

# VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONGKONG.

No. 10 OF 1876.

MONDAY, 11<sup>TH</sup> DECEMBER, 1876.

## PRESENT:

His Excellency Governor SIR ARTHUR EDWARD KENNEDY, K.C.M.G., C.B.

The Honourable the Chief Justice (Sir JOHN SMALE).

The Honourable the Colonial Secretary (JOHN GARDINER AUSTIN, C.M.G.).

The Honourable the Acting Attorney General (JAMES RUSSELL).

The Honourable the Acting Colonial Treasurer (CHARLES MAY).

The Honourable PHINEAS RYRIE.

The Honourable HENRY LOWCOCK.

The Honourable WILLIAM KESWICK.

The Council meets this day at 2.30 P.M., by Special Summons.

The Minutes of the Meeting of Council held on the 16 November, 1876, are read and confirmed.

The *Deportation and Conditional Pardons Consolidation* Ordinance is read a second time, and the Council goes into Committee upon the clauses of the Bill.

At the end of Section VIII, the Acting Attorney General proposes to add after the words "with the case", "and to remit him to Gaol to undergo any sentence not exceeding the whole of his original and commuted sentence."

Amendment adopted.

After Section IX, the Acting Attorney General moves the insertion of the following clause, to be called Section X. "In all cases when it seems expedient that any prisoner convicted of any crime and actually undergoing sentence of imprisonment should be released and deported it shall be lawful for the Governor in Council to order such prisoner to be deported."

Clause adopted.

In Section XVI, relating to lepers, the Acting Attorney General moves, that after the words "Chinese Authorities" be added the words "and on being found within this Colony a second time, shall be liable to deportation by order of the Governor."

Motion carried.

Certain other verbal alterations and amendments are made, after which the Bill is committed and passed, bearing the Title of—"An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to consolidate and amend the Ordinances relating to Deportation, Conditional Pardons, the Branding and Punishment of certain Criminals, and the Ordinance No. 9 of 1857, entitled 'An Ordinance for better securing the Peace of the Colony,'—being "No. 8 of 1876."

The *Public Gambling Amendment Ordinance*, 1876, is read a second time, and the Council goes into Committee upon the clauses of the Bill.

In Section III, the words "for gain or lucre" are struck out.

In Section IV, the Chief Justice, seconded by the Colonial Secretary, moves that the words "for gain or lucre" be struck out.

Debate ensues. The Council divides:—

<i>For the Motion</i> (5).	<i>Against</i> (2).
Mr. KESWICK.	THE ACTING COLONIAL TREASURER.
Mr. LOWCOCK.	THE ACTING ATTORNEY GENERAL.
Mr. RYRIE.	
THE CHIEF JUSTICE.	
THE COLONIAL SECRETARY	

The words "for gain or lucre" are accordingly struck out, and the Bill is committed and passed without further alteration, bearing the title of—"An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to consolidate and amend the Law relating to Public Gambling,"—being "No. 9 of 1876."

The Piracy Ordinance is read a second time, and the Council goes into Committee upon the clauses of the Bill.

The Chief Justice moves, and the Honourable WILLIAM KESWICK seconds, the omission of clauses two and three on the ground that, though perfectly unobjectionable in themselves, their embodiment in an Ordinance is beyond the powers of the local Legislature, they being sections of Imperial Acts, which have reference to crime without the jurisdiction of this Colony, and are, as such, incapable of amendment by a local Ordinance.

The Governor intimates that, should the amendment be adopted by the Council, he considers the best course would be to withdraw the Bill pending a reference to Her Majesty's Secretary of State.

The Council divides:—

<i>For the Amendment</i> (4).	<i>Against</i> (3).
Mr. KESWICK.	Mr. LOWCOCK.
Mr. RYRIE.	THE ACTING ATTORNEY GENERAL.
THE ACTING COLONIAL TREASURER.	THE COLONIAL SECRETARY.
THE CHIEF JUSTICE.	

The amendment is therefore carried, and the Bill withdrawn.

The *Post Office Ordinance*, 1876, is read a second time, and a suspending clause having been inserted, it is committed and passed, bearing the Title of—"An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to amend the Law relating to the Postal Matters of the Colony,"—being "No. 10 of 1876."

Read a first time a Bill to regulate the Number of Passengers to be carried by Steamers plying between Hongkong and Macao and between Hongkong and Places on the Canton River.

His Excellency adjourns the Council at 4 P.M., until Monday, the 18th instant, at 2.30 P.M.

A. E. KENNEDY,  
*Governor.*

Read and confirmed, this 18th Day of December, 1876.

H. E. WODEHOUSE,  
*Clerk of Councils.*