 32 were now made to apply the one to personal or "accompanied" baggage, the other to goods shipped as freight or cargo.

THE ATTORNEY-GENERAL suggested another addition that: "if the person landing is of European race, the demand shall be made by a European officer."

HON. MR. OSBORNE—Will the effect of this be that the stranger landing at Pedder's Wharf must go to the Police Station or have his luggage examined on the wharf?

HIS EXCELLENCY—He has the option, should necessity arise for one or the other.

HON. MR. OSBORNE—The policeman can't make him go to the Police Station if he allows the examination to be made on the wharf?

THE ATTORNEY-GENERAL—No.

HON. MR. OSBORNE—It does not say with whom the option lies.

THE ATTORNEY-GENERAL—If you take out the word "shall" and insert "may," that will give the option.

THE COLONIAL SECRETARY — Then there is nothing imperative in the sentence. He can refuse everywhere.

HON. MR. OSBORNE—The option may be with the policeman.

THE ATTORNEY-GENERAL—No, no.

HIS EXCELLENCY — Have you any amendment?

HON. MR. OSBORNE—Yes, I propose that the words "at his option" be inserted.

THE ATTORNEY-GENERAL—You can't put it there.

HIS EXCELLENCY—The opinion of the Attorney-General is that the section is perfectly clear in the sense desired.

HON. MR. OSBORNE—I am not satisfied it is perfectly clear to the policeman who is going to do it.

HIS EXCELLENCY—The police will be instructed that is the reading.

HON. MR. HEWETT—As to the landing from the ship, does that mean the examination must be made on landing and not when the passenger has gone a hundred yards from the ship?

THE ATTORNEY-GENERAL— "Landing" means that he must have left the ship.

HON. MR. HEWETT—You won't catch a man when he is half-way up the bund?

THE ATTORNEY-GENERAL—He is not entitled to a hundred yards' start. (Laughter.)

HON. MR. HEWETT—You might follow a man to the hotel.

HIS EXCELLENCY—I think as it stands it is pretty clear.

Clause agreed to.

THE ATTORNEY-GENERAL moved the insertion of a new clause, to be numbered 31, which laid restrictions on the searching of baggage and goods generally. The clause read: "No search of goods or baggage shall be made under the provisions of the two preceding sections, unless there is reasonable cause to suspect that such goods or baggage contain dutiable liquors or denatured spirits."

HON. MR. OSBORNE suggested that search should not be made unless there was reasonable cause to believe that smuggling was being practised. He asked if police officers would pounce down on an individual if they had information that that individual was bringing a case of whisky into the Colony from Shanghai—one isolated case of whisky.

THE ATTORNEY-GENERAL — Certainly. No offence is a little one at that time.

HON. MR. OSBORNE — If you had information that a case of whisky was being brought here from Shanghai, would you examine all the baggage on board?

THE ATTORNEY-GENERAL—I should say not.

HIS EXCELLENCY—The object of the section is to prevent indiscriminate search of baggage, regarding which unofficial members have expressed fears.

HON. MR. OSBORNE — My point is that unless there is reason to suppose smuggling is going on, no search should be made at all.

THE ATTORNEY-GENERAL — The meaning of the section is that in no individual case shall luggage be searched unless there is reasonable cause to suppose there are dutiable goods on board.

On Clause 33,

HON. MR. STEWART suggested that the excise officers should wear badges.

HON. MR. HEWETT said that detectives or excise officers usually reported themselves to the captain when they boarded a ship

HON. MR. STEWART said he knew a recent case where such an officer did not.

THE ATTORNEY-GENERAL—If such an officer went on board and did not explain who he was, he might probably be thrown overboard.

HON. MR. HEWETT thought it was perfectly reasonable to allow a revenue officer not in uniform to remain on board provided he reported himself to the captain and told him why he was there. He thought the clause as it stood was quite unobjectionable.

THE ATTORNEY-GENERAL understood that excise officers were to wear uniform, but there might be an occasion when a man would be sent on board without a uniform.

HON. MR. GRESSON remarked that if a man

was on special detective work he could go aboard in his ordinary clothes and report himself. But a man boarding a ship from a Custom's boat should surely be in uniform. They could not expect a ship to be overrun with four or five men in plain clothes.

THE ATTORNEY-GENERAL said it was intended that these men should wear uniforms, but it was not necessary to include that in the Ordinance. There might be an occasion when a man would be sent on board without a uniform.

HON. MR. GRESSON—Very well, put him on board in a police launch or in some other way in which he will not be noticed.

HIS EXCELLENCY promised that a regulation should be made that excise officers should wear uniform except when on detective duty.

THE ATTORNEY-GENERAL moved the omission of Clause 35 as printed in the old text, and the substitution for it of a new clause numbered 34. He hoped that clause would meet the objections put forward on the second reading by the hon. member who spoke against the provision as met by Clause 34.

HIS EXCELLENCY—The original clause is somewhat unnecessarily diffuse in regard to powers of search and arrest, and entering or breaking into houses by day or by night appears to have caused alarm. The new clause is more terse, and is based on the similar clauses in the Arms Ordinance. You will observe that many restrictions have been added. An oath is required before a Magistrate instead of "any J. P." (as in the original); the person making it must be "of repute"; the Magistrate must satisfy himself that there is *primâ facie* evidence that the law has been or is about to be broken; and finally the warrant can only be issued to a European officer. I have very carefully considered the framing of this clause and reduced to the minimum powers necessary to enforce the law.

On part VII. of the Bill, Clause 42.

HON. MR. OSBORNE asked if there was any way by which an informer could be punished for giving false information to the police. A man might do so out of revenge.

THE COLONIAL SECRETARY—As Dr. Ho Kai says, a man would prefer to use opium for that purpose.

THE ATTORNEY-GENERAL—There is the power to punish a man for perjury if his information is acted upon.

THE CAPTAIN SUPERINTENDENT OF POLICE—But it won't be acted upon unless he is somebody of repute.

HON. MR. OSBORNE—An informer is not a man of repute.

HON. MR. HEWETT—That is for the Police Magistrate to decide.

THE ATTORNEY-GENERAL — The mis-informer is not a man of repute.

On clause 54, giving the Governor-in-Council power to make Regulations, under (a) the following words were added: "the materials to be used therein, and the branding or labelling of such wines and spirits," and under (b) the words "and the licensing of persons and junks for those purposes" new paragraphs were added as follows:—

- (h) In granting exemption from payment of duty on dutiable goods or from any of the provisions of this Ordinance;
- (i) To regulate the substances to be used and the quantities thereof for denaturing spirits.
- (j) For the supervision of the breaking down, blending, mixing and bottling of dutiable liquors.

HON. MR. MURRAY STEWART said he wanted to raise a question with regard to forward contracts. It appeared to him that something would have to be done in order to meet a possible injustice to people who had made forward contracts to deliver liquors at the old prices hereafter. It seemed to him that if anyone could prove that he entered into *bonâ-fide* contracts to deliver to clubs, hospitals or other such institutions, liquors at the old prices, and could be held to so deliver them, he should be exempt from the provisions of the Bill for a reasonable period. Also, if the man had entered into contracts with Chinese merchants or others to deliver goods at certain prices which he had now to pay a duty on, the machinery which would provide for his protection should be put into operation.

HON. MR. HEWETT thought the point ought

to be considered, as he knew one firm had four contracts amounting to \$120,000. Those contracts would be repudiated if the goods ordered had to pay the new duty. The Council should go slowly in interfering with those contracts.

THE ATTORNEY-GENERAL replied that the revenue would come in very slowly under such conditions.

HON. MR. MURRAY STEWART — Of course the contractor would have to prove that the contract was entered into before the proposals of the Bill were mooted.

THE HON. ATTORNEY-GENERAL asked how such proofs were to be found.

HON. MR. MURRAY STEWART—By the contracts. If a man cannot produce a contract then do not take any notice.

HON. ATTORNEY-GENERAL—I have seen in my experience two sets of vouchers sent in, one for the Customs parties and one for the contractor.

HON. MR. MURRAY STEWART—But you would not find them here where there have been no Customs before.

HON. MR. GRESSON pointed out that such measures as the present one generally did not come into effect for about six months. He mentioned the Payne Bill, remarking that people knew of it for at least four months before it became law.

HON. MR. MURRAY STEWART — America is a protective country where they are accustomed to new tariffs. Here it is different, and it seems to me that a certain amount of consideration is due to the people with forward contracts.

HON. ATTORNEY-GENERAL—It means, then, that you would get no revenue for three years.

HON. MR. MURRAY STEWART—I do not ask for anything unreasonable, but, as I stated, before it is very hard on a man for him to continue to supply liquor at the old price when he has to pay a duty on it of \$3 per gallon.

HON. ATTORNEY-GENERAL—I do not think so.

After further discussion, MR. MURRAY STEWART said he did not say it was against law, but he did say it was not just. He did not think there would be many people found with forward contracts.

HIS EXCELLENCY—Any genuine case of hardship can be dealt with under the clause giving the Governor-in-Council power to grant exemptions. Have you any other suggestion to make?

HON. MR. MURRAY STEWART—I suggest that the Governor-in-Council should agree to consider applications made on the grounds of a *bonâ-fide* contract having been made before these proposals were mooted.

THE ATTORNEY-GENERAL—We propose to ask the Committee to give power to the Governor-in-Council in Clause 54 to grant certain exemptions. I most candidly think the case you put is not one that should be dealt with under these powers.

HON. MR. STEWART — It should be considered.

THE COLONIAL SECRETARY—If they make applications they will be considered.

HON. MR. HEWETT—There is one point I would like to mention. The liquor on board ships is not to pay duty, but I was informed that it was contemplated to close up all spirit rooms as long as the ships were in port. If such a thing is not considered necessary in Singapore or Colombo, I think it would be an unwise step to take here. It would certainly be resented.

THE ATTORNEY-GENERAL — There is nothing in the Bill referring to that.

HON. MR. HEWETT—No.

THE ATTORNEY-GENERAL — At the present moment no ship in the harbour has, strictly speaking, any right to sell liquor without a licence.

The clause was adopted.

HON. DR. HO KAI moved that a new subsection be inserted providing that "such rules

shall be published in the *Gazette* and laid before the Legislative Council, but not to come into force until approved by resolution of that Council." Such a provision had existed in the first draft of the Bill, but had been withdrawn without any reason. This was a new Bill, and the regulations made were in the nature of experiments. Unofficial members were, therefore, anxious to have the regulations well considered before they were passed.

THE COLONIAL SECRETARY said it was the old question. Regulations should not be made by the Governor-in-Council and then come before the Legislative Council for sanction. If those rules were not to be trusted to the Governor-in-Council—

HON. MR. STEWART interpolated the remark that there were special reasons in this case.

THE COLONIAL SECRETARY replied that there were special reasons in every case.

HON. MR. STEWART pointed out that this was an experiment, and it was likely that many mistakes would be made. The public would like to have a say in the framing of the regulations.

HON. MR. HEWETT said the Bill was a leap in the dark, and they knew it was going to affect their trade, but they did not know to what extent. They contended that the regulations should be submitted to the Legislative Council for approval. Apparently that principle was accepted at one time and a clause to that effect was in the first Bill, but it had since been withdrawn. There was no reason why later regulations should not be left to the Governor-in-Council, but as those regulations were new, the unofficial members were unanimous in urging that that clause in the first print of the Bill should be inserted again.

HON. MR. OSBORNE thought the Colony was more or less agreed that this Ordinance for raising revenue should pass provided its administration was worked intelligently. The whole success of the measure depended upon details and the manner in which the officials concerned carried out the regulations. Unless the

regulations were first submitted to the public they were bound to create considerable friction.

HIS EXCELLENCY pointed out that the Governor-in-Council derived the power of making Regulations from the Legislative Council, and it was within the power of the latter body to curtail those powers in any way they thought fit. If the matters included under Clause 55 were of such a nature that they should be dealt with by the Legislative Council rather than by the Executive Council, it was for the members of Council to embody them in the Bill as new clauses brought forward as Amendments. He would be glad to defer the passing of the Bill and to sit *de die in diem* for the purpose of considering such Amendments if desired. Usually every effort was made to include all matters of importance in the Bill itself, leaving only matters of detail and machinery to be provided for by Regulations, but in this case very possibly it might be found that the Regulations ought in some cases to appear in the Bill itself, and for that reason (as he had stated) a consolidating Ordinance would at once be taken in hand, and any Regulations passed in the meantime could be embodied in it if thought advisable. If, however, all these matters were to be dealt with by the Legislative Council, it would be equivalent to drafting another Bill with consequent delay, and the Council were well aware of the reasons for urgency in passing this measure. It might be that the regulations would need to be altered from day to day, and for that reason he thought it would be much more convenient and expeditious that they should be referred to the Executive Council. Any member of the Legislative Council had always the power to bring forward a resolution to amend or alter any particular regulation. He did not see that any power was taken from the Legislative Council, neither did he see the object of empowering the Executive Council to make regulations if they were to be again subjected to the approval of the Legislative Council.

HON. MR. HEWETT said that discussion in the Council had resulted in modification in the Bill, and it might be that the regulations might also require great modification. They had been drawn up by officials and in some cases might need correction. There was no reason why they

should not be submitted to the Legislative Council. It was entirely a new departure.

HON. MR. STEWART stated that the Bill might divert trade from the Colony. It might change the whole course of some trades.

HON. MR. OSBORNE said they only asked to see those regulations until such time as they knew that the law was working smoothly.

HIS EXCELLENCY said if regulations were to be made they should be made by one body or the other. The practice was that if any member of that Council took exception to any regulation made by the Executive Council it was open to him to give notice and raise a debate on the subject. The respective functions of the Legislative and the Executive Council were well established and understood and had stood the test of experience in Colonies possessing those institutions.

THE HON. MR. HEWETT said they only asked to see the regulations because it was the first time they were framed. When everything was working smoothly the Governor-in-Council was the proper authority to alter the regulations.

HON. MR. OSBORNE said it might be proposed to "seal up" ships while in port.

THE ATTORNEY-GENERAL replied that they could not conceive an unreasonable regulation like that.

HON. MR. OSBORNE stated that it had been put forward.

HON. MR. HEWETT said they did not wish to labour the point, but the unofficial members considered that an unwise regulation might injure the trade of the port, and for that reason they submitted that the regulations should be discussed by the Legislative Council.

HIS EXCELLENCY expressed the opinion that it was not feasible that the Governor-in-Council should make regulations which should afterwards be submitted to the Legislative Council. The Legislative



Council could make any regulations it wished in the form of a Bill.

HON. MR. OSBORNE asked if the people affected would be consulted before the regulations were drawn up.

HIS EXCELLENCY replied that he thought he could assure the hon. member on that point.

HON. MR. OSBORNE asked if the regulations would be shown to the people concerned.

HIS EXCELLENCY said that they would use every possible information they could get before making any regulations.

HIS EXCELLENCY said they had had an interesting debate on the subject of the amendment brought forward by the senior unofficial number, and he had expressed his own views on the matter strongly. With regard to the first draft of the regulations made, he should be glad to show them, before they were published in the *Gazette*, to the unofficial members informally, and to take their opinion upon them. It was proposed to hold a meeting of the Executive Council immediately after this Council meeting concluded, and he would be glad to invite the unofficial members to attend that meeting in order that they might see the regulations. His Excellency then asked the Hon. Dr. Ho Kai if he wished to put his amendment to the vote.

HON. DR. HO KAI said he understood his colleagues wished it to be put to the vote.

The amendment was then put to the vote, and lost by seven votes to six.

Clause 54 was then agreed to, and the Attorney-General submitted a new clause numbered 56 as follows: "This Ordinance shall not apply to Naval or Military stores the property of His Majesty or to any intoxicating liquors imported on account of His Majesty's Government or of the Governor of the Colony." In reply to questions, His Excellency stated that this clause did not include liquors imported for canteens or messes and referred strictly to hospital and other stores the property of the War Office or Admiralty or His Majesty's Government or the Colonial Government.

HON. COLONEL DARLING said he wished to move an amendment to that clause. They had been told several times during the meeting that this Bill was drafted on the lines of the Singapore Bill, but he understood there were two clauses in the latter Bill which exempted officers and men of the army and navy from paying licences for their canteens or messes. He had been interesting himself on the subject during the last few days, and found that Hongkong was the only Colony that did not make an exemption of that sort. In every one of the others, either a rebate of the duty was made afterwards, or a lump sum was paid by the Colony which was based on the proportion of the average amount of duty they would pay, and that was divided up according to rank afterwards. He thought that the Committee would perhaps take into consideration the fact that soldiers had to go where they were sent. It would be rather hard lines on the men who came here to know that they were the only soldiers serving abroad liable to such duties. They were drawing very little money—he did not suppose any of them were making over 8/- a week—and they had no opportunities of making fortunes or getting away if they did not like the place. Civilians who did not care for Hongkong could leave by any steamer, but the soldier had to stay. It was the same way with the officers, but their case was not as bad as that of the men, as they could afford it. But all military and naval officers had to pay income tax at Home, whereas people in this Colony, whether official or non-official, paid no income tax at all. Again, the mere fact of troops being quartered in a place resulted in a great deal of money being spent on food, forage, and other supplies. A great deal of War Department money was spent in this Colony, and it all helped trade. He knew everybody's sympathy was the other way, but he must say that it seemed to him there were good reasons why the soldiers should get off. The amendment he proposed was that: "The probable average amount of duty payable on liquors consumed by officers, non-commissioned officers, petty officers and men of the army and navy in N.C.O. messes, institutes and canteens should be determined by a mixed committee of three civilians nominated by His Excellency the Governor, and three officers nominated by the General Officer Commanding, and the

sum thus arrived at should be paid monthly to the military or naval authorities for distribution among the men."

HIS EXCELLENCY—Any rebate or concession to be made to the military or naval services can be best made under such a system as the Commanding Officer suggests. I should like to have the opinion of each individual member of the Council as to the general principle of making a rebate to the services which is involved in the amendment which the General Officer Commanding has brought forward.

HON. MR. STEWART said the General Officer Commanding was mistaken in supposing that he would find no sympathy among members of Council for this resolution. Speaking for himself, he felt strongly in favour of allowing some remission of duty such as had been suggested. Everyone, he thought, would agree that from an Imperial point of view every encouragement ought to be given to make the soldier's lot as happy and contented as possible—(hear, hear)—and he for one had all along been in favour of relieving them if possible from the proposed new burden. His difficulty hitherto had been that if the soldiers were allowed to import their liquor absolutely free, it would in a very marked way suggest to the outside public that the price of drinks in canteens was probably much less than outside, and it might lead to the increase of a practice extremely undesirable from the point of view of public order, and which he thought the military officers ought to try to discourage; that was, soldiers taking civilian friends in and entertaining them in the canteens. Obviously, if this was done to a large extent, considerable hardship would fall on the publicans who paid licences to sell liquor. The method suggested seemed to him to open a way out of this difficulty, and he for one would certainly support some such plan as regarded the men. After all, he did not see why we should be less generous than other Colonies, and he would be inclined to support it right through. (The Attorney-General: Hear, hear.)

HON. COLONEL DARLING said the hon. member made a mistake when he spoke about entertaining in canteens. In such places no one was allowed to be served except a soldier or a sailor. He did not refer to the Soldiers' Club,

because that was run more on the lines of a social club, and a soldier could take any friends there.

HON. MR. HEWETT—Do I understand that a soldier cannot take civilians into a canteen?

HON. COLONEL DARLING—He cannot.

HON. MR. HEWETT—Then my difficulties are considerably lessened.

HIS EXCELLENCY—I am rather inclined, and always have been, to make some concessions to the naval and military, but it is a point on which I should wish to have the opinion of the whole Legislative Council.

THE COLONIAL SECRETARY — My opinion is that in all Imperial matters the Imperial Government should pay. No particular burden should be thrown on this Colony. We pay them a large military contribution per annum.

HON. MR. HEWETT—Unnecessarily large.

THE COLONIAL SECRETARY — If the soldier does not get enough pay to keep himself in proper circumstances, that is a question for the Imperial Government to consider. It has nothing to do with us.

HON. COLONEL DARLING—I don't agree with that.

HON. MR. OSBORNE—I quite agree that military and naval canteens should be exempt, but only on the understanding that they are not to sell liquor to civilians outside. That is to safeguard against a soldier going into a canteen, buying a bottle of whisky, and handing it to a friend outside.

HON. COLONEL DARLING—They are not allowed to have whisky in canteens.

HON. MR. HEWETT—I think the proposal put forward by the General Officer Commanding certainly must command our sympathy, but I for one consider that all liquor consumed in Hongkong should pay full duty, and I shall vote accordingly.

HIS EXCELLENCY—I will put it to the vote whether exemption in whole or in part, should not be made on intoxicating liquors consumed by the naval and military services. I should prefer to let them pay their duties in the ordinary way and to make a rebate afterwards. That gets over the difficulty of taking friends into canteens. There are three alternatives, firstly, whether the whole duties should be remitted or refunded; secondly, whether part should be; and thirdly, whether none should be.

These alternatives were put to the vote, the result being as follows:—

Return of whole: Hon. Mr. Stewart, Hon. Mr. Osborne, Hon. Mr. Gresson, Hon. Mr. Wei Yuk, Hon. Dr. Ho Kai, the Captain Superintendent of Police, the Registrar-General, the Attorney-General and the General Officer Commanding.

Return of part: Hon. Mr. Hewett, the Director of Public Works, the Colonial Treasurer.

No remission: The Colonial Secretary.

The amendment of the General Officer Commanding was then dropped, it being left to the Governor-in-Council to deal with the question.

Council then resumed.

THE ATTORNEY-GENERAL — This Bill has been fully debated. Great care has been given to it by the members of the unofficial body, and the fullest possible consideration to the amendments and arguments addressed on the Bill has been given by the Council. The matter of collecting revenue is urgent, and I would move that the Standing Orders be suspended.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

THE ATTORNEY-GENERAL then moved the third reading of the Bill.

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

### **Bills Postponed**

The following resolutions included in the orders of the day were postponed:—

Second reading of the Bill entitled An Ordinance to authorize the Construction and Maintenance of a Harbour of Refuge upon and over certain portions of the Sea Bed and Foreshore situated upon the Harbour frontage at Taikoktsui, Mongkoktsui, and Yaumati, Kowloon, in this Colony.

Second reading of the Bill entitled An Ordinance to amend the Tramway Ordinance, 1902.

Second reading of the Bill entitled An Ordinance to amend the Liquor Licences Ordinance, 1898, and the Liquor Licences Extension Ordinance, 1908, and to repeal the Liquor Licences Amendment Ordinance, 1902.

Committee on the Bill entitled An Ordinance to set apart certain Crown Land to be used as a burial ground for persons professing the Christian Religion, other than members of the Roman Catholic Church.

Third reading of the Bill entitled An Ordinance to amend the Malicious Damage Ordinance, 1855.

Third reading of the Bill entitled An Ordinance to relieve the Governor-in-Council of certain duties.

HIS EXCELLENCY — Council will now adjourn *sine die*.