

4TH DECEMBER, 1891.

PRESENT:—

HIS EXCELLENCY THE ACTING GOVERNOR, Major-General
G. DIGBY BARKER, C.B.

Hon. W. M. GOODMAN, Acting Colonial Secretary.

Hon. A. J. LEACH, Acting Attorney-General.

Hon. J. H. STEWART-LOCKHART, Registrar General.

Hon. N. G. MITCHELL-INNES, Colonial Treasurer.

Hon. F. A. COOPER, Acting Surveyor-General.

Hon. W. C. H. HASTINGS, Acting Harbour Master.

Hon. P. RYRIE.

Hon. HO KAI.

Hon. J. J. KESWICK.

Hon. T. H. WHITEHEAD.

THE APPROPRIATION BILL, 1892.

The ACTING COLONIAL SECRETARY moved the third reading of the Appropriation Bill, 1892.

The COLONIAL TREASURER seconded.

Hon. T. H. WHITEHEAD—I rise, your Excellency, to move that the Bill be recommitted.

HIS EXCELLENCY—Will the hon. member state the items of the Bill for the discussion of which he wishes the Bill recommitted?

Hon. T. H. WHITEHEAD—The items are the Governor and Legislature, Colonial Secretary, Audit Department, Treasury, Surveyor-General, Water and Drainage, Post Office, Registrar-General, Harbour Master, Ecclesiastical, Educational, Magistracy, Police, Gaols, Military Expenditure, and the vote for the new gaol.

Hon. HO KAI seconded.

The ACTING COLONIAL SECRETARY—I should like to point out to the hon. member that each of these items was discussed in public very fully in Finance Committee. There were two or three items which were objected to in the Finance Committee and a vote was taken upon these, and in the report of the Committee it is duly recorded that the un-official members voted against these items. In strictness the hon. member let his opportunity slip on the last occasion, because the Bill was read in Committee, and it was only when the question of the third reading arose that he asked to have the Bill reconsidered. The hon. member who then sat opposite (Mr. Chater), now absent, said the reason why the hon. member wished the Bill recommitted was that he might be consistent, and that as he had voted in Finance Committee against certain items and a division

had taken place on those items, so when the Bill was in Committee of the whole house, which here consists of precisely the same members, he might again do that which he had done in Finance Committee, namely, record his vote against those items. I was under the impression the hon. member was about to move to-day for the recommittal of the Bill for the purpose he mentioned on the last occasion. I was not therefore prepared to bear him move to have the Bill recommitted for the discussion of all the items he has now mentioned. There was some mention on the last occasion of the prison vote and the military item, but I am not aware anything was said about the other things, and to have the Bill recommitted—which would be a favour to the hon. member, because in strictness he has no right to have it recommitted—on a sort of roving commission, to have the whole thing gone over again, to have the same speeches we listened to with great attention weeks ago, and to have fresh opposition on items that were not opposed in Finance Committee at all, seems to me to be reducing the thing to obstruction to the Bill being passed at all. I mentioned on the last occasion it was very necessary the Bill should be home before the end of the year. We had three separate meetings of the Finance Committee, and if we are to have the whole of the items fought out again it becomes a question what is the use of the Finance Committee at all and having the votes recorded on the minutes so that it appears that the hon. members opposed certain items. What is the use of reducing it to a farce and having the whole thing over again? I ask the hon. member if he would not limit his request for recommittal to the items he mentioned on the last occasion.

Hon. T. H. WHITEHEAD—It is true that I allowed the opportunity to slip of having each item discussed in full Committee of the Council. It is within the power of the Government by means of the official vote to prevent any one of the different items being struck out. The idea of referring the whole question of the Appropriation Bill to the Finance Committee is in order, I take it, that the unofficial members should derive information in connection with each item of expenditure and be prepared to debate each item of expenditure in the full Council when the Bill comes up for discussion. It is true that I innocently allowed my opportunity to slip. The Bill was read over, there was only one clause, and I understood after that had been done the unofficial members would have the opportunity afforded them of discussing each item, and not be told that the Bill had passed through Committee. I would entreat your Excellency to permit us to have the opportunity of going into the various items mentioned.

The ACTING COLONIAL SECRETARY—I take

it from what the hon. member has stated that he wishes the whole of the items recommitted. In that case I do not really see what object is gained in referring the Bill to the Finance Committee. In that Committee the fullest explanation is given to hon. members, the votes are recorded, the Press are present, and the whole matter is fully discussed. It really seems to me to be making a farce of the whole thing to do as the hon. member wishes and go through the whole thing again now. Instead of making progress we shall be further back than we were three weeks ago. I must certainly ask your Excellency not to permit any further discussion on those items that have been passed without opposition in Finance Committee, especially as this is a question of recommitment. It is retrogression rather than progression.

Hon. T. H. WHITEHEAD—In former years it has been the custom for the unofficial members to have an opportunity of discussing in the full Council items to which no objection was taken in Finance Committee.

HIS EXCELLENCY—The hon. member who seconded the resolution seconded it for a recommitment of the Bill, which is the motion now before us. He seconded it before I put the question as to what items the hon. member wished to discuss. I should like to know now whether he intended to second the motion for reopening the items that have been passed by the Finance Committee without question.

Hon. HO KAI—I seconded the resolution on the understanding that the most important items were to be discussed. As the hon. member on my right states, however, it has been the custom to allow the unofficial members if they have any objection to any item to discuss the same in full Council as well as in Finance Committee, even if they have not voted against it in Finance Committee, and I have no objection to all the items mentioned by the hon. member being discussed now.

HIS EXCELLENCY—I should like to ask the senior unofficial member, whose experience of this Council is far larger than that of any other person here, whether he considers it consistent with former precedents that, after the whole of an Appropriation Bill has been through Finance Committee and all the items discussed and only a few opposed, and after the Bill has been brought into Committee of the whole house and passed and the third reading is moved, that then the Bill should be recommitted to reopen a discussion on numerous items passed without discussion or opposition in Finance Committee?

Hon. P. RYRIE—It has been stated in this Council from the chair that unofficial members are entitled to vote against any item in full Council. The late Mr. Johnson said that a member had a right even if he voted in favour of an item in Finance Committee to vote against it in full Council; but I have never known it done.

HIS EXCELLENCY—After that expression of opinion by the senior unofficial member, I leave it to the hon. member to say whether he wishes to press his resolution or not.

Hon. T. H. WHITEHEAD—I should be glad to hear whether the hon. member opposite (Mr. Keswick) desires an opportunity of expressing himself in connection with the financial position of the Colony, and in regard to its revenue and its heavy and constantly increasing expenditure.

Hon. J. J. KESWICK—I have not come prepared to enter at once into the financial position of the Colony, as the hon. member opposite wishes I am also at a disadvantage in not having been present at the recent debates on these estimates. I understand the question at present is whether the items passed in Finance Committee without debate at all are to be recommitted for discussion or only the items opposed. I have not that experience of the Council that would entitle me to speak with authority, and in nine cases out of ten I would be prepared to accept the decision of the members of the Finance Committee. Be that as it may, to come to the items they took exception to, the audit department, gaol, and one or two others, I think anything which would obstruct reconsideration of these questions would be very unfortunate. In reference to the audit department. I have no opinion which would enable me to speak upon it. In reference to the gaol I think I may say that I have always regarded this expenditure as most unnecessary, regarded it more or less as a mistake to which this colony has been committed by the views expressed on the subject of the gaol during past years, and by the authorities at home considering that the grounds which made it so desirable before that the Colony should proceed to build this new gaol still hold good. Now I am quite satisfied in my own mind that the expenditure on a new gaol of \$500,000 or \$600,000 is wholly unjustifiable. I have no doubt whatever that the gaol accommodation just now is unsatisfactory, but I think that could be rectified by a much smaller expenditure than that involved by reconstruction of the gaol. In reference to the military expenditure—

HIS EXCELLENCY—The remarks of the hon. member would be more appropriate after the Bill is recommitted. I think that would be more regular. The question is now whether the Bill is to be recommitted for further consideration.

Hon. J. J. KESWICK—Very well, your Excellency, then I will resume my seat.

Hon. T. H. WHITEHEAD—I still think, your Excellency, that there would be considerable advantage to be gained from the discussion of various items, and I would entreat your Excellency to give an opportunity for that discussion now. When the Bill was read over I took it that the Council would return to each item. No such opportunity was given us of expressing our views on the various items. I fully intended at the second reading to bring forward certain amendments with a view of carrying out the

policy which the unofficial members decided upon some time ago.

His EXCELLENCY—After that explanation I will not oppose any longer the recommittal of the Bill. I will only remind the hon. member it is recommitted for the purpose of definite amendments. Anything that is said must be on a definite amendment.

Hon. T. H. WHITEHEAD—Then as regards the expenditure under the head of Governor and Legislature. It is a very thankless and ungrateful task which falls upon me

The ACTING ATTORNEY-GENERAL—I rise to order. As we have granted such permission to the hon. member he ought to say at once what his amendment is. He has got up and commenced a speech and we don't know what it is leading up to at all. I think the hon. member should state his amendment at once.

Hon. T. H. WHITEHEAD—I move that the Governor's salary be reduced to \$28,800, or the same as it was previous to this year. My reasons for doing so, your Excellency, are these. Looking carefully into the estimates for next year I cannot feel at all satisfied that the revenue put down, namely \$2,144,000, will be realised. I hope I am greatly mistaken and that it will be realised, but I see that the revenue estimated to be derived from opium next year exceeds by \$131,600 that obtained during the year 1891. There is also another very large increase of revenue under the head of licences, and the amount of revenue from the sale of land is estimated at double the amount of that obtained this year. I hope, sir, I am greatly mistaken in supposing this revenue will not be obtained, but I think in view of the precarious nature of the revenue derived from opium it would be well that a note of warning should be sounded that we may not be able in the near future to bear the large amount of expenditure which we have now to face. This is but a small island, and I submit it does not require a first-class Governor, or at all events a Governor with the pay of a first class official to entitle him to receive the pension which a Governor in charge of a first class colony is entitled to receive. The reason which Lord Knutsford gave for the increase of the salary is one which I should say is an argument in favour of the reduction of the salary. It was stated in this Chamber in April last, by the Chairman of the Finance Committee, as follows:—

"The next minute recommended an amendment of the estimates with respect to the Governor's salary, which had not been inserted in the estimates in the manner proposed by the Secretary of State. The Secretary of State in his despatch of the 18th June stated that he had decided that the salary should be voted at \$32,000, inclusive of entertainment allowance, and that when on half pay the Governor should receive \$12,500, the remaining \$19,500 to be drawn by the Officer Administering the Government, and when on vacation pay he should receive \$25,000. In the estimates the salary had been put down at so much and

the allowance at so much. What the Secretary of State intended was that the whole amount should be placed as one sum, although part of that sum was to be used, as it were, in the shape of allowance. The reason why the Secretary of State desired the amount to be stated under one head was explained in a letter to Sir William des Voeux, in which he said that it was important that the whole amount should be voted as salary in order to secure his position as officer in charge of a first-class Government under the Governors' Pension Acts. Unless the Governor received a certain salary he was not considered to administer a first-class Government, and if he did not administer a first-class Government for a certain time he could not get a pension as a Governor of the first class, and therefore this rectification of the estimates was required. It made no difference as far as this Colony was concerned, as the same amount would be spent, and as they were aware the pensions of Governors were not paid by the colonies but by the Imperial Government."

Sir, I submit it does make a difference, it makes a difference of \$3,200, and I think for a small place such as Hongkong is that it is some what extravagant, absurdly extravagant, to pay this large salary to the Governor, more especially as the Governors during the last nine or ten years have very seldom been with us. It may be a very great privilege and a very high honour to have a first class Governor, but I do not think we can afford it, more especially, as I say, as the Governor is very seldom in our midst. I therefore, in view of the uncertain nature of our future revenue, move that this vote be reduced.

The motion was not seconded.

His EXCELLENCY—That not being seconded it falls to the ground and we pass on to the next resolution.

Hon. T. H. WHITEHEAD—I rise to move the reduction of the Colonial Secretary's salary. Formerly the salary was \$7,200 and then, in addition to the Colonial Secretary's work, the duty of the Auditor-General fell upon the office. Sir William Marsh discharged the duties of both Auditor-General and Colonial Secretary at the salary of \$7,200. The duties of Auditor-General were taken away from the Colonial Secretary and the salary of the Colonial Secretary, instead of remaining at \$7,200, has been increased to \$9,720, and the cost of the department has gone on steadily increasing from \$27,000 in 1880 to \$35,000 this year. I cannot but regard this increase as excessive and therefore I move this amendment.

The resolution was not seconded.

Hon. T. H. WHITEHEAD—The Audit department comes next and I beg to move that the vote be reduced by the sum of \$10,000.

Hon. HO KAI—I beg to second this resolution.

Having already done so in the Finance Committee and all the reasons having been stated there. I will not detain the Council further.

A division was then taken with the result that the Hon. T. H. Whitehead and Hon. Ho Kai voted for the amendment, and the Hon. J. J. Keswick, Hon. P. Ryrie, and all the official members against. The amendment was therefore lost.

Hon. T. H. WHITEHEAD—I rise to a move reduction of 10 per cent. in the amount voted for the Treasurer's department. The Treasurer's duties formerly were performed by the Postmaster-General on an allowance of £200 per annum, and afterwards by one of the Police Magistrates on an allowance of \$480 per annum. Now a new office is created and the sum required for this department has steadily risen from \$11,500 in 1880 to \$27,376 for the ensuing year. I therefore move the reduction I have stated.

The amendment was not seconded.

Hon. T. H. WHITEHEAD—I rise to move a reduction of \$2,400 in the vote for the Post Office department. It seems to me unnecessary that the cost of all these departments of the Government should be steadily increasing. I cannot but think the cadet system has something to do with it. Billets must be found for the cadets. I think that this department should be very easily carried on without the very large expenditure which attends it.

The amendment was not seconded.

Hon. T. H. WHITEHEAD—I also move a reduction in the department of the Registrar-General. Formerly the Registrar-General drew a salary of \$3,840 and had no assistant. Now the salary has been increased to \$6,804, with an assistant at a salary of \$2,440, and the cost of the department has risen from \$19,000 in 1880 to \$35,940 in 1892. The general opinion is that this department is very much overmanned. I therefore move a reduction of 10 per cent. in the vote.

The amendment was not seconded.

Hon. T. H. WHITEHEAD—In the vote for the Harbour Master's department I move a reduction of \$3,000. It seems strange we should have a Harbour Master and an Assistant Harbour Master when we see that during the absence of the Harbour Master the Assistant is able to discharge the duties of both offices and those of Superintendent of the Water Police as well as member of this Council.

The amendment was not seconded.

Hon. T. H. WHITEHEAD—I pass over several items and come to the Magistracy. I think that here also a saving could be effected. At present we have one Magistrate doing the duty of two Magistrates. He does his work well and to the satisfaction of every one concerned. Therefore I cannot but regard it as unnecessary to have two Magistrates and I move the reduction of this vote by \$5,180.

The amendment was not seconded.

Hon. T. H. WHITEHEAD—I will pass over the other items and come to the military expenditure I move the reduction of this vote by £20,000. As so much has been said on this

subject I will not make any further remarks at present.

Hon. HO KAI seconded.

A division was taken, when the Hon. T. H. Whitehead, Hon. Ho Kai, and Hon. P. [redacted] voted for the amendment and the Hon. J. J. Keswick and the official members against. The amendment was therefore lost.

Hon. T. H. WHITEHEAD—I move that the vote for \$10,000 for gaol extension be omitted. I cordially agree with the remarks made by my hon. friend opposite, Mr. Keswick, and share his opinion that there is really no necessity what ever for a new gaol. Every taxpayer in the colony, I think, is opposed to it. If good reasons could be shown I have not the least doubt the unofficial members would be prepared to alter their position, but we have before us the fact that the number of prisoners in gaol to-day at less than it has been in recent years, and there is no reason to anticipate that any addition to the number of prisoners will shortly occur. I think it would be nothing less than [redacted] extravagance, in the present position of the Colony, to enter on the building of a new gaol. The Hon. Mr. Chater put forward a scheme some little time ago for the expansion of the present prison, which I firmly believe [redacted] be carried out, and carried out at the cost of [redacted] very large expenditure. Under the circumstance I move that this vote be omitted. The Government can at any time, when plans and estimates have been prepared, summon the Council and by means of the more numerous official [redacted] get the money from the Council.

Hon. HO KAI I beg to second the amendment. It is now pretty well known • the Government that the ratepayers of the Colony and all the unofficial members are opposed to this vote. The building of a new gaol has been sanctioned at home upon the mistaken notice that the separate system should be carried out here. I made the remark on one occasion before that I did not think the solitary system would • very much upon the Chinese criminal class. There are a very patient set of people and the separated system would be entirely wasted and thrown away upon them. I think perhaps something • in the nature of severer corporal punishment would be better than the separate system. It is simply waste if we have to throw away • a million or three quarters of a million of dollars on a new gaol; and you will admit that if the present vote is passed through the Council the remainder of the money must be voted.

Hon. J. J. KESWICK—From the remember made by your Excellency at the last meeting of Council I understand it is almost impossible for the Government just now to refrain from passing this vote in consequence of the instructions you have received. That is a state •

which, holding the views I do as to • absence of any necessity for a new gaol. I regard as very regrettable, and I would be such relieved to hear there is some means of • out of the difficulty. I am quite satisfied myself that this is a very great error which the Colonial Authorities at home have committed and that if they can be brought to view the position in the light in which we see it they will not go on. I am quite satisfied the expenditure is unnecessary. I will certainly record my vote against this item when called upon to vote, but I very greatly regret there is not some means of deferring this expenditure until the matter has been ventilated in a way which will show the authorities at home it is an unnecessary expenditure. This might perhaps in done by a new commission of inquiry into the matter. I know commissions are cumbersome, they take time, and after they have made their reports it is two or three years before they are acted upon, and then new persons are attending to the matter and carrying out the recommendations, and then a new commission is suggested. It may be thought that is what I am suggesting; but I would very much like to see a new commission appointed to see if it might not be possible to carry out some more economical scheme than that at of building a new gaol. I must record my vote against this expenditure.

HIS EXCELLENCY—The item under discussion is called "gaol extension," and all those who have spoken against it at present have, I think, on former occasions unanimously expressed their opinion in favour of the necessity of extending the gaol. Whether it should be extended on its pre•t site or by erecting a separate building in another site has been a question on which at present we have the instructions of the Secretary of State; but the necessity of gaol extension in some form has hitherto, as I have • by all the documents I have perused, been admitted, I may say, by almost every one. The necessity of it has been urged from year to year by the Superintendents of the Gaol, who have seen the very urgent necessity for it. It has been recognised by each succeeding Secretary of State from Lord Carnarvon, Lord Kimberley, Lord Derby, Mr. Stanhope, to the present Secretary of State; in fact, each succeeding Secretary of State has not only spoken in favour of it, but most strongly urged it. We talk of the associated system and the separate system but the defects of the one and the advantages of the other do not seem to be realized. We have heard from the hon. member who represents the Chinese that the separate system will not have any deterrent effect beyond what the associated system has upon the Chinese. That he only gives as a matter of opinion from his general knowledge of his countrymen. On the other hand the Superintendents of the Gaol, who have been close observers of the Chinese prisoners confined in the gaol, have all unanimously stated

the contrary. And as announce of practice is worth a pound of theory I should like to read one passage from the report of the Superintendent of the Gaol for the year 1885:—

"That short sentences passed in associated wards are not very deterrent I have fair evidence. There are generally in gaol from 20 to 30 prisoners of the criminal class, confined for short periods for want of finding security (generally only a few dollars) for good behaviour. These persons are placed in associated wards, comfortably lodged and fed, and have no work to do. As a rule they declare themselves unable to find the required security and remain in gaol the appointed time. But, having some idea that many of these 'security prisoners' could find security if they wished, indeed knowing that some of them had more money in their possession than the amount of security demanded, I tried the experiment of sending several of them to separate cells, the result being that very few stood more than three or four days of separate confinement but found the security required and left the gaol. Had these men been allowed to remain together in an associated ward it seems probable they would have preferred a rest of a few months in gaol at the cost of the Colony."

That is actual experience of fact. But there is another point. The desirability of the separate system is often spoken of, as it was just now by the hon. member who represents the Chinese, only as being required for increasing the punishment as a deterrent. But there is a great deal in the associated system, as observed by the Superintendents of the Gaol, that is demoralising. The good and bad, or I ought to say the hardened and less hardened, are shut up together, and the members of the Triad Society have the opportunity of instilling their principles into those who are shut up with them. The evils of the associated system are two; not only that it is not as deterrent as the solitary system, which has been disputed, but that it has a demoralising effect. I think that is an important feature which has been very much overlooked in the discussion of this matter. I should just like to bring to notice the unanimity of opinion in all the reports of the Superintendents of the Gaol in this matter. One report says:—

"Long experience at home has proved that, to make prison punishments deterrent and reformatory, it is essential that prisoners should be kept in separate confinement. The established principle is that prisoners on conviction should for a fixed period be kept in separate confinement. This penal stage lasts in England for nine months. In the second stage convicts are employed at labour in association, but sleep and have their meals in a separate cell. It is quite i m p o s s i b l e t o

carry out such a system in Victoria Gaol with the very limited and unsuitable accommodation of the buildings, and I believe it has never been even approximately attempted, confinement in separate cells having in past times been chiefly used for punishment. The limited space of the gaol tells equally hardly on industrial labour. Mat making, chair and basket making, carpentering, and even most of the oakum picking have to be carried out in narrow and limited verandahs. There is only space for a single loom of coir mat-making and a single loom of grass mat-making; tailoring is carried out in a dark hall, shoemaking is carried out in an ordinary cell. In fact there is no suitable workshop in the gaol, no space for one, except for the single industry of washing clothes. Were the prison provided with suitable workshops, it would be easy to discharge every long sentence prisoner a trained and skilled workman at a remunerative trade, and there would be every hope that a large percentage of convicts would by these means be reclaimed from a life of crime. In short the Victoria Gaol is unsuited to the demands of modern civilization, or even humanity; for it seems hardly humane to fail in adopting those measures which experience has shown to operate as deterrents to criminals and as encouragements to reform of life; it seems hardly humane to continue a prison system in which the enforced association of criminals is well known as tending to make the better class bad and the bad worse."

It is much to be feared that many are deteriorated and corrupted by continued and compulsory association with the criminal class they met in gaol. Then in another report:

"As regards prison buildings I think I need hardly add a word to my previous report, I despair of establishing a really satisfactory deterrent and reformatory prison discipline until the separate system is introduced."

Having read several other long extracts from the annual gaol reports in which the evils of the associated system were remarked upon. His Excellency proceeded:—I think that is sufficient to show the opinion expressed in all the reports of the Superintendents of the Gaol, both as regards the necessity for more space generally and the necessity for doing away with the evils of the associated system as well as the necessity of adopting the deterrent effect of the separate system. It has been stated that we have had too many prisoners in the gaol, that the great object of the Colony should be to reduce the number of prisoners instead of increasing the gaol accommodation. Well, that has been tried for several years and it is only in view of that and in the hope of its effectiveness that successive Secretaries of State have authorised the putting off of the building of a new gaol. A few years ago it was urged that if the punishment of flogging was extended and deportation increased we would greatly reduce the number of prisoners. That has been done. Both these systems have been adopted and the result has been that whereas the population has increased from some 170,000 to 210,000 or 220,000 during the last ten years, on the other hand the average number of prisoners has been considerably diminished; but

after all the number has only been diminished to the average of about 500. The present gaol, even if great expense were gone to in its alteration, could only accommodate about 300 on the separate system. The number of prisoners is now as low as it probably ever will be, and you therefore require accommodation for 200 more. The Committee recommended the provision of accommodation on the present site, with the result we see. The Secretary of State, having considered all that has been said on both sides, has finally decided that the building of a new gaol is absolutely necessary and cannot be put off any longer. Therefore, as I have already stated, the Government cannot withdraw from this. They have only put down the sum of \$10,000, which will probably be required to be spent on the preparation of the site whenever that site is selected. But whatever site is selected none of this money will be spent until the Public Works Committee have had the opportunity of discussing it. It has just been suggested that it would be desirable that a complete statement showing the opposite side to that taken by the Secretary of State should be prepared and submitted to him. I have not seen any such statement yet. If a statement confuting all I have read out just now is prepared I have no doubt the new Governor will be quite prepared to submit it to the Secretary of State. In the meantime the Government can only require that the vote shall be passed.

A division was then taken with the result that the four unofficial members present voted for the amendment and all the unofficials against it. The amendment was therefore lost.

The Council then resumed and the Bill was read a third time and passed.

THE MERCHANT SHIPPING BILL.

The Council resumed consideration of this Bill in Committee.

The ACTING ATTORNEY-GENERAL—Hon. members may recollect that three sections stood over for further consideration, namely, section 32, section 38 sub-section 16, and section 42. Section 32 stood over at the request of the hon. member who represents the Chamber of Commerce, and I understand he is desirous of moving some amendment to that section.

Hon. T. H. WHITEHEAD—In section 32 sub-section 2. I propose that in place of the present sub-section it shall read as follows:—"It shall be lawful for the Governor to appoint a lighthouse board consisting of two members appointed by the Governor and two members appointed by the Chamber of Commerce with authority to erect and maintain within the Colony such lighthouses,

&c." The object of a lighthouse board was stated in a letter from the Committee of the Chamber of Commerce to the Governor on the 6th June, 1890, in which they state, "Among other duties devolving upon the Board would be the supervision of lighthouses, the regulation and collection of dues, and the appropriation of same to the specific purposes for which they are carried. The powers of the Board might be in various cases as circumstances appeared advisable, and every Committee venture to suggest that tentatively its members should comprise two members appointed by the Government, one of whom should always be Chairman with a casting vote, and two others to be appointed by the Chamber." The matter of a lighthouse board has several times been referred to in Council, and on the 13th February last year His Excellency Sir William Voeux in referring to the subject said:—

"With reference to the first question put by Mr. MacEwen. I may say that within the last few days a proposition was made to me with reference to a lighthouse board. The matter has come upon me too suddenly, and I have therefore not considered it sufficiently as yet. Suffice it to say I have no *à priori* objection to it. I conceive its first object is to see that lighthouse money is devoted to lighthouses. I don't know whether there are any other objects, although probably there are other objects, and I know there are such Boards in other colonies. All I can say at the present moment is that it will have my best consideration and I daresay may form one of those many projects as yet not carried out which I hope to carry out for the benefit of the colony."

Your Excellency is no doubt aware that between the years 1874 and 1889 the revenue derived from light dues amounted to \$341,376 and the total cost of construction of lighthouses, upkeep &c., amounted to \$161,738, leaving a surplus of \$179,638 which was merged in the general revenue of the Colony. At the last general meeting of the Chamber of Commerce the Chairman said:—

"His Excellency the Governor asked that a should be pointed out to him wherein a lighthouse board could do better than the Government. It is herein that the Government has done ill. A board such as your Committee propose would have brought forcibly to the notice of the Government the diversion of the fund that has been going on for the past sixteen years; they would, more persistently than has been done in the past, have shown the wisdom of this proceeding; they would have impressed on each successive Governor that the original levy was made on the distinct understanding that when the original cost of the lighthouses was recouped the dues were to be reduced or were to cease."

Under the circumstances I beg to move the amendment, which I have read.

HIS EXCELLENCY—Does any one second your motion?

Hon. T. H. WHITEHEAD—Perhaps the senior unofficial member will do so.

Hon. P. RYRIE—I scarcely understand what is the purport of your motion. If it is for the appointment of a Harbour Board, I will certainly second it.

HIS EXCELLENCY—I do not think there is any motion for the appointment of a Harbour Board. The amendment is simply to give the power to the Governor to appoint a Lighthouse Board.

Hon. P. RYRIE—I think the Governor should be requested to appoint such a Board.

HIS EXCELLENCY—I think that can hardly be put in the form of an amendment to the Ordinance.

The ACTING HARBOUR MASTER—I understand the hon. member's amendment has not been seconded.

Hon. P. RYRIE—Yes, I will second it, although I am not quite clear as to what the hon. member wishes to move.

The ACTING HARBOUR MASTER—The motion is for the appointment of a Lighthouse Board with a view, as I take it, of dealing with the light dues. No statement has been made that at present the lighthouses are badly managed; no allegation has been made that a Board will manage them any cheaper. The only point is that the Board would reduce the light dues to such a point that there would be no balance to put to the general revenue. Since the Chairman of the Chamber of Commerce made the statement that in no other part of the world did the balance from light dues go towards general revenue, I have made it my business to write to several ports in different parts of the world to find out what the facts really were. The Chairman of the Chamber of Commerce says in no part of the world are light dues merged in general revenue. I traverse that statement completely. I have written to 32 ports in England, the Colonies, and America, and I find most distinctly that the light dues are merged in the general revenue.

Hon. T. H. WHITEHEAD—Would you mind mentioning the places you refer to?

The ACTING HARBOUR MASTER—Apart from ports in the British Isles, the places were Victoria, B.C., Melbourne, Auckland, Malta, Sydney, Manila, Bangkok, New Orleans, Jamaica, Marseilles, Bombay, Calcutta, Brindisi, Genoa, Singapore, San Francisco Yokohama, Hamburg, Cape Town, Nagasaki, New York, Gibraltar, Adelaide, Rangoon, Wellington. The whole question hinges on the amount of dues paid here. Shipping, as it has been said, is our life blood, but I find on comparing the light dues at various ports that our life blood gets off very easily here. This is the letter I received from the Secretary of Trinity House:—

Trinity House, London, E.C.,
26th August, 1891.

Sir,—Having laid before the Board your letter

dated 1st ultimo enquiring as to the amount of light dues which vessels of 1,000,500, and 1,800 tons respectively, trading between Hongkong and certain ports in this country, would be required to pay, I am directed to forward herewith a statement containing the information desired, and am to explain that the amounts given therein represent light duties only, which are the only dues levied by this Board as the General Lighthouse Authority for England, and are quite apart from other charges to which a vessel may be liable at ports in England.

I am to add that light dues are levied in this country on a vessel's register tonnage and vary in amount according to the number of lights she passes on a given voyage and the respective charge for each.—I am, Sir, your obedient servant,

CHAS. A. KENT.

The Harbour Master, Harbour Department, Hongkong.

Well, sir, compare the fees at Southampton. I have a whole drawer full of books and papers, but they are very difficult to tabulate, The dues at Southampton are £6 7s. 8d. in and £6 14s. 11d. out. On the same vessel the cost of working cargo from ship's hold to gangway is 2s. per ton, while for taking it from the dock quay or loading gangway and storing in hold 1s. 6d. to 2s. per ton weight or measurement. Well, sir, compare these charges with our 21/2 cents per ton! There is no comparison at all. The only object in appointing a Lighthouse Board appears to be the reduction of the light dues. No allegation whatever has been made that the present system of management is expensive or improper in any way. Under these circumstances I therefore oppose the amendment.

Hon. P. RYRIE—The hon. gentleman who has just sat down states that no arguments have been brought forward against the present method of managing the lighthouses. I may mention that a good many years ago I happened to be sitting where I am now when this question came up for discussion, and Mr. James Whittall, the then head of the firm of Messrs. Jardine, Matheson and Company was sitting opposite me. We both objected to a charge of one cent per ton and said it was too much. We were then assured by the Governor that the Government did not want to make a cent out of light dues, and if it found that the charge of one cent. per ton left something over the dues would be reduced. Unfortunately that was not put down on paper, but that is what took place, and if anyone writes to Mr. Whittall he will confirm what I have said. I should like to ask the Harbour Master the date of his advices from New York.

The ACTING HARBOUR MASTER—The 10th July.

Hon. P. RYRIE—Is the information taken from official documents or old books?

The ACTING HARBOUR MASTER—It is from the Commissioner of the Port. I wrote officially. This is the letter:—

Harbour Department, Hongkong.

Sir,—I should feel much obliged if you would acquaint me with the scale of charges made on shipping in your port whether for lights, port or tonnages dues, how often the charges are made, &c. I ask this information for the

purpose of a comparative statement, therefore I should be extremely obliged if you would also inform me if Water Police or any other departments are maintained from the revenues derived from the above named sources. I trust any information you may be good enough to furnish me with will not put you to inconvenience to collect; any statistics on these points for 1889 and 1890 you may be kind enough to give, I shall be grateful for.

Hon. P. RYRIE—I am informed from a very reliable source that there are very few ports in America where light dues are levied at all now.

Hon. T. H. WHITEHEAD—May I ask if any information has been received from any port where there are no light dues?

The ACTING HARBOUR MASTER—Yes, from ports in Cape Colony and there the charge is thirty pence a ton for cargo landed and fifteen pence for cargo shipped.

Hon. J. J. KESWICK—Perhaps the hon. member will be good enough to state what is the object in appointing a Board. I quite agree that the lighthouses should be conducted as economically as possible, but I cannot see what object there is in appointing a Board.

Hon. T. H. WHITEHEAD—The Chamber of Commerce are desirous of having a say in the collection of the dues and in their disbursement and the general management of the lighthouses.

Hon. J. J. KESWICK—On that account the Chamber of Commerce might ask to have a say in the collection and disbursement of any other revenue. I think it is desirable that the light dues should be put as low as possible, but I do not see the object of appointing a Board unless it can be shown that the present system of management is improper or extravagant.

HIS EXCELLENCY—As the hon. member who has proposed the amendment read out a speech made by Sir William des Voeux when this matter was first brought forward, the gist of which was that at first sight he had no objection and would give it consideration I think it right we should have the result of that consideration. The hon. member put a question to the Government, which perhaps I had better read. It was "Have any step been taken by Government towards the establishment of a Lighthouse Board referred to at the meetings of this Council of 12th February and 23rd June last year and in the Chamber of Commerce letter dated 24th June, 1890? If so, will the Government lay on the table their proposals? If not, does the Government intend to take any steps in the matter?" To that Sir William des Voeux replied, "I will answer that question myself. In reply to the first part I may say that no steps have been taken. I have also to say that the Government have no proposals and that they have no intention at present of taking any steps in the matter. I can only take up the subject when it has been clearly shown to me—which has not been shown yet—that some work of
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ill done which a Lighthouse Board could do better."

Hon. T. H. WHITEHEAD—There is a later reference to the subject in the speech of Sir William des Voeux of the 30th April in which he says, "Any advantage which might otherwise accrue from a Harbour Board would be increased if it were empowered and required to raise from ships all the funds which have to be expended for their benefit," clearly showing that at that date His Excellency was disposed to entertain favourably the appointment of a Lighthouse Board.

His EXCELLENCY—I think there he refers to a different point altogether from the appointment of a Lighthouse Board which is before us now.

The Council then divided on Hon. T. H. Whitehead's amendment.

FOR.	AGAINST.
Hon. T. H. Whitehead	Hon. Ho Kai
Hon. P. Ryrie	Hon. J. J. Keswick
	The Acting Harbour Master
	The Acting Surveyor-General
	The Colonial Treasurer
	The Registrar-General
	The Acting Attorney-General
	The Acting Colonial Secretary
	His Excellency

The amendment was therefore lost and the section as it originally stood was passed.

In place of section 38, sub-section 16, the ACTING ATTORNEY -GENERAL proposed the following clause:—"Every master of a junk, vessel or boat who brings into the colony any person who in the opinion of the court before which the offence is tried has come to the colony for the purposes of mendicancy, or any person suffering from leprosy or any infectious or contagious disease or who removes any such person from one part of the colony to another shall be liable to a penalty not exceeding ten dollars for each offence unless in the case of any person suffering from any infections or contagious disease, such master can show to the satisfaction of the court that he had no reasonable means of knowing that such person was so suffering."

The section as amended was passed.

On section 42.

Hon. T. H. WHITEHEAD asked that a clause might be inserted that no rules and regulations should take effect until they had been published in the *Gazette* for at least a month.

The ACTING ATTORNEY -GENERAL—Perhaps the hon. member will explain what is the object of that.

Hon. T. H. WHITEHEAD—In order that no new rules shall come into force without reasonable notice of the same being given.

The ACTING ATTORNEY -GENERAL—I think the hon. members may rest assured that no new rules or regulations would be adopted without the Chamber of Commerce and the shipping community generally being communicated with or having knowledge that alterations were coming. If these regulations are founded on rules made by the Board

of Trade, those interested in shipping matters would probably be aware of them before even the Governor himself. In any case there would be several delays before they could be introduced here. If the regulations referred only to local matters I am quite sure the Governor would before making any serious alteration communicate with the Chamber of Commerce or with their representative in this Council. I do not think the hon. member need fear that any new rules would be introduced without reasonable notice being given.

Hon T. H. WHITEHEAD—It seems to me to be only reasonable that some period should be mentioned in the Ordinance. It is quite possible that the existing Government might not introduce any fresh rules without giving proper notice, but I think it only reasonable that the Bill should contain a clause to that effect. Other Ordinances contain similar clauses, and I cannot see any reason why some period should not be put in here.

The ACTING ATTORNEY -GENERAL said if the hon. member looked at the next section it stated that upon the publication of any regulations in the *Gazette* they should from that date, or any later date mentioned in the orders, take effect. It did not follow that they would come into effect immediately they were published.

Hon. T. H. WHITEHEAD—I have been asked by the Chamber of Commerce to entreat and urge your Excellency to acquiesce in their wishes in this matter. I think the request is only reasonable. As the clause now stands it appears to me to place far greater power in the hands of the Government than there is any necessity for.

The ACTING ATTORNEY -GENERAL—I would point out to the hon. member that there is nothing new in the present section.

Hon. T. H. WHITEHEAD—I do not see any reason for continuing it because it has been the custom hitherto.

The ACTING ATTORNEY -GENERAL—It is not custom; it is the law.

His EXCELLENCY—It has been the law since 1879 and I have never heard that the power given the Governor in Council has been abused, nor do I see any reason to suppose that it will be in the future.

The clause as it originally stood was passed.

The ACTING ATTORNEY -GENERAL said there were one or two further amendments to be made which would render it necessary to recommit the Bill. In the meantime members would be supplied as soon as possible with fresh copies of the Bill so that they might have an opportunity of considering the Bill before the next meeting of Council. One amendment would be proposed in section 7, subsection 7. That section provided that every licensed steam launch must carry a certificated master or engineer. The Harbour Master had suggested that that clause should

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made to apply to every steam launch. It was extremely necessary that there should be on every steam launch some person who knew the rule of the road. He could speak from his own experience that in many instances in the Harbour that was not the case. It was very necessary that there should be some person on board who knew the rule of the road and was not under the misapprehension that by shouting out to other boats the steam launch was at liberty to hold on her way. There was only one other important amendment and that was in section 20, where he proposed the insertion of the word "foreign," which had been omitted. And while on this point he might remove a misapprehension which appeared to exist with regard to what was known as the Wiltshire case. There were three classes of legislation under this heading. First, the Imperial Acts, which applied to discipline on board British registered ships; secondly, the Merchant Shipping Ordinance of 1879, which applied those Acts to Colonial registered ships; and thirdly, the present section, which referred solely to the discipline on foreign ships in the waters of the Colony. By some mistake the word "foreign" had been omitted. In that section the Government had been asked to insert a fine as an alternative to imprisonment. The Government could not of course alter the Imperial Acts and he might point out that in Wiltshire's case the man was imprisoned under the Imperial Acts. The remaining amendments were merely verbal alterations in some of the clauses.

HON. T. H. WHITEHEAD'S MOTION WITH
REFERENCE TO THE CIVIL SERVICE.

HIS EXCELLENCY—Before we adjourn I should like to suggest to the hon. member for the Chamber of Commerce, with reference to the very important resolution of which he has given notice for our next meeting, that he should postpone it. It is so far-reaching and of such great importance that on the eve of a new Governor arriving I think it would be undesirable to deal with the resolution. I think it would therefore be better if he would postpone it for a short time.

Hon. T. H. WHITEHEAD—Sir, I think, perhaps, it would be a little invidious on my part to bring forward such a resolution immediately on the arrival of a new Governor. It may be a very inconvenient resolution, but I can scarcely see any just reason for postponing it. Still, if your Excellency can give the Council some reason why it should not be brought forward I will postpone it.

HIS EXCELLENCY—The best reason I can give is that as I am only in a temporary position and in a few hours, so to speak, I shall have to give way to others, I do not see how I could allow the resolution to pass, and it is therefore for the hon. member to consider whether he would like to place me in such a position. I will not press the hon. member to give me a reply now, as perhaps he would like to think over the matter.

ADJOURNMENT.

The Council then adjourned.
