

16TH MAY, 1892.

PRESENT:—

His Excellency the Governor, Sir WILLIAM ROBINSON,
K.C.M.G.

Hon. G. T. M. O'BRIEN, C.M.G., Colonial Secretary.

Hon. W. M. GOODMAN, Attorney-General.

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

Hon. F. H. May, Acting Colonial Treasurer.

Hon. F. A. COOPER, Director of Public Works.

Hon. R. M. RUMSEY, R.N., Harbour Master.

Hon. C. P. CHATER.

Hon. Ho Kai.

Hon. T. H. WHITEHEAD.

Hon. E. R. BELLIOS.

Mr. A.M. THOMSON, Acting Clerk of Councils.

MINUTES.

The minutes of the previous meeting were read and confirmed.

FINANCIAL MINUTES.

The COLONIAL SECRETARY—I have the honour to submit two financial minutes, in one of which the Governor recommends the Council to vote a sum of \$.1981 on account of the Health Officer's steam launch and in the

other to vote \$2,000 for drawback and refunds of revenue, beg to move that these two financial minutes be referred to the Finance Committee.

The ATTORNEY-GENERAL seconded.

Motion agreed to.

FINANCIAL REPORT.

The COLONIAL SECRETARY—I have the honour to bring up Financial Report No. 6, in which the Finance Committee agree to recommend to the Council the voting of \$1,700 for the purchase of a new boat for the Swatow postal authorities and \$1,500 for the purchase of furniture for the Government Civil Hospital. I may mention that the Finance Committee was unanimous in recommending that both these amounts should be voted. I move that the report be adopted by the Council.

The ATTORNEY-GENERAL seconded.

Motion agreed to.

PAPERS LAID ON THE TABLE.

The COLONIAL SECRETARY—I have the honour to lay on the table the Supreme Court returns for 1891. I also beg leave to submit the following statement to the Council which I have received from the Superintendent of the

Botanical and Afforestation Department. The statement sets out the disbursements on the work for 1893. I wish to add to that the year 1892, for which contracts have already been made. The contracts now to be made are "for rearing trees *in situ*" \$900, "rearing trees to be planted in 1894" \$900, "planting the trees to be so reared" \$1,600, being a total expenditure of \$3,400 for 1894. The resolution which I am about to move does not amount to a vote of this expenditure, but it will be taken, if passed, as a sufficient authority for the Superintendent to enter into the contracts which he states must be made now in respect of works the cost of which will be disbursed in 1894. I believe there is no question as to the utility of this class of work both from the point of view of climatic influence and in so far also as it tends to diminish the risk of wash and scour down the hills. The Council has passed similar resolutions in previous years and I now beg leave to move the following motion:—"That the Council having considered the following statement of the Superintendent of the Botanical and Afforestation Department, it is deemed expedient to incur the liability therein proposed for the year 1894." That expenditure, as already explained, amounts to \$3,400. It is, I may say, a smaller amount than has been resolved upon in other years: for 1893 it amounted to \$4,550. I move that this resolution be adopted.

The ATTORNEY-GENERAL seconded.

Motion agreed to.

QUESTION.

Hon. T. H. WHITEHEAD—Will the Government publish in the *Government Gazette* or lay on the table a list of the wharves, public and private, in respect of which a sum of \$180,000 was added by the Government to the cost of the Praya Reclamation, as appears from the Colonial Secretary's letter of the 19th February, 1889, to the Honourable C. P. Chater, and state the amount of compensation assessed in respect of each?

The COLONIAL SECRETARY—I regret to say that I cannot undertake to publish the statement asked for in the *Gazette* or to lay it on the table. The rules and orders preclude me from saying more in answer to the question, but if the hon. member will move at the next meeting for the statement I shall have very great pleasure in giving him all the information it is in my power to give on the subject.

Hon. T. H. WHITEHEAD—Under these circumstances, your Excellency, I will move at the next meeting that the Government lay the statement on the table.

THE PRAYA RECLAMATION.

The ATTORNEY-GENERAL—I have the honour to move the first reading of a Bill entitled "An Ordinance to provide

for the ascertainment of the amounts to be paid by way of compensation in respect of the wharves and piers along the line of the Praya Reclamation, to fix the periods for the payment thereof and for other purposes in connection therewith." This Bill has a preamble which explains the circumstances under which it is brought forward, and I have not been able to prepare a statement of the reasons and objects, though I really thought they were unnecessary because they are explained by the preamble. But as the Council is not likely to sit on more than one other occasion I think it may be convenient if on this first reading I explain shortly the provisions of the bill and the circumstances under which it has been necessary to bring it forward. When the Praya Bill was passed in 1889 there was, as hon. members will be aware, a clause inserted which was not in the original Bill but was inserted by way of amendment to this effect (clause 7), "That a sum not exceeding \$180,000 is to be included as compensation to owners and occupiers of wharves and piers on the line of the proposed reclamation." At the time that the suggestion was made, and when it was added to the provisions of the Ordinance, the circumstances were these. The owners of piers along the front of the Praya were required under agreement to remove them on three months' notice being given, and it was practically admitted in correspondence at the time that if this Bill required in the ordinary course of things these removals people would have to submit to them in pursuance of the undertaking they had given when allowed to erect the piers and wharves. It was, however, stated in the correspondence that it seemed rather hard, inasmuch as the marine lot holders were those chiefly benefited by this Praya reclamation, that the pier and wharf owners should suffer, especially in being required to remove their piers, for the benefit chiefly of the marine lot holders. It was suggested that the Government would probably never have had necessity to require the removal of these wharves had it not been for the Praya Reclamation, which was supposed to bring profit to the marine lot holders and those having lots along the Praya road. Under these circumstances it was suggested that the matter be referred to the Secretary of State. The Secretary of State admitted this principle. "It seems"—I am quoting from his despatch. He says on December 19th, 1888—"It seems to me that if you decide to allow the wharf and pier owners to erect their wharves on similar conditions on the new Praya, a fair solution might be arrived at by charging the marine lot holders with part of the cost of re-erecting the wharves proportionate to the share each holder has in the reclamation, thus leaving the wharf owners liable for the rest of the cost." Now the principle therefore is quite clear and what was intended was this, that inasmuch as it would cost them something to take away the piers and wharves and erect anew in front of the new Praya it would be fair to allow them a part out of the funds of the cost of that removal. As a matter of

course the Government could not be compelled to do that. It was not contemplated to allow the wharf-owners full compensation nor consequential damages, but it was contemplated to pay part of the actual cost of removal, the advantage of having them reconstructed in deeper water being considered sufficient compensation for the cost of erecting them, which would repay them part of the extra outlay. I go into these details because hon. members will then understand the words of the preamble. I will now shortly explain the principles of the Bill. The recital says, "Whereas by the Praya Reclamation Ordinance, 1889, a sum not exceeding \$180,000 was included in the costs of the Reclamation works now being carried out under the said Ordinance, by way of compensation to the owners and occupiers of the wharves and piers along the line of the Reclamation then proposed and now being carried out, and such sum was intended to provide for compensation for the removal only of such wharves and piers, inclusive of the Government wharves and piers, along the line of the said Reclamation and not for consequential damages. And whereas difficulties have arisen as to the amounts to be paid in respect of the removal of the said wharves and piers and the periods for the payment of such amounts and it is expedient to provide therefor. Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—(1) This Ordinance may be cited for all purposes as The Praya Wharves and Piers Ordinance, 1892. (2) Immediately after the coming into operation of this Ordinance the Director of Public Works of this Colony shall cause the value of each wharf and pier along the line of the said reclamation to be assessed, and as soon as such assessment is complete he shall make or cause to be made a schedule showing the proportionate amount of a sum not exceeding \$180,000 to be paid in respect of each wharf and pier." One would have supposed, at the first blush, that the wharf owners would have agreed among themselves to appoint one or two surveyors say, or one or two gentlemen in whom they had confidence, who might have met the Surveyor-General and said "Here we have a sum of \$180,000 as a maximum. We have to divide that money among the claims. We will look at them and apportion them as fairly as we can." That would have been a solution of the matter at once. I suggested when I was the Acting Colonial Secretary that such a course should be followed, but I received an answer telling me that they were not willing to do so. Each wharf owner seemed to suppose that his particular pier or wharf had something special about it and that he would get better ?? of compensation. There were two courses open. Either you must get some one to do this assessing or you must wait until each owner has sued you and obtained a verdict for a certain amount. When you have got all the verdicts you could cut each down proportionately until you had them within the \$180,000 limit. But that was a clumsy method. Another scheme proposed is this, that directly after the Ordinance is passed the Director of Public Works is to assess the value of each wharf and pier, and if people are not satisfied there is power to appeal given to the

Supreme Court; Section 5 provides for the procedure on that appeal; section 6 provides that if they do not go out with the appeal within a certain time it will be dismissed; section 7 reads as follows:—"Upon the hearing of any appeal under this Ordinance the said Court shall have power to adjust and settle the proportion of a sum not exceeding \$180,000 and the amount to be paid in respect of the wharf or pier in relation to which the appeal is brought." When we have ascertained the total sum, if it is above the \$180,000 which is provided we shall have to reduce it proportionately. If the claims are under \$180,000 everyone of course will be paid. It will be impossible to pay anyone until the whole amount is ascertained. I have shown this Bill to Mr. Chater and I said that I should like some suggestion from him, but I trust that this Bill will meet with general approval. If we do not pass it this session we shall have to wait until next session. There is only to be one more meeting of the Council and at that meeting perhaps we may read it a second time and then proceed to Committee on the Bill and pass its third reading. The Ordinance is an attempt to solve the difficulty among the wharf and pier owners. I beg to move the first reading.

Hon. C. P. CHATER—I have much pleasure in seconding the first reading of this Bill. I know very well the awkward position the Director of Public Works has been placed in. I know of more than one application which has been made to him already for compensation for wharves which have been, so to speak, out of use on account of the reclamation being carried on. As he has explained, it is a very difficult matter for him to arrange how this compensation should be made, and without the aid of a Bill something like the one before us it would be impossible to arrive at a fair and just conclusion. This being the first reading of the Bill, and therefore merely a formal matter, I have much pleasure in seconding it; at the second reading there may be clauses that require alteration when we go into Committee on the measure.

Bill read a first time.

THE MERCHANT SHIPPING CONSOLIDATION

ORDINANCE, 1891.

The ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled an Ordinance to amend "The Merchant Shipping Consolidation Ordinance, 1891." We have already published a short statement of the objects and reasons of the Bill which has been supplied to hon. members. Section 2 deals with Section 7

of Ordinance 26 of 1891 and it amends it and sets out that certain subsections of the Consolidation Ordinance, 1891, do not apply to steamships under 60 tons when used solely for the purposes of pleasure. Sub-section 21 of Section 7 is repealed and another is inserted the effect of which will be that only the boilers of steam-launches have to be surveyed instead of the hulls and machinery generally. Also that there should be some other persons, besides the Government Marine Surveyor and Assistant Surveyor, whose names should be submitted to the Governor and whom he would approve as being persons who might be competent to survey these boilers, and from whom certificates might be taken. Sub-section 22 is repealed. There is a small alteration made instead of it, reducing the penalty from \$500 to \$250 and taking out what was strongly objected to, namely the alternative of imprisonment. There can be no imprisonment now unless the fine is not paid. Sub-section 23 is repealed and the effect is that the Government Marine Surveyor and Assistant do not get the usual 85 out of the Treasury, which sum will now go into the revenue instead. There was also an objection taken to the compulsion of having a photograph provided by the owner of a cargo boat when applying for licensing. It has been thought that in some cases it is not necessary, where the owners are well known, and therefore the production of a photograph will only be insisted upon when required. These are shortly the alterations effected in the Bill. If there are any other alterations to be suggested they can be dealt with in Committee, and I now have the pleasure to move that the Council resolve itself into Committee and consider the Bill clause by clause.

The COLONIAL SECRETARY seconded.

Council went into Committee.

Upon the clause providing for the exhibition of lights.

Hon. T. H. WHITEHEAD said—I rise to move that the words "the coloured lights" be deleted and that the words "the water line" be substituted. It is a most impossible, without inconvenience, to have the light in question ten feet above the coloured lights unless it be put on a pole, which would be certain to cause inconvenience and trouble.

Hon. C. P. CHATER seconded the amendment.

The HARBOUR MASTER—I will submit, your Excellency, that the case might be met if instead we say "six feet above the deck" Some of these launches are at least six feet above the water line in the bows, and that means that the light would be four feet above the deck. The coloured lights are generally about that height from the deck and they will all be on nearly the same level.

HIS EXCELLENCY—Will you accept that, Mr. Whitehead?

Hon. T. H. WHITEHEAD—I think that will meet the case.

Upon section 2, subsection A.

Hon. T. H. WHITEHEAD said—I beg to move another amendment. I am desired by the Chamber of Commerce to move the addition of the following words to this subsection, "or when such steam-launch is not carrying cargo or not plying for hire." The shipping interests much appreciate the concessions which have been made by the Government in the measure as it now stands, but they think that this further concession would meet the case where hardship might be entailed. The shipping interests have fully considered the point and I have been requested to move this amendment.

Hon. C. P. CHATER—I have much pleasure in seconding.

The COLONIAL SECRETARY—Sir, the amendment now proposed was discussed about half an hour ago in your Excellency's presence by an informal committee consisting of the hon mover and hon seconder of the amendment, the Harbour Master, and myself. It was then submitted that there was a decided objection to the adoption of the amendment, besides other smaller ones, and that objection was this, that if the amendment were adopted it would follow that all steamships under 60 tons would be exempt from the requirements of the 14th subsection of section 7 of the Merchant Shipping Ordinance, 1891, which forbids any launch to leave the waters of the colony at night unless provided with a special permit. The effect of adopting this amendment would be to allow all steam launches under 60 tons by whomsoever owned, and whether licensed for hire or not, to leave the waters of the colony at any hour, without any notice being given to the Harbour Master, or any permit being taken out. It was felt, and I thought admitted by the hon. member himself, that the adoption of such an amendment might very reasonably be objected to by the Imperial Chinese Customs authorities, and that the result of adopting it might be that those authorities might have to take strong steps in protection of the Chinese Customs revenue—to watch the waters of the Colony to a greater extent than they now feel to be necessary, although even the extent to which they do find it necessary as it has been made a source of frequent complaint. There were some other objections also, but this one was felt to be conclusive, and I submit that for that reason and for some other minor reasons the amendment should not be adopted.

HIS EXCELLENCY — Do you wish under the circumstances to press for a division, Mr. Whitehead?

Hon. T. H. WHITEHEAD—No, your Excellency, I will not press the amendment to a division. The result is a foregone conclusion, of course, and therefore I withdraw it.

Upon section 7 sub-section 19.

Hon. T. H. WHITEHEAD moved that the word "lawful" be inserted after the words "disobey"

the" and before the words "commands of."

Hon. C. P. CHATER seconded.

Amendment accepted.

Upon section 38 sub-section 14,

Hon. T. H. WHITEHEAD said—I beg to move that the word "shall" be deleted and that the words "may in the discretion of the Magistrates" be inserted.

Hon. C. P. CHATER seconded.

Amendment accepted.

Upon clause 1, schedule O.

Hon. T. H. WHITEHEAD said—I rise to move that after the word "master" in this clause the words "but no fees shall be charged on buoys and moorings used solely for warping." In no other part of the world I believe is such a charge as that now made exacted.

Hon. C. P. CHATER seconded.

The COLONIAL SECRETARY — I may say that the Government is prepared to accept the amendment on the condition that it is safeguarded by the addition of the following words "And no such moorings or buoys shall under any pretext whatever be used for any other purpose whatever."

Amendment accepted.

Upon section 2, clause 1.

Hon. T. H. WHITEHEAD said—I beg to move that the four words "and the Marine Magistrate" be deleted from clause 2 of section 2. The Chamber of Commerce in a letter which it addressed to the Government dated the 5th instant, and which has been published in the public press, has gone very fully into the whole matter. Section 14 sub-section 6 meets such a case as the *Pasig* case and any case under section 9 but does not provide for any other description of Marine Court or other class of case. It is equally desirable in every case and all cases in fact that a trained legal man should preside. *Re* section 13 the President should be a stipendiary magistrate in the true and proper sense of the word.

Hon. C. P. CHATER seconded.

The ATTORNEY -GENERAL—I thought this matter had been fully discussed, and indeed the hon. member himself says that it was discussed fully on a former occasion. I thought that on that occasion to which we refer a compromise was arrived at and that was embodied in sub-section 6 of section 14. If hon. members will look at the Merchant Shipping Ordinance, 1879, and the former amending Ordinances they will find that the present sub-section 6 is not there. Sub-section 6 was thought to be a proper compromise to those who had any objection to make to the Marine Magistrate trying a case. The matter might then be submitted to the Governor. I think it would be a very invidious and very undesirable amendment to make, to effect the alteration now proposed. It seems to me

that the Marine Magistrate in many cases is the most suitable man to try the cases. If you will look at section 13 subsection 2 and see the nature of the matters the Marine Magistrate has to deal with, I think you will agree that he is the proper person to try them. They are such charges as misconduct, insubordination, loss or damage on a ship and so on. A very large proportion of the Marine Magistrate's work is essentially matters where it is proper and fit that the Marine Magistrate should be president of the Court, and I can see no difficulty in proving it. The Ordinance, however, does not say that he *shall* be president of the Court. Some people seem to think that it is expressly provided that he shall be president of the Court. But it is elsewhere provided that the Governor shall be empowered to constitute a Marine Court consisting of not more than 5 or less than 3 of whom one shall be a stipendiary Magistrate and president of the Court. So that the Marine Magistrate is only one out of three. In many cases I am sure he would be a distinct advantage in the Court, but it is provided, as I have said, that if people object to him adjudicating they can apply to the Governor to have another president. I was surprised to hear reference to the *I asig* case. There are some not creditable matters which are best consigned to oblivion.

The HARBOUR MASTER—I can only go over the same ground as the hon. Attorney-General. I think there is some misunderstanding on the part of the Chamber of Commerce—if it is possible for them to make a mistake—in confusing the Marine Court and the Marine Magistrate's Court. The one is quite a technical Court, which I think, is generally admitted should be presided over by a sailor. In the other case it is perhaps a little different.

The ATTORNEY -GENERAL—I recollect a case in which the seamen strongly objected to being tried by a land Magistrate and I believe such objections are frequently heard.

Hon. T. H. WHITEHEAD—This matter has been brought before the Chamber of Commerce owing to the gross miscarriage of justice in the steamer *Torrington* case, in which the sentence of the Marine Magistrate was very severely censured by the Acting Chief Justice, Mr. Fielding Clarke and his decision was reported in the *Daily Press* and other local papers, I think that bears very forcibly on the point and condemns the law as it now stands. I will not take up the time of the Council by reading the adverse decision of the Chief Justice.

The HARBOUR MASTER—That proves what I have said. The *Torrington* case was tried in the Marine Magistrate's Court before Commander Hastings.

The amendment was then put to the vote and lost.

The Bill passed through Committee and was read a second time.

The ATTORNEY -GENERAL—At the next meeting I will move the third reading of the Bill.

THE DIOCESAN SCHOOL AND ORPHANAGE.

Hon. C. P. CHATER—I beg to move the second reading of the Bill entitled an Ordinance for the incorporation of the Chairman of the Committee of the Diocesan School and Orphanage. The reasons for this Bill are briefly as follows:—The Committee as at present constituted has no legal status and therefore cannot hold any land. The land which was originally granted to them by Government at a nominal rent was vested in three trustees, all of whom have long since left the colony. Moreover, since the institution has started it has changed its character very materially and extended its operations very considerably. It has therefore been found necessary to extend the accommodation, and it was hoped by those in charge that by the provision made by the grant-in-aid scheme a free grant from the Government would be made for half the cost of the additional buildings of the institution. But it has since been discovered that this sum of money cannot be paid to the committee at present as it has no legal status. The incorporation of the Chairman would confer this; hence this Bill. The institution in question to my own knowledge has done most admirable work in the Colony. I feel sure that your Excellency and the hon. members of this Council will not for a moment hesitate in allowing the second reading of the Bill and thereby confer upon its Chairman the necessary powers required. I have much pleasure in moving the second reading of the Bill.

The COLONIAL SECRETARY seconded.

Bill went through Committee and was read a second time.

Hon. C. P. CHATER gave notice that at the next meeting he would move the third reading.

OFFENCES AGAINST THE PERSON.

The ATTORNEY -GENERAL—I have the honour to move the third reading of the Bill entitled "An Ordinance to amend Ordinance No. 4 of 1865, relating to offences against the person."

The COLONIAL SECRETARY seconded.

Bill read a third time.

THE CHURCH BILL.

The ATTORNEY -GENERAL—I beg to propose that the Council resolve itself into Committee on the Bill entitled "an Ordinance to provide for the due performance of divine worship and other services in accordance with the rites of the Church of England at St. John's Cathedral Church at Victoria in this Colony and elsewhere, to incorporate a Church Body, to vest the said Cathedral in such Body and for other purposes in connection therewith."

The COLONIAL SECRETARY seconded

Council resolved into Committee.

The ATTORNEY -GENERAL—It will be in the memory of hon. members that the question left over from the last meeting was the consideration of clause 8. Before I proceed to that, however, there are one or two little matters which have struck me and which I wish to have corrected. They are not matters of substance but refer to matters of detail. (Several literal errors and minor points corrected).

The real question we have to consider is as to whether the management of the religious services—the rites and ritual of the church—should be under the control of the Bishop for the time being or under the control of the Church Body. Now, I propose to call the attention of the Council to a few documents, and I may say they have served to corroborate the opinion I have already formed that it would be better to leave this clause as it is. I would first direct your attention to paragraphs 11 and 12 of a letter from the Bishop of 25th August, 1883, when these changes were being contemplated. The Bishop is writing to Governor Sir George Bowen in 1883 having in view the possibility in the future of an alteration like this, and in these paragraphs he says:—

"11.—It seems to me, however, and, from the remarks you have made on the subject in the course of our conversations. I think your Excellency agrees with me, that the fact of there being a Bishop of the Church of England actually resident in Hongkong as his headquarters for a great part of the year makes a considerable difference between this and Shanghai, and should suggest to local members of the Church of England the desirability of placing the Cathedral and other Church interests in Hongkong under what is known as a 'church Body' presided over by the Bishop, rather than under a Lay Committee. Shanghai has never had an English Bishop resident there; Hongkong has had one since 1851. The first Bishop was granted Letters Patent by the Queen, and was styled 'Lord Bishop of Victoria.' In consequence of this, a Local Ordinance was passed making him supreme in the Cathedral. These Letters Patent, however, were after wards found to be illegal. They gave the Bishop jurisdiction outside the Crown Colony of Hongkong and recognized his work as Missionary Bishop over Church missions and chaplains in the Empire of China. It turned out that the Queen had no power to grant such Letters Patent. They were therefore withdrawn after the resignation of the second Bishop. In appointing the third Bishop, the original object of the Bishopric was kept in view—namely, the development of Church Missions among the Chinese. China was then divided into two Episcopal Missionary Districts, and that attached to Hongkong was limited to the Missions south of the Chekiang Province. I was appointed to this on account of certain qualifications that I was believed to possess as a Chinese missionary of twenty years' standing I was consecrated by mandate of the Queen and sent out to Hongkong in 1874, without the illegal Letters Patent, by the Ecclesiastical Authorities of England. I have occupied here the exact position, ecclesiastically, that my predecessors occupied, and have as much, or as little, authority

over the clergy as they had. But the Local Government considered that the previous Ordinance with reference to the status of the Bishop in the Cathedral was now null and void, and they did not think it needful to acknowledge the new Bishop in any other way. I think this was a mistake. I seemed to me to cast a slight on the office of Bishop, and it gave the impression to many that, not having Letters Patent, I was not a Bishop at all, excepting perhaps as an American Methodist Bishop may be a Bishop.

"12.—If, however, a change is to be made in the management of the Cathedral, is this not a fitting time to remedy the mistake of the past, and to consider whether the Bishop ought not to be placed in his proper position with reference to Church work in the Colony?"

In answer to that there is a letter of Sir George Bowen's, dated 27th August, 1883. Writing to the Secretary of State for the Colonies he says:—

"4.—I forward herewith a copy of a letter addressed to me by Bishop Burdon which will be read with interest, for it contains much valuable information respecting the peculiar position of the Anglican Church in this dependency of the Crown. There are now only three Anglican clergymen at Hongkong, and not one of these is legally under the jurisdiction of Bishop Burdon. The Naval Chaplain is under the orders of the Admiralty; the Military Chaplain is under the orders of the War Office; while the Civil (or Colonial) Chaplain is regarded practically like any other Colonial servant of the Crown, and is under the order of the Governor. Indeed, it is stated that one or more of my predecessors in this Government have (unconsciously) carried into practice the theory of the English Church as held by Henry VIII. (that is the complete union in the head of the State of all civil and ecclesiastical authority), so far as to take upon themselves even the regulation of the services in the Cathedral, including the prayers to be read and the hymns to be sung.

"5.—For my own part, I am free to confess that I have no intention to follow the above curious historical and ecclesiastical precedent. On the contrary, I am fully sensible of the anomaly of the clergy of an Episcopal Church being practically free from the jurisdiction of a Bishop. Whenever a 'church Body' is instituted here, the Bishop should, in my opinion, hold a position analogous to that held by the Bishops in the disestablished Church of Ireland, and in most of the Anglican Churches in the British Colonies."

Therefore, we have first the views, very fairly set out, I think, by Bishop Burdon of the slight imposed upon him, and we have, secondly, the letter of Sir George Bowen setting forth his views upon it; and I should like to refer to a despatch by Lord Granville addressed to Mr. Marsh. He refers in that despatch to the Gibraltar Draft Ordinance as containing provisions which he thinks would be very

suitable here. Now, I would like to call your attention to what was done in Gibraltar in regard to this very point. In the Gibraltar Ordinance there are these words—they divided it as to temporal affairs and spiritual affairs as we do:—

"that all matters connected with the religious services of the said Anglican Church of the Holy Trinity of Gibraltar, and all its spiritual and ecclesiastical concerns shall be under the direction and management of the Colonial Chaplain of Gibraltar for the time being, subject to the Episcopal control of the Bishop for the time being.'

"that the temporal affairs of the said Anglican Church of the Holy Trinity of Gibraltar shall be managed, directed, and governed by the said body of Church Wardens of the said Anglican Church of the Holy Trinity of Gibraltar." They made that distinction there, and the Secretary of State, as long ago as July, 1886, in writing out here as to what ought to be done, suggested we should find in that Ordinance just the thing we wanted, and that was submitted to the Attorney-General, and upon it the Ordinance was drafted. A circular was sent out signed by Mr. Charles Ford, the Hon. Secretary and Treasurer to the Seatholders, and in response to that circular there was a very large meeting. At this meeting a Church Body was appointed. Then the Bill was drafted and submitted to the Church Body elected at that meeting which had already decided practically that they should have a Church Body and not a Lay Body. Some do not seem to know the difference between a Lay Body and a Church Body. A Church Body is presided over by the Bishop, and having got a Church Body in this instance which shall be presided over by the Bishop surely you are not to have a clause to say that the Bishop is to have nothing whatever to do with the ecclesiastical affairs. As was pointed out by Bishop Burdon at a recent meeting, this is a Church of England and not a Congregational Church and it is as well to bear that in mind. This fabric is not being handed over to the people of Hongkong to do with it as they like. What could we do more than this? Having submitted the Bill to the Church Body it was approved of and sent back here—three of the members have since gone away, are temporarily absent—and the Bill came before the Legislative Council, was read a first time, and no one said anything about the undesirability of clause 8. It was read a second time, and it was after this that we had a church meeting to pass the accounts for the year. Very few people thought fit to attend. It is one of the peculiarities of the people of Hongkong that they do not seem to care for church meetings (a laugh). At this meeting Mr. Ede—I do not know if he is a church member, he goes to the church, I know, and I have high respect for him—for the first time suggested

that the clause was objectionable, and this brought on the discussion of this question. Is the Bishop to have this control or is the Church Body? We have done all we could. It had been suggested to send a circular round the church members—Mr. Ede and Mr. Mackintosh were anxious to obtain the wishes of the church members. I am informed that the seatholders are now equally divided on the question, the voting being 34 each way. With regard to the seatholders I am informed that the number of seats represented by the seatholder in favour of the Bishop represents somewhat more than the number held by seatholders in favour of giving the control to the Church Body. But we don't get much assistance from this divided condition. We must do something. The Bill is in the last stage of discussion. I have arrived at the conclusion that it is my duty to vote in favour of leaving the clause as it is. When you have once settled the question of having a Church Body it would be absurd to nullify the position of the Bishop. I have had a communication from the Bishop. He has sent me a letter of which he says I may make any use I please. I will herefore read it as follows:—

Hongkong, 12th May, 1892.

My dear Mr. Goodman,—The Church Body held a meeting this morning with reference to the point raised by Mr. Ede and the circular sent round by Mr. Mackintosh.

I pointed out that the proposal of Mr. Ede was against the principle of the Church of England, which is Episcopal, and in favour of the principle of Congregationalism, and that if it were accepted and made part of the Ordinance, it must involve the retirement of the Bishop and the consequent change of the Church Body into a Lay Committee. I said, further, that so?e, perhaps many, had almost certainly signed in favour of the proposal without knowing what the change in that particular clause of the Ordinance would involve, and I therefore proposed that a public meeting of the seatholders and subscribers should be called at once, when this point could be explained and publicly discussed, and votes be given in full knowledge of the consequences. After much conversation on the point, it was thought better to leave the matter in the hands of the Government, but the Secretary was not directed to send in any official communication to that effect. It was left with me to explain what passed either to you or to the Colonial Secretary. Perhaps you will kindly show this note to Mr. O'Brien and arrange with him as to what is to be done.

I would simply point out that the disputed change was passed after discussion by the Church Body, Mr. Keswick I think, being the only absent member. No proposal was made this morning to alter it.

I would further point out that it seems incumbent on the Government to make provision, by means of the unchanged clause, for the preservation of the Cathedral in *bonâ fide* connection with the Episcopal Church of England in regard of its services and its ministers. The only security for this is that the Bishop of the Diocese should have the control of the ritual employed in the Cathedral. The fact that there are five laymen joined with the Bishop and the Chaplain, who are elected annually by the seatholders and have all financial matters in their hands as well as the appointment and diammisal of the Chaplain, is a

sufficient safeguard against excesses of any kind distasteful to the majority of the congregation.

You may make what use you please of this note.—
Believe me, yours most truly,

J. S. BURDON, Bishop.

I might further add that I do not think there is the least fear of a Rituslistic Bishop ever being sent here, as all the missions of the Church of England in South China belong to the Church Missionary Society, whose views and wishes would always be consulted by the Archbishop in any new appointment of Bishop.

J. S. B.

I gather from that that the Bishop feels this is not a personal matter but a matter of what is due to his office, and if he is Bishop of the Church of England and Chairman of the Church Body that he ought to have considerable voice in ritual and ceremonies of the Church is the case of any dispute, which it is to be hoped there never will be. Seeing the divided opinion outside and the views held by the former Governor of this Colony and a Secretary of State, and the light thrown upon it by the Ordinance he sent out there is no sufficient reason for altering this bill which has been approved of by the Church Body, three of whom are absent and not able, therefore, to give us any help in the matter.

Hon. C. P. CHATER—I regret to say I have to call your Excellency's attention to a remark made by the hon. and learned Attorney-General. The hon. and learned Attorney-General said that it is apparent that we must have very much mis-understood the term Church Body, and he took a great deal of trouble pointing out that the Church Body was not a Lay Committee. You will have observed that I myself, along with my hon. friend who seconded, have never thought anything of the sort—that both Bodies were similar. On the contrary I took great care to point it out and to make it one of my reasons for bringing forward my amendment that the Church Body was presided over by the Bishop and that the Colonial Chaplain was also a member of the Body. Therefore, so far as his statements are concerned as to our knowledge of Church Bodies and Lay Committees he is not quite right. Since the last meeting the Attorney-General has had an opportunity of finding out the views of the three members of the Church Body remaining in the Colony, and I should like to ask him what are the opinions of these members regarding the point. I am gives to understand that two out of the three are for leaving the power in the hands of the Church Body, and very many others have been to me and asked me not to withdraw my amendment but to carry it through. The reasons are very brief. It is argued and said that ever since the departure of the last Bishop from Hongkong the Church has been in the hands and been looked after by the Colonial Chaplain and not by the Bishop, although the Bishop has been resident in the Colony, and now that the Government is going to hand over the Church to the Church Body to be looked after by

i t w h y n o t

leave everything to it? Why put at the head of the Church Body the Bishop who I am told is not Bishop of Hongkong but a Missionary Bishop whose real district is Ningpo and not Hongkong? For these reasons I still adhere to my amendment and I should like to have the opinions of other members of the Council on the point. The words I propose should be altered in clause 8 are—"subject nevertheless to the control of the Bishop;" I would change that to "subject nevertheless to the control of the Church Body." In fact, as I said before, the Church Body as proposed has as members the Bishop and the Colonial Chaplain, and I have not the least doubt lay members will be guided by the Bishop and the Colonial Chaplain.

Hon. T. H. WHITEHEAD—In rising to support the amendment, with regard to the special point I take an impartial view entirely of the suggestion.

HIS EXCELLENCY—Are you a seatholder?

Hon. T. H. WHITEHEAD—I am not a seatholder, sir, but I view this matter all the more impartially and certainly think it desirable that the control should be with the Church Body. The present Bishop himself offered the best and strongest reason possible for my supporting this amendment. The Bishop, at the meeting held on 29th April last, then stated, "The Bishop and Chaplain are members of the Church Body. There are six lay members to these two. Now supposing that the ritual was perhaps getting disagreeable to a number in the congregation pressure would be brought to bear upon the lay members, the representatives of the seatholders, and they are a majority in the Church Body. Of course if it came to a real difficulty it would be a painful thing and would have to last till the Chaplain's time expired, and then he might be dismissed if the majority of the Church Body felt they must do it." Sir, why should this Ordinance be so framed as to necessitate the continuance of this painful position which the Bishop sets out and refers to? It would necessarily have to continue until the term of the office of the Chaplain expired. Suppose the Bishop was in the wrong and the Chaplain was in the right. It would be impossible for the Church Body to remove the Bishop from the post he occupies. He is there permanently and he is irremovable from the office according to this Ordinance now before the Council. This would evidently be unjust and this Council should not, I think, legislate on such ?? as these. Though the Bishop has threatened to resign, still I think it is quite possible for the Church Body to continue to exist and to carry on the services as required by the constitution of the Church of England without the assistance of a Bishop.

The DIRECTOR OF PUBLIC WORK—I beg to call attention to the phrase just used by the hon. member in which he stated that the Bishop had threatened to resign. It was pointed out the other day that the idea of promoting this clause was so foreign and contrary to the principles of the

Church of England th?? if it was passed the Bishop would no longer be able to remain Chairman of the lay committee. It was simply pointing out that he would ?? lon??r remain a member of the Church Body.

The COLONIAL SECRETARY—Like the ??der of this motion I am quite impartial in the matter, for I am not at present a seatholder?? but it appears to me that on the whole the arguments for leaving the clause ?? it stands are stronger than those in favour of altering it. The hon. member on my right wh?? moved the amendment seemed to think that i?? was a harmless amendment; because after all, the Bishop would be Chairman of the Church Body, and therefore necessarily would have a good d?? to say to the matter even if it was not by law specially placed under his control. The hon. member who seconded the amendment thought that i?? was a very good one, a good deal for the reason that one result would be that the Bishop would have nothing to do with the matter at all. The reasons of the mover and the second?? mutually destroy each other. As I understand it the matter at present stands ?? follows. The Ordinance has been prepared by the Attorney-General on behalf of the Government and the Church Body. That Church body was elected by a very large meeting of seatholders, and the Ordinance as drafted by the Attorney-General was una??ly approved by the Church Body. Three members of the Church Body have ?? left the colony, and we have no means of knowing whether they have changed their m?? the meantime or not, but there is no reason ?? suppose that they have, for the circumstance?? ??e not changed. Of the three members wh?? still remain in the colony I am informed by my ho?? friend the Director of Public Works that two ?? still in favour of maintaining the clause as it stands and that they distinctly object to the proposal to withdraw the ecclesiastical control of ?? Bishop, and that the only member of the Committee representing the seatholders, whether present or absent, now in favour of the proposed amendment is Mr. Mackintosh. He is as regards the Church Body still present in the island in ?? minority of one against two, and probably ?? minority of one in six of the Church Body who originally agreed to the clause as it now stands. As the hon. and learned Attorney-General has said we do not get any assistance fr?? recent meetings of the seatholders. I have received a letter from a member of the Church Body, Mr. Ford in which he states that the vote?? of the seatholders had now, on scrutiny been ?? certain to be exactly even for and against. In view of there being no pronounced expression of opinion on the part of the seatholders ?? favour of the change, and in view of the fact th?? as far as we know there is only one of the Church Body who wants the change to be m??

I submit that we should be decidedly on the safe side in not making the alteration without some further reason being stated. And I am also of opinion, though perhaps that may be looked upon as a rather sordid argument, that the Church Body and those who are interested in the Church will have a very much better chance of getting subscriptions from England, whether from missionary societies or others, if they appeal on behalf of a Church whose services are under the control of a Bishop of the Church of England than if they appeal on behalf of a Church in which the services are conducted without being subject to any such control. I think on the whole, as I have said before, that the reasons for leaving the clause as it stands are much the stronger, and I think we shall be on the safe side in refusing the amendment.

Hon. HO KAI—I don't see why the discussion of this clause should occupy so much of the attention of the Council. It seems to me that it is a question entirely for the Church members themselves. If the members of the Church of England here wish to retain the Church services and band themselves together and follow that form of worship in the usual manner of the Church of England, they should submit, to my mind, to this form of Church government. If they disapprove of that form of Church government and wish to have a voice in Church matters, in ecclesiastical matters, it seems to me to be quite open to them to go outside and adopt any mode of worship they like and turn Dissenters or Congregationalists and band themselves together and have a voice in the manner and the form of service, and even be able to select their own clergyman and preacher. But if they wish to remain good Churchmen, then I say that as you have got a duly consecrated Bishop it is for you to how to your superiors. There I say the question lies in a nutshell and it rests entirely in the hands of the Church members, and it is not for us in Council to deal with. I am sure some of us here are perfectly indifferent in the matter whether the church be handed over to the Church body entirely or whether it be handed over to the Bishop for the good of the Church. All that I say is that the remedy seems to me to lie in the hands of the Church members themselves. I hope the Council will not spend any more time in discussing this, for I think the best thing is to leave them alone, simply hand the church to the Churchmen, and it will save us a great deal of time, discussion, and vexation. I propose that we should leave this clause out entirely.

Hon. T. H. WHITEHEAD—Possibly I may suggest a course which might get us out of the trouble: leave the control to the Bishop and the Church Body.

Hon. HO KAI—You cannot.

The ATTORNEY -GENERAL—No man can serve two masters.

Hon. T. H. WHITEHEAD—I am in favour of leaving the clause out altogether then.

The ATTORNEY -GENERAL—Just one word. There is a charm of simplicity about the proposal of the hon. member who represents the Chinese, but like many other of these simple little proposals they scarcely bear careful investigation. What is proposed is that over £4,000 which was paid out of the public chest and probably out of the imperial moneys originally, and £2,000 or £3,000 that was subscribed by the public for the express and particular purpose of having a Church of England worship here (and it was carefully provided that there should be certain seats set apart for the military to attend the Church of England) should be handed over to a number of gentlemen who might the day after receiving it turn round and make it a Congregational chapel. Is it possible for the Government to do that? There is religious liberty for all. The Church of England has been in existence in the colony since the foundation of the colony. This place was built in 1847 and it has always been the Church of England. Subscriptions have been given for it, and to say now that we can get rid of the difficulty by turning over the fabric to a body of men would not, I think, be a fair or just way of disposing of that money. I don't think that any such simple Ordinance as is suggested would be a right and proper Ordinance for the Government to pass. The Church Body ask that the Church shall be handed over to them in order that the services of the Church of England may continue to be held there.

The REGISTRAR-GENERAL—I think that there is a great deal of truth in what the hon. member on my right (Hon. Ho Kai) has said. It is only natural that the Church Body should make use of the service of the Bishop but why that should be stated in the Ordinance I don't know. It does not appear to me to be necessary, and I agree with my friend that matters concerning the religions services should be left to the persons responsible for them and that the temporal affairs of the Church should be in the hands of the Church Body. The simplicity of this suggested clause is even greater than its charm, and it seems to me to be the practical way out of the difficulty. I have much pleasure in seconding it.

Hon. C. P. CHATER—I will with pleasure withdraw my amendment in favour of Hon. Ho Kai.

The ATTORNEY -GENERAL—Did I understand that the hon. member proposes that this fabric should be handed over to the Church Body who might if they chose turn it to any other purposed.

Hon. Members—No, no.

The ATTORNEY -GENERAL — I beg pardon. I misapprehended him then.

Hon. HO KAI—My intention is that clause 8 be omitted and that the Church Body is allowed complete control provided they continue

divine service according to rites of the Church of England.

The HARBOUR MASTER—It seems to me that the Cathedral must have been placed there for temporal interests and not spiritual at all.

The REGISTRAR-GENERAL—As I take it, there is no desire on the part of those who move this amendment to do away with the control of the Bishop. We merely wish it to be left to the Church to decide it, and if they like the Bishop to be head of the Church they can do so.

The ACTING COLONIAL TREASURER—If we leave out this clause we shall lose the services of the Bishop, because we have heard that the Bishop will feel himself unable to remain connected with the Church Body if the clause is withdrawn. If this controversy had never arisen I should agree with my hon. friend (Hon. Ho Kai) that it would be the best thing to hand the Church affairs over to the Church Body, elected by the seatholders, but now if we leave the matter there we lose the Bishop, and then it is not a question of what the Church Body will do with the Bishop, but what they will do without him.

The ATTORNEY -GENERAL—The Bishop feels this. If an ecclesiastical question arises upon a matter of the ritual of the Church he would not like any gentleman to get up who has no professional knowledge—if I may use such an expression in connection with sacred things—and oppose some suggestion or action of his based on his wide knowledge of those things. He is occupying a high and lofty position, and he naturally does not want the laity, who have no special knowledge like his on such matters, to dictate as to rites and ritual. He says that it would not be consistent with the dignity of his office. It is not for himself also that he acts thus but for his successors. He merely says that if this control is placed in the hands of the Church Body he can no longer be Chairman of that body. There must be a line of demarcation between the temporal and the spiritual. If the Bishop was not the head, and a dispute arose between the Bishop and the Chaplain, the Bishop would have no right whatever to control him. You must therefore give him some sort of statutory authority.

Hon. T. H. WHITEHEAD—I think it is very strange indeed for the Bishop to threaten to resign and I do not think he would persist in such a course after due consideration.

Hon. E. R. BELILIOS—Can we not postpone the passing of this Bill until after the seatholders have decided the matter for themselves?

The ATTORNEY -GENERAL—Until you have passed this Bill the Church Body is not a legally constituted body.

His EXCELLENCY—The new chaplain has, I understand, been appointed and when he arrived there would be no one to receive him from the Church.

The REGISTRAR-GENERAL—If this amendment is carried there is absolutely nothing to show that there is any desire to control the Bishop—absolutely not a word within the four corners of this Bill. I am sure that would weigh with the Bishop when he considered this question. This amendment strikes out all question of ritual and simply gives over the Church to the Church Body, and as to the

rites those are to be decided according to the rites of the Church of England. With regard to the threatened resignation I am certain that the Bishop is a man who will look at the matter reasonably. I feel sure that this amendment has never been brought before him, because it has only just been suggested, and therefore he could not have expressed any determination upon it. I think that the question of ritual ought to be left out of this Bill.

The HARBOUR MASTER—It will look very much as though the Government did not know its own mind, and could not decide which course to adopt. I think that as long as we have a Church of England it ought to be guided by Church of England principles, and have an ecclesiastical head.

The ATTORNEY -GENERAL re-read the letter received from Bishop Burdon dated May 12th.

Hon. HO KAI—A motion of this kind does not affect the Bishop's power in the slightest way. We simply say that it is a matter for the Church Body to arrange for themselves. I will ask now that having heard the opinions of the hon. members expressed upon the amendment it be now put.

Amendment put and lost.

FOR (4.)	AGAINST (6.)
Hon. T. H. Whitehead	The Colonial Secretary
Hon. Ho Kai	The Attorney-General
Hon. C. P. Chater	The Director of Public Works
The Registrar-General	The Act. Colonial Treasurer
	The Harbour Master
	Hon. E. R. Belilios

THE DANGEROUS GOODS ORDINANCE.

The ATTORNEY -GENERAL—I beg to move the third reading of the Bill entitled An Ordinance to repeal Ordinance No. 19 of 1890 and to amend "The Dangerous Goods Ordinance, 1873."

The COLONIAL SECRETARY seconded.

Bill read a third time.

ADJOURNMENT.

His EXCELLENCY—I propose to adjourn the Council until this day week, when I hope that there will be no difficulty in reading the Praya Reclamation Bill a third time. Does the hon. senior unofficial member anticipate any objections to it?

Hon. C. P. CHATER—I do not think there will be any objections. If there are any I will take care to inform the hon. Attorney-General so that we can meet before next Monday.

His EXCELLENCY—I will adjourn then until next Monday.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately at the conclusion of the sitting of the Council. The Colonial Secretary presided.

The CHAIRMAN—The first matter before the Committee is the recommendation of the Governor to the Council to vote a sum of \$1,981, for repairs to Health Officer's steam-launch *Blanche*, viz:—For general overhaul and repairs, \$891,00; for providing a launch while the repairs are being executed, \$70; to caulk and re-copper her all over, \$500; new water tanks, repair to propeller blades, boiler, &c., \$520. Total \$1,981. It appears that small repairs have been effected on this launch from time to time, but for three years she has not been thoroughly overhauled and repaired. Her boilers are constantly leaking and a short time ago she broke down altogether and had to be taken in tow by another launch which happened to be passing by at the time. A survey has been held and estimates for putting her in proper repair have been received. I admit that the amount asked appears a large sum, but it is small in comparison to what we should require to buy a new launch of the same size and capacity. If any member desires any further information I shall be glad to furnish him with it if I can.

Hon. E. R. BELLIOS—What would be the cost of a new launch of the same dimensions?

The CHAIRMAN—What would the cost be Mr. Harbour Master?

The HARBOUR MASTER—About \$5,000 or \$6,000.

Hon. E. R. BELLIOS—I think it would be cheaper if the present launch was sold and a new one purchased. I believe it would be cheaper in the long run.

The CHAIRMAN—You would have to find the \$6,000 for it.

The HARBOUR MASTER—You would also have to find a purchaser for the old launch. There is no demand for worn out launches.

The CHAIRMAN—How long do you think the present launch will be serviceable if she is repaired as is now proposed?

The HARBOUR MASTER—I should think nearly as long as she has been in use at the present time. She is now ten years old. I think that with annual repairs, after this overhaul, she might last another six or seven years. As these launches get older the expenses of repairing them are greater of course.

Hon. T. H. WHITEHEAD—Have the repairs been effected yet?

The CHAIRMAN—Not to my knowledge. At any rate the money has not yet been voted.

Hon. T. H. WHITEHEAD—Is this a tender that has been received, then?

The CHAIRMAN—There was a tender received for the first and second amounts but for the last two items on the vote tenders have yet to be called for. Those amounts are merely estimates of what is required. I was about to bring the tender received before the Committee at the last

meeting, when these further repairs were reported to be necessary, and I thought it would be better to bring the whole matter up at one time, and take the sense of the Council as to whether this further expenditure ought to be incurred or not. There may be some small saving on the estimated amount for the further repairs, but I don't think it is likely to be large.

The HARBOUR MASTER—The launch has already been placed under the Dock Company and taken to pieces. We cannot now ask for other tenders after some of the work has been done by the Dock Company.

Hon. C. P. CHATER—That is contrary to what the Chairman has said.

The HARBOUR MASTER—She is already in the possession of the Dock Company. The expense 4891 is covered by the usual vote.

The CHAIRMAN—I don't think so. No, it is not covered by the usual vote. I asked the question whether there was a sufficient balance on the vote to cover the expenditure of \$891 and I was told that there was not. I think that the Council ought to sanction this vote as when the repairs are effected it will make the launch serviceable for several years. If we sell her we shall get very little for her, I am afraid, and shall have to spend about \$6,000 in buying a new boat.

Hon. T. H. WHITEHEAD—Before asking the Council to sanction the expenditure of such a large sum of money I think that it would have been a much more business like way of going about things if the Government had asked some practical man to thoroughly examine the launch and report generally on her condition and the amount that would be required to put her into a proper state of repair and to ascertain definitely before incurring the expense of \$891, as has apparently been done.

The HARBOUR MASTER—The Government Marine Surveyor has reported upon her, and he is a practical man.

The CHAIRMAN—I was going to say so. The fact of expenditure having been incurred, without any supplementary vote having been sanctioned by the Council, is, I admit, a matter that requires some explanation. I am not at present in possession of the explanation, because I was not aware that such an irregularity had been committed.

The ATTORNEY -GENERAL—The usual course in the past, I believe, was to call for a report upon the condition of a launch and then invite tenders for the repairs reported necessary.

Hon. C. P. CHATER—It seems clear that money has been expended without the consent of the Council.

The CHAIRMAN—You are perfectly right in saying that under no circumstances should expenditure be incurred without the sanction of the Council. All that I can say is that I was not aware that any expenditure had been

i n c u r r e d

on the launch's repairs. The Harbour Master tells me that some expenditure has been incurred in respect of the tender for \$891. I at once admit on behalf of the Government that no money ought ever to be spent unless with the sanction of the Council. I can only suppose that there must have been some misunderstanding or misconception in the present case. When I authorised the acceptance of the tender, that may have been taken by some one as authority for commencing the work, but it was certainly never my intention that the work should have been begun before the matter was brought before you. If it is as the Harbour Master states, that can only be the result of my having used words which were not clearly apprehended. I authorised the acceptance of the tender, but I did not authorise any expenditure on that tender.

Hon. T. H. WHITEHEAD—We seem to be committed to expend this \$1,981 now, but I think that we should have had the opinion of a practical man. We should then have been with his report before us in a better position to decide upon it.

The HARBOUR MASTER—What do you want a report for?

Hon. T. H. WHITEHEAD—Will you please address yourself to the chair?

The CHAIRMAN—The launch has been examined, you know, by the Marine Surveyor.

Hon. T. H. WHITEHEAD—I submit that the report might have been before us before we were asked to vote the money.

The CHAIRMAN—Reports were made, which I have here,

by the Marine Surveyor and the Harbour Master. (Reports read).

Hon. T. H. WHITEHEAD—I was not aware that such reports had been obtained, and I am now satisfied.

Vote passed.

The CHAIRMAN—The other question before the Committee is purely one of account. The Governor recommends the Council to vote a sum of two thousand dollars, (\$2,000), for drawbacks and refunds of revenue. It has been the practice hitherto to pay refunds from the collections under the respective heads of receipt. As this practice is contrary to regulation and is about to be discontinued, a vote is required to cover such payments. From time to time refunds have to be made, as for instance when a fine has been reduced or remitted altogether by the authority of the Governor or the Supreme Court on appeal. Hitherto it has been the practice, when a refund has been sanctioned, to make the payment from funds in the hands of the Treasurer, and not from any vote sanctioned by this Council, except in cases of refunds of assessments for which there is a special vote. It is an elementary rule, and it is illustrative of a remark made just now by an honourable member, that there should be a vote for every expenditure, so as to bring every item of expense within the knowledge and cognisance of this Council. I have asked the Colonial Treasurer what amount will be required to provide for this and he says \$2,000. It is, as I have said, merely a matter of account.

Vote agreed to.

This concluded the sitting of the Committee.
