

27th October, 1927.

PRESENT:—

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (HON. MR. W. T. SOUTHORN, C.M.G.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR-GENERAL C. C. LUARD, C.B., C.M.G.).

THE COLONIAL SECRETARY (HON. MR. E. R. HALLIFAX, C.M.G.).

THE ATTORNEY-GENERAL (HON. SIR JOSEPH HORSFORD KEMP, KT., K.C., C.B.E.).

THE COLONIAL TREASURER (HON. MR. C. McI. MESSER, O.B.E.).

HON. MR. R. A. C. NORTH (Secretary for Chinese Affairs).

HON. MR. H. T. JACKMAN (Director of Public Works).

HON. MR. R. H. KOTEWALL, C.M.G., LL.D.

HON. MR. D. G. M. BERNARD.

HON. MR. A. C. HYNES.

HON. MR. J. OWEN HUGHES.

HON. MR. W. E. L. SHENTON.

MR. E. W. HAMILTON (Deputy Clerk of Councils).

ABSENT:—

HON. MR. E. D. C. WOLFE (Captain Superintendent of Police).

HON. SIR SHOU-SON CHOW, KT.

DEATH OF MARQUESS OF CAMBRIDGE.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT said—Hon. Members will have heard with great regret of the death, on the 24th inst., of the MARQUESS OF CAMBRIDGE, beloved eldest brother of HER MAJESTY THE QUEEN. I know that honourable members will desire to give expression to their loyal sympathy with THEIR MAJESTIES THE KING AND QUEEN and the members of the Royal Family in their sorrow. I, therefore, move the following resolution:—

The members of the Legislative Council have heard with profound sorrow the sad announcement of the death of the MARQUESS OF CAMBRIDGE and desire to tender their humble duty and to express their loyal and respectful sympathy with THEIR MAJESTIES THE KING AND QUEEN and the Royal Family in their bereavement.

HON. MR. R. H. KOTEWALL—It is with profound sorrow that I respectfully second the resolution.

HON. MR. D. G. M. BERNARD—I beg to support the motion.

The resolution was carried in silence, all members of the Council standing.

MINUTES.

The minutes of the previous meeting of the Council were confirmed.

NEW MEMBER.

Hon. Mr. R. A. C. NORTH took the usual oath upon taking his seat as a member of the Council for the first time.

PAPERS.

THE COLONIAL SECRETARY, by command of H.E. The Officer Administering the Government, laid upon the table the following papers:—

Regulation under section 25 (4) of the Merchant Shipping Ordinance, 1899, on October 13th, 1927.

Resolution under section 7 of the Tramway Ordinance, 1922, on October 13th, 1927.

Appointment made under section 40 of the Liquors Consolidation Ordinance, 1911, on October 19th, 1927.

FINANCE COMMITTEE REPORT.

THE COLONIAL SECRETARY, by command of H.E. The Officer Administering the Government, laid upon the table the report of the Finance Committee, No. 12, dated October 11th and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

THE JESUIT ORDER AND THE UNIVERSITY.

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to provide for the incorporation of the Procurator in Hong Kong of the English Assistancy of the Jesuit Order." He said—The English Assistancy of the Jesuit Order proposes to build a hostel to be attached to the University. To assist in that enterprise the University have agreed to grant a sub-lease to the Jesuit Order of a portion of a site belonging to the University at Fly Point Battery. In order to secure the advantages of perpetual succession it is proposed that the Procurator in Hong Kong of the English Assistancy of the Jesuit Order should be made a corporation sole. This Bill is intended to effect that object.

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

OBJECTS AND REASONS.

The "Objects and Reasons" of the Bill state:—

1. An arrangement has been come to between the University of Hong Kong and the representative in Hong Kong of the English Assistancy of the Jesuit Order by which the University have agreed to a hall or hostel being built and maintained by the Order for the residence of students of the University.

2. In pursuance of this arrangement the University have agreed to grant a sub-lease of a site at Fly Point Battery, intended to be registered as Section A of Inland Lot No. 2610, to the Procurator in Hong Kong of the English Assistancy of the Jesuit Order.

3. In order to secure perpetual succession and the other advantages of incorporation it is proposed that the Procurator in Hong Kong of the English Assistancy of the Jesuit Order shall be incorporated as a corporation sole, and the Bill now proposed follows in its main lines other incorporating Ordinances which have been passed from time to time.

SINKING FUNDS FOR LOANS.

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the General Loan and Inscribed Stock Ordinance, 1913." He said—This Ordinance will amend the General Loan and Inscribed Stock Ordinance, 1913, so as to make it possible to discontinue contributions to the sinking fund of any loan issued under that Ordinance when the sinking fund has become potentially full; that is to say, when it is quite clear that the fund, without any further contributions, will be sufficient to pay off the loan at the proper time. It is obviously unnecessary to go on contributing to a sinking fund in these circumstances, and it may sometimes be financially undesirable to do so. In other cases it may be desirable to continue the contributions in order to pay off the loan as at early a period as possible. Discretion is, therefore, given to the Governor by this amending Bill to discontinue such contributions with the approval of the Secretary of State. Provision is also made to resume contributions if that should become necessary. This Bill is recommended, and was indeed drafted, by the Secretary of State.

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

OBJECTS AND REASONS.

The "Objects and Reasons" of the Bill state:—

1. This Ordinance will amend the General Loan and Inscribed Stock Ordinance, 1913, so as to render it possible to discontinue contributions to the sinking fund of any particular loan issued under the provisions of that Ordinance when the sinking fund has become potentially full, *i. e.*, when it is clear that the value of the fund, with

further accumulations of interest, will be sufficient to enable the loan to be redeemed at the proper time. It is obviously unnecessary to continue contributing to the sinking fund in such a case.

2. While it is obviously unnecessary to continue contributions to a sinking fund after the fund has become potentially full, it may be desirable to continue the contributions. Where a loan is redeemable on a fixed date without option of earlier redemption, it is clearly advantageous to discontinue contributions so soon as the fund is potentially full. Where, however, as more usually happens, the Government has the option of earlier redemption the question of whether it would be advantageous to continue the contributions turns mainly upon a comparison between the rate of interest borne by the loan and the rate of interest currently obtainable on the class of investments composing the sinking fund. If the former is higher, it would be better to let the fund accumulate and pay off the loan so soon as possible. If on the other hand it is lower, the more profitable course is to discontinue the contributions as soon as the fund is potentially full.

3. The power to discontinue contributions to the sinking fund will not apply to debenture loans redeemable by annual drawings or by purchase in the market, because in the case of such loans the contributions to the sinking fund may under the principal Ordinance be used for redemption by annual drawings or by purchase.

4. It was unnecessary to make the provisions of this Ordinance apply to the Public Works Loan Ordinance, 1927, which has just become law, because in the case of that loan the fund will not become potentially full in five years, and after five years there will be an unlimited power of redemption by purchase or by drawings.

MEDICAL REGISTRATION.

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the Medical Registration Ordinance, 1884." He said—The Medical Registration Ordinance, 1884, is open to considerable criticism. Its provisions are by no means clear on certain points and several matters which ought to be provided for are not provided for. For example, one section gives the Colonial Secretary power to strike practitioners off the register in certain circumstances. Another section appears to direct that all questions of striking off the register should be decided by the Medical Board. Again, one section appears to contend that an appeal should always lie to the Governor-in-Council from any decision to strike a practitioner off the register. Another section which provides for striking off gives no express power of appeal from that action. Again it is uncertain whether there is power to strike off the register an unqualified person who has obtained registration by some fraudulent means unless he is first convicted of that offence, and, of course, conviction may be impossible because the person in question may have left the Colony. Again,

the Medical Board, though it has power under the principal Ordinance to recommend that a practitioner should be struck off the register, has no power to censure. It is obvious that in some cases striking off would be a too severe measure, but that some degree of censure might be called for. This Bill proposes to deal with all these points and certain others. It will have the effect, I think, of clarifying the provisions of the principal Ordinance and of filling up gaps which at present exist. One thing that it makes quite clear is that there will be a right of appeal to the Governor-in-Council from a decision of the Medical Board to strike a practitioner off the register and it lays down the procedure to be followed on any such appeal. The Bill also proposes to transfer the medical register from the Colonial Secretary to the Principal Civil Medical Officer who appears to be the most suitable officer to keep that register. It also proposes to exempt the professors of the Faculty of Medicine at the University of Hong Kong from the necessity of registering as medical practitioners.

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

OBJECTS AND REASONS.

The "Objects and Reasons" of the Bill state:—

1. The main objects of this Ordinance are as follows:—
 - (a) to deal with the powers and procedure of the Medical Board;
 - (b) to deal with the appeal to the Governor-in-Council;
 - (c) to transfer the medical register from the Colonial Secretary to the Principal Civil Medical Officer; and
 - (d) to exempt the professors of the Faculty of Medicine of the University of Hong Kong from the necessity for registration.
2. The chief criticisms of those provisions of the principal Ordinance which refer to the Medical Board and the Governor-in-Council are the following:—
 - (a) Sections 14 and 18 seems inconsistent, because section 14 gives the *Colonial Secretary* power to strike off the register, if he thinks fit, while section 18 provides that all questions respecting the liability of any person to be struck off the register shall be decided by the *Medical Board*, subject only to an appeal to the Governor-in-Council.
 - (b) Section 14 provides no appeal from the striking off by the Colonial Secretary. The general intention of section 18 seems to be to give an appeal to the Governor-in-Council from a striking off, but the appeal given by section 18 is only an appeal from the Medical Board.
 - (c) It is doubtful whether there is any power to strike off an unqualified person who obtained registration by fraud, unless he has been convicted of that offence, and the conviction may be impossible owing to his absence from the Colony.

- (d) The Medical Board has no express power to censure a practitioner.
- (e) The Medical Board has no express power to publish the proceedings or the result of any inquiry held by it.
- (f) There is no provision as to the limit of time for appeal to the Governor-in-Council or for the procedure on such appeal.

3. Sections 2, 3, 4 and 6 (1) of this Ordinance make amendments necessary to effect the transfer of the medical register from the Colonial Secretary to the Principal Civil Medical Officer. Section 2 of this Ordinance also requires every registered practitioner to have an address in the Colony so that all notices from the Medical Board can be served on him at that address. This address will appear in the register.

4. Section 5 of this Ordinance makes in section 7 of the principal Ordinance an amendment which is not strictly necessary but which will be a useful reminder of the fact that medical practitioners have to take out an annual certificate under the Stamp Ordinance, 1921. Section 21 of the Stamp Ordinance, 1921, provides that, *inter alia*, a medical practitioner is not entitled to recover any fees unless

- (a) he was in possession of a valid certificate to practise at the time when the cause of action arose, or
- (b) he is at the time of judgment in possession of a certificate covering the time when the cause of action arose.

5. Section 6 (2) of this Ordinance repeals section 13 (4) of the principal Ordinance. This sub-section is no longer necessary as the new section 18 to be enacted by section 10 of this Ordinance gives to the applicant for registration a right to appeal against the decision of the Board if they refuse to register him. The new sub-section requires the applicant for registration to furnish the Medical Board with an address to which all notices can be sent, and requires a notice of the decision of the Medical Board to be served on the applicant at that address.

6. Section 7 of this Ordinance repeals section 14 of the principal Ordinance and substitutes a new section which deals with all the powers of the Medical Board with regard to striking off or censure. It will be seen below that section 10 of this Ordinance enacts a new section 18 in the principal Ordinance which deals solely with the appeal to the Governor-in-Council and omits the references to the powers of the Medical Board which appear in section 18 of the principal Ordinance. The new features in the new section 14 are as follows.

7. The Medical Board is given power to censure. It seems obvious that this power might be of great use in keeping up the standard of the profession, as a case might clearly call for censure but not for striking off.

8. Section 14 of the principal Ordinance gives power to strike off a registered practitioner who has been "convicted of any felony or misdemeanour." The meaning of the term misdemeanour is not quite

clear. Some authorities (*e.g.*, Russell), treat it as including all offences below the rank of felony, while others (*e.g.*, Halsbury and Kenny), regard it as applying only to indictable offences below the rank of felony. If the term has the wider meaning, the expression "felony or misdemeanour" includes all offences, except, perhaps, piracy *jure gentium*, and there seems to be no reason why the single word "offences" should not be used instead. If on the other hand, the term misdemeanour does not include offences punishable only on summary conviction, it seems preferable to use the word "offence" in this section, because there may be purely summary offences, *e.g.*, illicit dealing in opium, which would justify considering the question of striking off a registered practitioner. The new section 14, therefore, uses the single word "offence."

9. The Medical Board is given direct power to strike off, subject of course to an appeal to the Governor. The section in the principal Ordinance merely provides for a report from the Medical Board to the Colonial Secretary.

10. The Medical Board is expressly given the right to publish the result of any inquiry held under this section, either with or without an account of the proceedings. Without express statutory power publication of a censure or of the proceedings at an inquiry might conceivably lay the members of the Board open to a claim for damages for libel.

11. Sub-section (3) of the new section 14 gives the Medical Board power to strike off any person who obtained registration by fraud or misrepresentation, and any person who was not, at the time of registration, entitled to be registred. With regard to the latter part of the preceding sentence, it is possible to imagine a case of registration by mistake without any fraud or misrepresentation.

12. Sub-section (4) of the new section 14 expressly requires that reasonable notice of any proposed inquiry shall be served on the person concerned.

13. Sub-section (6) of the new section 14 provides that no person shall be struck off the register, and no publication of any censures, etc., shall be made, until fourteen days after a notice of the decision of the Medical Board has been served on the person concerned. Sub-section (5) requires a notice of the decision of the Medical Board to be served on the person concerned. Sub-section (6) provides that in the case of an appeal striking off or publication shall await the decision of the Governor-in-Council.

14. Section 8 of this Ordinance is new and provides a method of serving notices under the Ordinance. Notices are to be sent to the address on the register, or, if the person be not registered, to the address furnished to the Medical Board. Notices are to be sent by registered post and are deemed to have been served as soon as they are posted.

15. Section 9 of this Ordinance increases the maximum penalty for an offence under section 17 of the principal Ordinance to \$1,000 and six months' imprisonment. The maximum penalty in the principal Ordinance is \$100. This seems much too small for such an offence as wilfully and falsely using a title implying a qualification to practise medicine or surgery.

16. The new section 18 which is inserted in the principal Ordinance by section 10 of this Ordinance deals solely with the question of appeal to the Governor-in-Council, the powers of the Medical Board being dealt with in the new section 14 referred to the above. The new section 18 contains the following new provisions:—

- (a) The appeal is to be by written petition.
- (b) The petition must be presented within fourteen days from the date of the service of the notice of the decision of the Medical Board on the person concerned.
- (c) With the petition the Governor-in-Council may consider any written reply of the Medical Board to the petition.

It will be seen that the section contemplates that the appeal shall be decided on the written documents, and that no provision is made for the appearance of the appellant before the Governor-in-Council. Speaking generally, the Governor-in-Council is probably not a very convenient tribunal for hearing appeals orally. With regard to subparagraph (c) above, no doubt the Governor-in-Council would in a proper case give the appellant an opportunity of answering in writing the reply of the Medical Board, *e.g.*, if the reply of the Medical Board disclosed new matter which was not disclosed at the inquiry.

17. Section 11 of this Ordinance provides that all professors of the Faculty of Medicine of the University of Hong Kong shall be deemed to be registered practitioners. It is understood that those professors are entitled by the terms of their agreements with the University to practise as consultants.

18. Section 12 of this Ordinance repeals section 20 of the principal Ordinance. Sub-section (1) of that section seems unnecessary. Section 12 of the principal Ordinance lays down the requirements for registration, and it must be understood that persons who do not fulfil those requirements are not entitled to be registered. Sub-sections (2) and (3) formed a temporary provision introduced by Ordinance No. 2 of 1923 with the object of giving power to remove from the register certain persons whose qualifications would not be recognised by the General Medical Council of the United Kingdom and who had not practised in Hong Kong for a number of years. Under the original Ordinance of 1884 persons could be registered whose qualifications would not be recognised by the General Medical Council. The amending Ordinance of 1914 adopted the principle of accepting only such persons as would

be accepted by the General Medical Council, and it, therefore, seemed not unreasonable to clear the register of the class of persons referred to above. It will be noticed that it had to be proved that the person proposed to be struck off had not practised in Colony for five years. It seems unnecessary to retain this temporary provision.

REGISTRATION AND REGULATION OF WATCHMEN.

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to provide for the registration and regulation of watchmen." He said—Ten years ago the Captain Superintendent of Police inaugurated a system of supplying watchmen for private employers. The scheme had very small beginnings. It began with 20 men. The numbers are now increased so that at the present time over 600 watchmen are employed. It is true that some of these are employed as ships' guards and very soon the employment of ships' guards under the prevention of piracy regulations will cease to be compulsory, and it may be that some of these guards will no longer be employed as such, but there will still be a great number apparently who will be required as guards on shore and they may be many required also as ships' guards. The growth of the scheme shows that it has fulfilled a need and that it was found useful by employers of labour. It has grown to such dimensions that now it seems desirable to regulate it by statute.

The present Bill, and the regulations proposed to be made under it, which have also been published, are intended on the whole to embody the existing practice. But there are certain important exceptions to that statement. In the first place when the Bill and Regulations become law the employment of any unregistered person as a watchman will be prohibited. There is one exception again to that statement, namely that the prohibition will not apply to watchmen of Chinese race, but it will apply to watchmen of any other race than Chinese. That is the chief point on which the Bill will vary existing practice. At present, of course, the employment of watchmen through the Police is purely voluntary. Anyone who now wishes to employ a watchman from elsewhere has not got to see that the watchman is registered with the police. In future he will have to do so.

Regarding the control of ships' guards I may say that watchmen employed as ships' guards will also have to be registered and it will be an offence to employ any person as a ship's guard unless he is on the watchmen's register. The control of the police, however, over ships' guards will be quite different from that over other watchmen. Speaking generally once a ship's guard is employed he will be entirely under the control of the ship-owner who employs him and the police will have no control over his actions on board the ship on which he is employed. That meets one of the main objections to the present piracy prevention regulations.

There are certain other restrictions which the Ordinance proposes to impose and one is against watchmen acting as money-lenders; another is against watchmen undertaking duties from two employers. Obviously that is undesirable because the result from that is that neither set of duties is properly performed. It is hoped, Sir, as this Ordinance and the regulations endeavour to keep to the existing practice, that the scheme which has worked so successfully hitherto will be equally successful, and more so, when it is regulated by Ordinance.

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

OBJECTS AND REASONS.

The "Objects and Reasons" of the Bill state:—

1. In the year 1917, the Captain Superintendent of Police inaugurated a system of supplying watchmen to private employers. The scheme was begun with 20 men. The numbers have increased yearly and at the present time about 600 watchmen are so supplied. Of these about 330 are ships' guards and about 270 are employed on shore. 50 recruits have just been taken on in order to meet the demand. The scheme has evidently been appreciated by employers. The police are in a better position than individual employers to select the best men and to weed out the less desirable men. The employers also get the advantage of police supervision and control, and better discipline can be kept with less trouble to the employer. Incidentally, the system is of much use for police purposes. At the present day, with the exception of the Kowloon and Taikoo Dock Companies, most of the principal employers of watchmen get their men through the police. The system has now grown to such an extent that it seems desirable to regulate it by Ordinance.

2. The proposed Ordinance and regulations are on the whole intended to embody the existing practice, with one important exception. That exception is that in future no unregistered person will be allowed to act as a watchman, and no employer will be allowed to employ an unregistered person as watchman.

3. Two points require special explanation. One relates to a particular provision of the Ordinance which is a little complicated, and which may appear rather artificial, but which seems to be the only practical solution of the particular problem with which it deals. Most of the watchmen supplied and supervised by the Captain Superintendent of Police are Indians, but there are also 50 Chinese watchmen. There are also from time to time watchmen of other nationalities and race. Two things seem obvious. One is that the term "watchman" must be defined widely in order to include all the persons whom it is desired to include. The other is that it would be impossible for the Captain Superintendent of Police to attempt to supply and supervise all persons of Chinese race who are employed in the Colony in protecting property or preventing crime or maintaining order, and it would also

be undesirable. Accordingly section 4 (*d*) of the Ordinance provides that the Ordinance shall not apply to persons of Chinese race unless allowed by the Captain Superintendent of Police to register themselves in the Watchmen's Register established under the Ordinance. Such Chinese registered watchmen will be subject to the Ordinance and regulations generally, but it will be no offence for an unregistered Chinese watchman to act as such, and it will be no offence for an employer to employ an unregistered Chinese person as a watchman.

4. The other point which requires special explanation refers to ship's guards. At present the employment of ship's guards is compulsory for all ships which come within the scope of the Piracy Prevention Ordinance, 1914. These guards have to be obtained from the Captain Superintendent of Police and they are supervised by him and are paid through him. That Ordinance is about to be repealed, and the present system under which shipowners enter into bonds binding them to employ guards and to comply with various other provisions will soon come to an end. When that repeal takes place there will be no obligation on shipowners under the laws relating to piracy obliging them to employ ship's guards. There will also be nothing in the present Ordinance or the regulations to be made under it which will require shipowners to employ ship's guards, but if they do employ ship's guards within the Colony, they will have to obtain them from the Captain Superintendent of Police. The ship's guards supplied will, however, in future be entirely under the control of the shipowner who employs them, and they will not be under the supervision of the Captain Superintendent of Police, and will not be paid through him. The Captain Superintendent of Police will still have one hold over these ship's guards because he will be able to remove an undesirable person from the Watchmen's Register, and the effect of that will be that a man can no longer be employed as a ship's guard. He will also be able, as a less drastic measure, to remove a ship's guard from any particular employment upon supplying a substitute if the shipowner desires one. Ship's guards will also have to carry a licence book and badge.

5. Most of the watchmen supplied by the Captain Superintendent of Police are engaged by the month, but some are engaged by the day. They are referred to in the Ordinance and regulations under the term "casual watchmen," which is defined in section 2 as meaning a watchman engaged at a daily rate.

6. A ship's guard is defined in section 2 as meaning a person employed on any vessel as a watchman, other than a casual watchman. The ordinary ship's guard will not be under the supervision of the Captain Superintendent of Police, because there is a strong objection to dual control in the case of persons employed on board ship, but this objection does not apply to casual watchmen, who do not go to sea but who are employed in the harbour as watchmen in the more limited sense of the term.

7. Section 3 of the Ordinance gives the Governor-in-Council power to make regulations.

8. It has been stated above in paragraph 3 that the Ordinance does not apply to persons of Chinese race unless they are in fact registered. The Ordinance will also not apply to public officers, His Majesty's regular Naval and Military Forces, the Volunteers, or persons employed by the Admiralty or War Department. This is provided in section 4.

9. Section 5 of the Ordinance gives the Captain Superintendent of Police a power of exemption. A case in which this power will probably be exercised is that of the two dock companies referred to in paragraph 1 above. Both these companies have well organized bodies of watchmen. The exemption, however, will not be an exemption from the necessity for registration, or from the power of the Captain Superintendent of Police to remove names from the register.

10. Section 6 of the Ordinance is the section which prohibits the employment of unregistered persons.

11. Section 7 of the Ordinance prohibits the employment of a watchman by more than one employer. The object of this is to prevent a practice which is sometimes followed at present, by which a watchman undertakes two sets of duties, with the probable result that neither set of duties is properly carried out.

12. Section 8 of the Ordinance gives the Captain Superintendent of Police certain disciplinary powers over registered watchmen, other than ship's guards.

13. Section 9 of the Ordinance provides that a watchman who deserts may be removed from the Register and that on such removal he shall forfeit his right to any moneys that may be standing to his credit in the hands of the Captain Superintendent of Police.

14. Section 10 of the Ordinance gives the Captain Superintendent of Police a general power to remove any person from the Register, subject to an appeal to the Governor-in-Council.

15. Section 11 of the Ordinance gives a right to appeal to the Governor-in-Council to any person whom the Captain Superintendent of Police has refused to register.

16. Section 12 of the Ordinance gives to a registered watchman while acting in the discharge of his duties as such the same powers of arrest as a police officer.

17. Section 13 of the Ordinance provides that no watchman is to act as a money-lender or to have any share in the business of any money-lender.

18. Section 14 of the Ordinance gives the police power to search any place or vessel where there is reason to believe that an unregistered watchman is employed.

19. Section 15 of the Ordinance provides for the method of recovery of sums payable under the Ordinance.

20. Section 16 provides that in any proceeding against any person under the Ordinance it shall be presumed until the contrary is proved that such person is not of Chinese race. This presumption is inserted in consequence of the general exemption from the Ordinance of persons of Chinese race.

21. Section 17 of the Ordinance is the penalty section.

22. A draft of the proposed regulations is published at the same time as this Bill.

LIQUORS CONSOLIDATION ORDINANCE.

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to amend the Liquors Consolidation Ordinance, 1911."

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

Council then went into committee to consider the Bill clause by clause.

THE ATTORNEY-GENERAL moved certain amendments to the Bill which were shown on printed copies of the Bill circulated to hon. members. He said—The amendments were proposed as the result of considerable discussion. In its original form clause five of the Ordinance placed the onus on the defence to produce evidence that duty had been paid or that the defendant had reason to believe it had been paid. There was no obligation on the prosecution to bring forward evidence on these points at all. That was considered by some persons to be too severe and drastic and under the amendments proposed while the onus still remained on the defendant to prove that duty had been paid or that he had reason to believe it had been paid, it would be the duty of the prosecution to produce before the Court any evidence which the Crown might have tending to show that duty had not been paid or that defendant had reason to believe it had not been paid. If it so happened that through inadvertence, or possibly through some reasonable mistake, that the prosecution did not put forward that evidence as part of the case the onus would still be on the defendant and when he had called his evidence the prosecution would still be able to call in reply any evidence that they might have on their side. But if that new evidence, which might have been called as evidence in chief, appeared to the Court to be such as to justify giving a further opportunity to the defendant to give evidence then he would

be allowed by the Court to give further evidence to reply to the evidence called by the prosecution in reply to his original evidence. It was a very unusual and complicated procedure but it was the result of discussions which had taken place on this particular section of the Bill and he thought that it would probably work out well.

The amendments were passed, and upon Council resuming,

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

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

CHINESE EXTRADITION ORDINANCE.

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to amend the Chinese Extradition Ordinance, 1899."

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

Council went into committee to consider the Bill clause by clause. No amendment to the Bill was proposed in committee and upon Council resuming,

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

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

Council adjourned until Thursday, November 3rd.

FINANCE COMMITTEE.

A meeting of the Finance Committee followed, the COLONIAL SECRETARY presiding.

The votes of supplementary expenditure totalling \$5,300, detailed in message No. 13 to the Finance Committee, dated October 24th, were approved.
