

19th June, 1941.

PRESENT: —

HIS EXCELLENCY THE GOVERNOR (SIR G. A. S. NORTHCOTE, K.C.M.G.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS, (MAJOR-GENERAL A. E. GRASETT, C.B., D.S.O., M.C.).

THE COLONIAL SECRETARY (HON. MR. N. L. SMITH, C.M.G.)

THE ATTORNEY GENERAL (HON. MR. C. G. ALABASTER, O.B.E., K.C.).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. R. A. C. NORTH).

THE FINANCIAL SECRETARY (HON. MR. R. R. TODD, *Acting*).

HON. DR. P. S. SELWYN-CLARKE, M.C., (Director of Medical Services).

HON. MR. A. B. PURVES (Director of Public Works).

HON. MR. W. J. CARRIE (Chairman of the Urban Council).

HON. MR. J. P. PENNEFATHER-EVANS (Commissioner of Police).

HON. MR. J. J. PATERSON.

HON. MR. S. H. DODWELL.

HON. MR. LO MAN-KAM, C.B.E.

HON. MR. A. L. SHIELDS.

HON. MR. W. N. T. TAM.

HON. MR. T. E. PEARCE.

HON. MR. LI TSE-FONG.

MR. C. B. BURGESS (Deputy Clerk of Councils).

ABSENT: —

HON. MR. LEO D'ALMADA E CASTRO, JNR.

MINUTES.

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

PAPERS.

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table the following papers: —

Order made by the Governor in Council under section 8 of the Nursing and Maternity Homes Registration Ordinance, 1936, Ordinance No. 48 of 1936, exempting the Tai Wo Yuen Hospital from the operation of the said Ordinance, dated 24th May, 1941.

Additional regulations made by the Governor under the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, to the Defence Regulations, 1940, dated 26th May, 1941.

The Trading with the Enemy (Specified Territories) (No. 1) order, 1941, made by the Governor under section 2 (1) (e) of the Trading with the Enemy Ordinance, 1914, Ordinance No. 25 of 1914, as amended by regulation 2 of the Trading with the Enemy Ordinance, 1914, Amendment Regulations, 1940, dated 30th May, 1941.

Order made by the Director of Supply under regulation 50 of the Defence Regulations, 1940, with the consent of the Governor, dated 30th May, 1941.

Amendment made by the Governor in Council under section 3 (e) of the Printers and Publishers Ordinance, 1927, Ordinance No. 25 of 1927, substituting Form No. 1 in the Schedule dated 31st May, 1941.

Amendment made by the Governor in Council under section 6 (1) of the Places of Public Entertainment Regulation Ordinance, 1919, Ordinance No. 22 of 1919, to the Regulations, dated 31st May, 1941.

Amendment made by the Governor in Council under section 37 (2) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table E in the Schedule, dated 1st "noe, 1941.,

Offices declared to be pensionable under section 2 (b) (i) of the Pensions Ordinance, 1932, Ordinance No. 21 of 1932.

The Ships' Guards (Anti-sabotage) Regulations, 1941, made by the Governor under the Emergency Powers (Defence) Acts, 1939 and 1940, as applied to this Colony by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, dated 3rd June, 1941.

Order made by the Controller of Food under regulation 50 of the Defence Regulations, 1940, with the consent of the Governor, regulating the sale of fish, dated 6th June, 1941.

Order made by the Rice Controller under regulation 50 of the Defence Regulations, 1940, with the consent of the Governor, regulating the wholesale of rice, dated 6th June, 1941.

Sessional Papers, 1941: —

No. 5. —Report of the Commission to Inquire into the Immigration Department.

URBAN COUNCIL BY-LAWS.

THE ATTORNEY GENERAL. —I rise to move formal approval by this Council of six sets of by-laws under the Public Health (Food) Ordinance and the Public Health (Sanitation) Ordinance. They are:

That the amendments made by the Urban Council under section 5 of the Public Health (Food) Ordinance, 1935, on the 20th day of May, 1941, to the by-laws under the heading "Restaurants, Eating Houses and Food Stalls" contained in the Schedule to the Ordinance be approved.

That the amendment made by the Urban Council under section 5 of the Public Health (Food) Ordinance, 1935, on the 20th day of May, 1941, to the by-laws under the heading "Food Factories" and sub-heading "A. General" contained in the Schedule to that Ordinance be approved.

That the amendment made by the Urban Council under section 5 of the Public Health (Food) Ordinance, 1935, on the 20th day of May, 1941, to the by-laws under the heading "Food Factories" and sub-heading "D. Food Preserving Establishments" contained in the Schedule to that Ordinance be approved.

That the amendment made by the Urban Council under section 3 of the Public Health (Sanitation) Ordinance, 1935, on the 20th day of May, 1941, to the by-laws under the heading "Dangerous and Offensive Trades" contained in Schedule A to that Ordinance be approved.

That the amendment made by the Urban Council under section 4 (xii) of the Public Health (Sanitation) Ordinance, 1935, on the 20th day of May, 1941, to the by-laws under the heading "Mosquito Prevention" contained in Schedule A to that Ordinance be approved.

That the amendments made by the Urban Council under section 4 (1) (xxiv) of the Public Health (Sanitation) Ordinance, 1935, on

the 20th day of May, 1941, to the by-laws under the heading "Cemeteries" contained in Schedule A to that Ordinance be approved.

These six sets of by-laws have been made by the Urban Council under the Public Health (Food) Ordinance and the Public Health (Sanitation) Ordinance. The first set is two new by-laws which are added to the "Restaurants" by-laws. The first reads as follows: "Except with the permission in writing of the Council no unsalted flesh meat shall be brought into the premises of any restaurant or eating house or used or consumed therein other than that which has been slaughtered in the Government Slaughterhouses, or which has been imported from Canada, Australia or New Zealand or from such other localities as the Council may from time to time approve." This by-law is intended to ensure that unsalted meat has been slaughtered under sanitary conditions.

The second new by-law in the same group reads: "Every licensee shall at all times provide a sufficient quantity of boiling water and shall cause every chop stick and utensil to be washed in boiling water after their use by one customer and before their use by another."

The second group is in connection with "Food Factories" by-laws. It is precisely the same as in the case of the first group as regards unsalted flesh meat.

The third is a similar one with regard to unsalted flesh meat in Food Preserving Establishments.

The fourth is an amendment under the Public Health (Sanitation) Ordinance dealing with offensive trades. It provides that "The trade of crushing, packing or dealing in any way with manganese ore or manganese dioxide is declared to be an offensive trade." It is already an offensive trade under the by-law to crush or pack manganese ore. The new words are "dealing in any way with . . . or manganese dioxide." The reason for this is to bring it into line with the similar by-law under the Factories and Workshops Ordinance.

The fifth is the addition of the word "occupier" to By-law No. 2 under the heading "Mosquito Prevention." This enables the Council to serve notices on the occupiers of premises which are liable to become breeding grounds for mosquitoes. Up to the present, the obligation has only been on the owners.

The last one concerns certain amendments to the by-law under which the fees for interment or storage in Chinese cemeteries are to be 50 cent for Section A and \$3 for Section B. At present, as far as I can understand, the fee for Section A is 50 cents, but it is put in a rather peculiar way. In the existing by-law it does not say interment fee but charges a fee of 50 cents for digging a grave and filling it again. The fee for Section B is raised to \$3, which is \$1 up. Then there is a new restriction which says that no interment will be

permitted in Section A of a coffin measuring at the middle more than 55 inches in circumference. Provision is also made that the areas of the grave spaces in the two sections shall not exceed the following dimensions: —

Section A. —7 feet long by 2½ feet wide with 18 inches interspaces;

Section B. —8 feet long by 3 feet wide with 18 inches interspaces.

THE COLONIAL SECRETARY seconded, and the motions were approved.

WAR REVENUE BILL, 1941.

THE FINANCIAL SECRETARY moved the first reading of a Bill intituled "An Ordinance to amend and consolidate the War Revenue Ordinances of 1940." He said: Your Excellency and Honourable Members will recall that rather more than a year ago, on the 14th March, 1940, the Honourable Mr. H. R. Butters moved the first reading of a Bill intituled "An Ordinance to impose war taxes and to regulate the Collection thereof." At that time to us in Hong Kong the war in Europe seemed almost a remote incident. The initial excitement and the invasion and partition of Poland had been followed by a period of comparative inactivity during the winter of 1939-40. The amazing events of the spring and summer 1940—the invasion of Denmark and Norway, the over-running of Holland and Belgium, closely followed by the defeat and collapse of our great ally, France, which left the British Empire fighting virtually alone and with its back to the wall—were an yet undreamt of. The Battle of Britain had not been fought and won and the Battle of the Atlantic had not reached serious proportions. Here in this Colony the proposal, made in connection with the budget for 1940-41, to raise additional revenue for war purposes was followed by the appointment of a representative War Revenue Committee which in February, 1940, recommended that the desired war revenue should be raised by a combination of taxes on property, on salaries and on corporation and business profits made in the Colony assessed on bases and at rates calculated to impose very broadly the same degree of sacrifice on the several classes of persons affected. The recommendations of the Committee were embodied in a draft War Revenue Bill which was accepted by Government and which was eventually passed by this Council on the 25th April, 1940, as Ordinance No. 13 of 1940. It was hoped, on the basis of a rough estimate by Mr. Caine, that the revenue from these war taxes would be of the order of \$6,000,000 each year and that this revenue would be devoted to meeting the cost of collection (estimated at \$400,000 annually) and the abnormal expenditure imposed on the Colony by war conditions (estimated at about \$1,600,000 annually), thus leaving a substantial balance available for gifts to the Imperial Government in the form of locally-built vessels for the Admiralty and War Department (\$5,000,000 to be spent in the two financial years 1940-41 and 1941-42) and perhaps also for further gifts in cash or kind.

It is now possible to look back upon the first year of assessment, which began on the 1st April, 1940, and ended on the 31st March, 1941, and to enquire to what extent the above expectations have been realized. The actual revenue derived from the four war taxes for that year of assessment was approximately \$9,000,000 or fifty per cent. more than the original estimate, and I am glad to say that the cost of collection, that is to say the cost of the War Taxation Department, was only a per cent. of the total amount collected. No expenditure was incurred during the financial year which ended on 31st March, 1941, in respect of the locally-built vessels to be presented to His Majesty's Government and consequently the whole of this honourable liability, now increased to \$5,220,000 because the tendered price of the vessels for the War Department proved to be higher than anticipated, appears in the printed estimates for the financial year 1941-42. But on the other hand the abnormal expenditure imposed on the Colony by war conditions has proved during the past twelve months or so to be very much greater than the original estimate. In addition to the expenditure incurred in implementing, in common with all other parts of the Empire, the instructions of the Imperial Government in such matters as censorship, economic warfare and trade control, the political situation in the Far East has made it necessary to take very extensive and sometimes very expensive measures for the defence of the Colony. Apparent to all are such measures as the provision of tunnels and other forms of protection against air attack, the mobilization of the Naval Volunteer Force, and the intensive training of the Volunteer Defence Corps; other measures which I cannot mention here are well known to Honourable Members.

Long before the end of the financial year 1940-41 and while the estimates for 1941-42 were in preparation it became clear that the yield from the war taxes would be insufficient to cover the ever-growing war expenditure and in his budget speech on 23rd January last the Honourable Mr. Butters announced that His Excellency the Officer Administering the Government had reconstituted the War Revenue Committee to re-examine and advise Government on the existing measures of War Taxation in the light of the Colony's present financial position and the actual receipts from the four taxes imposed by the War Revenue Ordinances of 1940.

The reconstituted War Revenue Committee presented its Report on the 23rd May last. The Report has been laid on the Table of this Council and has been published as Sessional Paper No. 4 of 1941. It is therefore available to all who wish to read it and I do not propose now to go into the facts and principles which guided the Committee in coming to its conclusions and recommendations, which, as in the case of the original Committee, were set out in a draft Bill. It is necessary to say, however, that the main recommendations involved, firstly, a revision of the various clauses of the War Revenue Ordinances of 1940 with a view to adjusting the principal inequities in those Ordinances; secondly, an increase in the allowances for a wife and children made to those persons paying Salaries Tax; thirdly, a

different basis for the assessment of the tax on profits made by those carrying on a trade profession or business, with a view to increasing the yield from this tax which had proved disappointing on the previous basis owing to the loopholes for evasion thereby afforded; fourthly, a new tax on the one broad source of unearned income hitherto untaxed, namely, an Interest Tax on certain classes of readily ascertainable interest arising in or accruing in the Colony on debentures, mortgages, bills of sale and business loans; and fifthly, the raising of the original basic rates of taxation from five and ten per cent. to six and twelve per cent. respectively. It was estimated by the Committee that at basic rates of five and ten per cent. the yield in 1941-42 from the five taxes would amount to \$11,000,000; since this sum would not be sufficient to meet the anticipated war expenditure during that year the Committee recommended an increase in the basic rates to six and twelve per cent. in order to produce an estimated yield of \$13,200,000.

At the last meeting of this Council Your Excellency spoke of the need for a greater economic war effort on the part of the people of Hong Kong and invited comparison with the effort and sacrifices which are being made by the people of the United Kingdom. In the hope and belief that Your Excellency's words were timely and acceptable to all, Government, while appreciating the recommendations of the reconstituted War Revenue Committee, proposes to go one step further and—except in the case of Salaries Tax to which I shall refer presently—raise the rates of the war taxes to seven and fourteen per cent. The estimated yield from the five war taxes on this basis is \$15,400,000 per annum. If this sum is realized, and taking into account the \$5,000,000 surplus of revenue over expenditure in 1940-41, the expected total revenue for the current financial year more than equates the commitments at present known. I am afraid, however, that other commitments will inevitably appear; in fact some are already looming on the financial horizon.

The Bill which is now before Council provides therefore for taxation at the basic rates of seven and fourteen per cent. In implementation of Your Excellency's pledge that attention would be given to the question whether this further increase in the basic rates would re-act harshly on lower-salaried residents who have to maintain a family elsewhere than in the Colony, having regard to the very considerable increases that are being made in the allowances for wives and children, Government has decided that payment of Salaries Tax on the first five thousand dollars should not be increased beyond the six per cent. recommended by the Committee. The effect of this concession is that a man with a wife and no children will not pay more in Salaries Tax than he did last year unless his income is more than \$11,000 while a man with a wife and one, two or more children will not, generally speaking, pay more unless his income is over \$15,000. I was, however, authorized to-day by Your Excellency to say that further consideration will be given to the allowances for the third and fourth children; if

on this account it is necessary to amend the Bill the amendment can be made in the Committee stage at the Second reading. To offset the concession to married taxpayers Government proposes to tax the unmarried more heavily by reducing the exemption limit of \$4,800 a year to \$3,600; in this connection I would point out that the exemption limit for United Kingdom Income Tax now stands at £ 110 or \$1,760.

Sir, I now confidently commend the Bill to the attention of this Council.

THE ATTORNEY GENERAL seconded, and the Bill was read a first time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows: —

1. This Bill is based generally on a Bill recommended by the Reconstituted War Revenue Committee in the appendix to their Report which was laid on the Table of the Legislative Council on the 29th April, 1941.

2. The Committees recommendations involved *firstly*, a revision of the various clauses of the War Revenue Ordinances of the previous year (Ordinances Nos. 13, 21 and 29 of 1940) with a view to adjusting what appeared to the Committee to be the principal inequities in those Ordinances; *secondly*, an increase in the allowances made to those paying salaries tax; *thirdly*, a different basis for the assessment of the tax on profits made by those carrying on a trade, profession or business, with a view to increasing the yield on this tax, which had proved disappointing on the previous basis; *fourthly*, a new tax (see Chapter V of the Bill) on certain classes of readily ascertainable interest arising in or accruing in the Colony on debentures, mortgages, bills of sale and business loans; *fifthly*, raising the original taxation rates of five (in one case four) and ten per cent. to six and twelve per cent. respectively; and *sixthly*, substituting a single amended and consolidated Ordinance for the existing War Revenue Ordinances.

3. The Government has accepted these recommendations generally; but considers that the rates of tax should be further increased from six and twelve per cent. to seven and fourteen per cent. respectively (see clauses 5, 14, 15, 16, 30 and 31 of the Bill).

4. As this increase, which the Government considers amply justified in view of War Revenue requirements and of the effort the Colony must make to meet them, may bear unduly on persons paying salaries tax, who were last year required to pay on the first five thousand dollars at four per cent. Government has decided that payment of salaries tax on the first five thousand dollars should not be increased beyond the six per cent. recommended by the Committee.

5. Government has however decided also that the exemption limit of \$4,800 a year was too high and has recommended its reduction to \$3,600 (see Clauses 8 (iii) and 14 (2) of the Bill).

6. A commentary on each clause of the Bill which differs in any way from a corresponding clause in the War Revenue Legislation of 1940 is attached in the form of a Table of Correspondence.

**THE TRUSTEES OF THE CHATER (CATHEDRAL AND ST.
ANDREW'S) ENDOWMENT FUNDS INCORPORATION
BILL, 1941.**

HON. MR. S. H. DODWELL moved the first reading of a Bill intitled "An Ordinance to incorporate Trustees capable of holding property and empowered to administer two trust funds known as The Chater (Cathedral) Endowment Fund and The Chater (St. Andrew's Church) Endowment Fund for the purpose of assisting in the maintenance of St. John's Cathedral and St. Andrew's Church in this Colony." He said: This Bill is one to provide for the incorporation of the Trustees of the Chater (Cathedral) Endowment Fund and the Chater (St. Andrew's Church) Endowment Fund. It has been duly advertised in accordance with the Royal Instructions and the Standing Orders of this Council relating to private Bills, and copies have been forwarded to the Honourable Attorney General.

The two funds in question were provided by the late Sir Catchick Paul Chater during his life time for the purpose of assisting in the maintenance of St. John's Cathedral Church and St. Andrew's Church and for augmenting the stipends of the clergy for the time being officiating at those places of worship.

Under the provisions of the trust deeds the two funds were vested in Trustees who have invested the capital and applied the income in accordance with the donor's wishes; the Trustees of both funds are the same.

It has been found in the past that considerable expense has had to be incurred on the death or retirement of a Trustee in order to appoint a New Trustee and vest the trust property in him. In order to avoid this expense in the future the present Trustees are seeking incorporation by Ordinance; the draft Bill now before the Council carries out this desire, provides a simple and inexpensive method of appointing New Trustees and secures the advantages of stability and perpetual succession.

The two funds will, of course, continue to be administered by the Trustees in accordance with the wishes of the donor as contained in the two trust deeds.

HON. MR. J. J. PATERSON seconded, and the Bill was read a first time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows: —

(1) The late Sir C. P. Chater, Kt., C.M.G. during his life established two trust funds the income of which was to be applied in assisting in the maintenance of St. John's Cathedral Church and St. Andrew's Church in the Colony and in augmenting the stipends of the Clergy for the time being holding the respective offices of Chaplain or Assistant Chaplain of the Cathedral and incumbent or curate of St. Andrew's Church.

(2) These two funds have been administered by Trustees.

(3) In order to secure perpetual succession and the other advantages of incorporation it is proposed to incorporate the Trustees under the title of "The Trustees of the Chater (Cathedral and St. Andrew's) Endowment Funds."

(4) The bill now proposed follows the general form of other incorporating Ordinances passed from time to time.

BUILDINGS AMENDMENT BILL, 1941.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Buildings Ordinance, 1935."

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

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

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through Committee without amendment and moved the third reading.

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

MOTION.

HON. MR. LO MAN-KAM. —I rise to move the following resolution "That, in the opinion of this Council, Government should not resort to its extraordinary emergency powers to attain an end unconnected with the emergency."

The object of my introducing the Motion standing in my name is not to indulge in an academic discussion on a theoretical constitutional problem. My object in to draw the attention of this Council

to certain answers which Government recently gave to my questions concerning the destruction and demolition, of squatters' huts at Tai Hang because, in my view, these answers raise an urgent and vital issue on the question of constitutional government.

The gist of the answers was that the destruction was not ordered as a matter of defence; that the action was taken under Regulation 37 of the Emergency Regulations merely on grounds of public health; that the reason why action was taken under the Emergency Regulations and not under the Summary Offences Ordinance, 1932 was because the procedure prescribed by the ordinary law "is too cumbersome to cope with the increasing number of squatters on Crown land"; and that the Emergency Regulations obviated the necessity of arresting and charging the squatters before a magistrate and enabled the area to be cleared more expeditiously.

We know that Government is armed, and has necessarily to be armed, with very drastic powers affecting the liberty of the subject for the purpose of dealing with an emergency. Some of these extraordinary and emergency powers are derived, not from any local ordinance, but from Orders-in-Council, over which this Council has no control at all. But it seems to me that because such far-reaching powers are vested in Government, it is absolutely essential that they should only be used for the purpose of, and in relation to, the emergency.

As a member of this Council I feel I cannot let pass unchallenged the exercise of these extraordinary powers by Government on the principle implicit in the Government action in the Tai Hang squatters' case, and I accordingly move the Motion standing in my name.

HON. MR. W. N. T. TAM. —I beg to second the motion, and I do so because I still cherish a few simple principles which I consider my good fortune to have acquired under a system of education fostered by this Government. From our youth up we have been taught that the end does not justify the means; and we are impressing on the minds of our children that expediency must never be allowed to eliminate fair play.

If we accept these principles, and if we hope to convince our children, we must doubt the justness of asking for powers in the name of defence and then employing those powers for the furtherance of another purpose; and we must experience a sense of disappointment that Government should permit measures intended by their severity for the promotion of public safety to be diverted and applied to public health, however laudable the latter object may be.

Some of us may deplore the use of methods which savour of Totalitarianism, while others may be inclined to the view that the populace needs chastening; but in this difference of opinion does not lie the point at issue. It is not against well-merited punishment that

we are making an appeal; it is against the type of logic which manages to establish a connection between squatters' huts, above all else, and defence; it is not the authoritarian whom we fear; it is the Machiavellian.

THE COLONIAL SECRETARY. —Sir, If the motion now before the Council were merely on the general question of constitutional policy which its wording would suggest there is no one in this Council, official or unofficial, who would not give it his whole hearted support.

The Honourable Mr. Lo, however, has in his speech linked the motion with the action taken against certain squatters which was the subject of debate in our meeting of 22nd May. As was stated on that date there was in this case no question of defence involved. The emergency dealt with in November 1938 was the vast influx of refugees squatters which followed the unfortunate events in South China at that time, and the resultant dangers to the public health of the Colony. That emergency, so far from being mitigated by the outbreak of war, has continued and unfortunately still continues; so much so that the 1938 "Squatters and Destitutes" Regulations were successively fortified by the provisions which are to be found in Government Notifications 913 of 1939 and 146 and 1290 of 1940.

To deal with such a situation quick action is necessary and this was no doubt in the minds of members of this Council when they approved of the November 1938 Regulations and the three amendments which I have quoted.

HON. MR. LO MAN-KAM. —Having heard the Honourable Colonial Secretary, I should like to say that I am still of the opinion that the action taken by Government was wrong. I cannot see the necessity for "quick action." Whether the huts were demolished ten days or a fortnight later or earlier cannot, in my view, make any substantial difference, and there is everything to be said for attaining the end in that case by the ordinary judicial method.

I cannot think that the Members of this Council, when they assented to the amendments of the regulations mentioned by the Honourable the Colonial Secretary, ever contemplated that Government would make use of these emergency powers except in the case of necessity: and in particular, that Government would do so when they could have adopted the ordinary procedure without any harm to the Colony.

I am happy to know from the Honourable the Colonial Secretary's opening remarks that there is no difference of opinion in this Council on the general question of constitutional policy. But as I do not agree with Government's exercise of that policy in relation to the facts of that particular case, which, of course, may recur. I regret I must press this motion to a vote.

H.E. THE GOVERNOR. —As the Colonial Secretary has explained, it is not possible for the Government to accept the motion, although *prima facie* it is quite innocuous.

The motion was defeated by voice.

GOVERNORS DEPARTURE.

HON. MR. J. J. PATERSON. —Sir, may I say, on behalf of the Unofficial Members and the community how very distressed we all were to learn of your impending departure. Words are always empty things and so I am not going to talk at any length at all: I only want to say how very sorry we are that you are leaving.

H.E. THE GOVERNOR. —I am deeply obliged to Honourable members. I may say that I was extremely grieved when I felt bound in duty by the medical advice which I received to surrender my trust to the hands of the Secretary of State and to make way for a more able-bodied Governor. I thank the Council very much for all the support and assistance given me.

ADJOURNMENT.

H.E. THE GOVERNOR. —Council stands adjourned to this day week.