

25TH FEBRUARY, 1891.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR, SIR G. WILLIAM
DES VOEUX. K.C.M.G.

Hon. F. FLEMING, C.M.G., Colonial Secretary.

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

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

Hon. S. BROWN, Surveyor-General.

Hon. W. M. DEANE, C.M.G., Captain-Super-
intendent of Police.

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

Hon. P. RYRIE.

Hon. C. P. CHATER.

Hon. J. J. KESWICK.

Hon. T. H. WHITEHEAD.

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

MINUTES.

The minutes of the last meeting were read and confirmed.

LIGHTHOUSE BOARD.

Hon. T. H. WHITEHEAD gave notice that at the next meeting of the Council he would ask the following question:—

"Have any steps 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, to the Honourable the Colonial Secretary? If so, will the Government lay on the table their proposals? If not, does the Government intend to take any steps in the matter?"

FINANCE.

A number of financial minutes were laid on the table and were referred to the Finance Committee.

NATURALIZATION.

The Bill entitled "An Ordinance for the Naturalization of Edward Jean Max Paquin" was passed through its remaining stages.

THE GAMBLING ORDINANCE.

HIS EXCELLENCY, on the order to go into committee on the Gambling Ordinance, said—I have required the Gambling Ordinance to be put on the paper to-day, not with the object of proceeding with it, but merely with a view to give notice, so that members may come prepared

with their views on the subject generally at the next meeting of the Council. You are all aware this Ordinance came to its second reading before my return; therefore I have not had the opportunity of hearing that expression of the views of members on the principle of the Bill which it is desirable I should have before taking the responsibility of proceeding with the details. Nobody is more impressed than I am with the very serious condition at which this colony has arrived from the way in which public gambling is carried on, and nobody is more anxious than I am to put an end to that condition if it can be done without undue restriction of freedom. Now, I must confess the experience that I have had in various parts of the world makes me very sceptical about the practical effect for good of any gambling law. I am open to conviction, but at the same time I am doubtful. I have seen gambling laws tried in various places, and I am bound to say that as far as I can see they have had very little or no effect. Still, the circumstances may be such here as to make this place an exception, and possibly gambling is so much worse here than elsewhere that it may necessitate and warrant a more severe restriction of freedom than is permissible elsewhere. I confess after returning from home and seeing the way gambling is permeating all ranks of society in spite of all the laws of England it is enough to discourage any one in an attempt of this kind. At the same time I am very far from saying I will not attempt it if reasons can be shown me for believing that this law as it is drafted is likely to be a success. I have read the Ordinance with tolerable care, not so much with regard to its details as its principles, and I am bound to say it is very ably drafted. I believe my hon. friend the Colonial Secretary was mainly instrumental in bringing the Bill to its present shape, and, although I have no doubt it can be amended by the aid of members, it appears to me to be as good a one as could be obtained. But it must be borne in mind this is a matter of extreme difficulty. Among other difficulties is this, that the Ordinance as drafted will undoubtedly render many innocent persons liable to be brought up as gamblers. I fear that is a possible result of it.

Still the evil is so great that even though that is a result to be anticipated it may nevertheless be our bounden duty to pass the law, whatever the inconvenience of such result. There are scarcely any of the best laws that have been passed that do not hit unduly some innocent persons; they mean a restriction on the liberty of the good for the purpose of striking the evil. I have had a petition presented to me with reference to this Ordinance on behalf of the Chinese of the Colony, which I am bound to say is deserving of great attention. Although I have no doubt it is signed by a great many respectable residents, of course it is open to any one to say that some at all events of the persons who have signed this petition are people who are very fond of gambling and do not want to be disturbed. On the other hand I am bound to say there is a good deal that they say that has a great deal of force in it. It is just as well the Legislature should know what they are doing before this is passed, and know that they may hit what it is not specially intended to hit. I cannot conceive a law being drawn on this subject that will not be apt to hit what in a very strict sense is gambling but at the same time is certainly not gambling of a noxious order. The Chinese, I understand, have not such games as billiards, but suppose we were in England I am doubtful whether under the law as drawn a club formed specially for billiards and no other object, and in which one of the rules was that the loser should pay for the table, might not be liable to prosecution. I am putting the strongest case, but still we would have to know Chinese games more completely than I do to know that there are no such games as that among them. I am not sure a whist club would not come under the law; indeed, I am not sure it does not come under the law in England, but still we know there are plenty of whist clubs where they play for low stakes. To make illegal games for low stakes, and where the principal object is the game itself and not the stakes, such games as backgammon at a shilling a game or whist for sixpenny points, is a thing that should be done with one's eyes open. It may be necessary to do it, but it ought to be done with one's eyes open, especially with a people so unlike our own. It may be so impossible to distinguish between the two that you cannot avoid hitting the innocent with the guilty if you are going to hit the guilty at all. I have only suggested these points for consideration in order that at the next meeting, members having considered the subject well, I may have an opportunity of hearing their views on the motion for going into committee. An opportunity has no doubt already been given, which my hon. friend the Colonial Secretary had the advantage of when administering the Government when the second reading of the Bill was taken. However, I have not had that opportunity. I am not satisfied at

present as to the expediency of the Bill, and as I am responsible now for the Bill going through I want to be satisfied on these points before going further. As for people saying one ought not to throw up one's hands when an evil is so great as this, it is a fact, so far as I can make out, that no legislation has been of much benefit anywhere against gambling. Possibly the evil is worse here than elsewhere and for that reason stronger measures may be desirable; still, I wish to be convinced of it, and I am sure members if they pass this Bill ought to do so with their eyes completely open to what it means. I hope hon. members will come here next week prepared to give their views very freely on this subject, because it is a matter of very grave importance. I think as members have not come prepared to-day, not having had sufficient notice of what is intended, I had better postpone the matter until the next meeting I think there is no objection, if the press desire it, to the publication of this petition, not the names but the petition itself. It may be useful in suggesting points for general consideration. I think the Hon. Ho Kai had the frowning of the petition. I presume there would be no objection to having it published.

Hon. HO KAI—None whatever, your Excellency.

HIS EXCELLENCY—I should not publish the names; I see no object in that: the force of the petition lies in its arguments. It would suggest to hon. members what they have to answer. It does not cover the whole ground, but it deals with very important points. What I consider the great difficulty in connection with any Gambling Ordinance is the possibility of driving through it with a coach and horses, and my long experience in various parts of the world has convinced me of the inexpediency of adding to the statute book laws which are to be continually evaded; I think it does much more harm than good.

ADJOURNMENT.

The Council adjourned to the 5th March.

FINANCE COMMITTEE.

After the meeting of the Council a meeting of the Finance Committee was held. The Colonial Secretary presided.

The CHAIRMAN said the first vote was one of \$913 to cover salaries and allowances to the two inspectors in the Registrar-General's department. The circumstances of this vote were a little complicated, but he would endeavour to explain them. The two inspectors formerly belonged to the Police but were attached to the Registrar-General's Department for the purpose of carrying out the provisions of the Contagious Diseases Ordinance. When the compulsory clauses of that Ordinance were repealed, these inspectors had either to retire, to return to the Police, or be attached to the Registrar-General's Department in a

different capacity. As both had been disconnected from the Police for some considerable time it was thought undesirable they should return to the Police. They were not prepared to retire on such Police pension as they would be entitled to according to the position they held, and it was thought better to attach them to the Registrar-General's office. Accordingly this was done, and it was suggested that so much of their salary should be drawn from the Registrar-General's department and so much from the Police in the way of pension so as to make their total salaries equal to \$2,838. The Secretary of State did not approve of this plan and decided that they were not to receive any sum from the Police Pension Fund. The amount voted this year in the estimates was \$1,925, and inasmuch as the Secretary of State thought it was not desirable to draw anything from the Police Fund it had to be increased by a vote of \$913. He might mention that this would not entail any extra cost to the colony, because instead of drawing the amount from the Pension Fund, which the Secretary of State objected to, the inspectors' salaries would be increased. It was really therefore placing the amount to one account instead of another.

Hon P. RYRIE—What will be their duties now?

The CHAIRMAN—They have been attached for some time past to the Registrar-General's Department.

Hon. P. RYRIE—But their duties ceased when the compulsory clauses of the Ordinance were abrogated.

The CHAIRMAN—Yes, but their services were still required. I daresay the Registrar-General can tell us on what duty they are employed.

The REGISTRAR-GENERAL—Although the compulsory clauses were repealed, the other clauses of the Ordinance are still in force and now exist under the Ordinance for the Protection of Women and Children. Their services are just as much required as before the compulsory clauses were repealed. Before these clauses were repealed we had three inspectors, whereas now we have two.

The CHAIRMAN—But their duties are rather different now to what they had to carry out before the repeal of the compulsory clauses.

The REGISTRAR-GENERAL—One only had that particular duty to attend to; the others have to look after the registration of brothels and so on just as before.

The CAPTAIN SUPERINTENDENT OF POLICE—As they no longer belong to the Police, perhaps the Registrar-General will invent another name for them in place of that of inspector.

The COLONIAL TREASURER—The inspectors of the Sanitary Department retain the name.

The CAPTAIN SUPERINTENDENT OF POLICE—Yes, but it is very inconvenient having inspectors of such different degrees and different powers. It is very confusing to the Chinese.

The CHAIRMAN—No doubt the inspector under any other name would do as well.

The REGISTRAR-GENERAL—Their powers are sufficiently well understood by the Chinese. They have been called inspectors for the last twenty years and are as well known as the Clock Tower.

The vote was agreed to.

THE GOVERNOR'S SALARY.

The CHAIRMAN said 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 was not paid by the colonies but by the Imperial Government.

The amendment was agreed to.

THE MILITARY CONTRIBUTION.

The CHAIRMAN—The next minute is one recommending a vote of \$123,870.96, being the moiety of the military contribution for the year 1890. We all know that during the course of last year the Council voted a sum of £20,000 in accordance with the instructions of the Secretary of State as the military contribution. That amount has not been drawn by the military for the year expired. A requisition has now been made that the amount should be drawn and therefore the Governor is obliged to submit this minute.

Hon. P. RYRIE—I am rather against this vote passing. I think it might be held over for the present until the final question of the amount of

contribution has been settled. I do not suppose it would inconvenience the Colony very much to delay the passing of this vote until further advices are received from the Colonial Office. I therefore move the adjournment of the consideration of this vote until a reply has been received from the Secretary of State for the Colonies to the protest from the unofficial members of the 1st December.

Hon. T. H. WHITEHEAD seconded.

The CAPTAIN SUPERINTENDENT OF POLICE—I think this minute might be more properly spoken of as a revote. It has been already voted last year, and all that hon. members are asked to do is to confirm the vote of last year. As to what the hon. member says as to it being no inconvenience to this Colony if the payment of this money is deferred for a little longer, I may say that it will make a great deal of difference to the Government at home. Their financial year ends on the 31st March, and it is a very important matter that the money should be paid before that date. Otherwise the whole of their accounts will be thrown out.

The CHAIRMAN—Hon. members must know what took place with regard to this question last year, and it is unnecessary for me to refer to what has been said on the point. I think myself, inasmuch as this is a revote, it would be undesirable to let the matter remain until the Secretary of State answers the memorial to which the hon. member has alluded. That memorial refers rather to the amount asked for this year; this financial minute does not refer to the £20,000 for this year but to the amount voted in the month of April last.

Hon. C. P. CHATER—May I ask when the answer is due here to the memorial signed by the unofficial members?

The CHAIRMAN—I think the memorial was sent with the despatch on the estimates; that left about the 25th December.

Hon. C. P. CHATER—Then possibly the answer may be expected by the next or the following mail. If that be the case, it would be advisable to postpone the consideration of this vote till the arrival of that mail.

The CHAIRMAN—But the amount referred to in that memorial was for 1891; this is for 1890. It can have no possible reference to this matter.

Hon. P. RYRIE—Are we compelled to revote this money. Once having voted for it are we bound to revote it?

The CHAIRMAN—You are not compelled to vote for anything; otherwise it would be unnecessary to submit a vote to you. There is a great difference between the amount voted for last year and the amount voted for this year concerning which the memorial was sent home.

Hon. C. P. CHATER—When this amount was voted originally, there was a sort of memorandum attached not only from the unofficial members, but by the whole Council, to the effect that we trusted sincerely in the honour of the military

authorities that the number of troops promised would be sent during the year. That has not been carried out. Now, we are called upon to revote this sum, and we are of opinion that we had better postpone doing so till we hear definitely what course the military authorities intend taking for this year, and as shortly, probably by next mail or the mail after, we may hear something in reply to our memorial, we propose to delay passing the vote till then.

The CHAIRMAN—As hon. members know, I should be the last to press anything with undue haste on this Council, but, at the same time, I do not think the Governor would like this vote to remain over until the Secretary of State replied to this memorial. We all know that it takes some time to get a reply. I do not suppose the despatch will arrive here before the month of May or June, particularly this year, when not only have the estimates to be considered, but also the revision of the the salaries in connection with the estimates.

Hon. T. H. WHITEHEAD—May I ask how this requisition for payment was received—by telegram or by letter from the military authorities here?

The CHAIRMAN—I have not seen any letter from the military authorities here. Whether the Governor has received one or not I cannot say.

Hon. T. H. WHITEHEAD—I see in the margin of the minute there is marked "C.O. Telegram of 13th February, 1891."

The CHAIRMAN—Yes, there was a telegram received by the Governor, but I cannot take upon myself to say what was the exact wording. It may have been to ask whether the money was paid or not.

Hon. T. H. WHITEHEAD—I think as there is ample time between this and the 31st March there can be no objection to postponing consideration of this vote for a fortnight.

The CHAIRMAN—I cannot see what good that can do.

The ATTORNEY-GENERAL—If the money was voted last year and nothing fresh has happened since, the only thing being that the money then voted has not been paid, the question of the revote is simply formal and the Council would be stultifying itself if they did not revote it simply because it had not been paid.

Hon. HO KAI—The money was voted under certain conditions.

The CHAIRMAN—No, the vote was taken and after the money was voted there was an expression of opinion that we hoped the military authorities would do this or the other.

Hon. HO KAI—And that formed our condition.

The CHAIRMAN—I am sorry that impression was conveyed because I was most particular to explain that it was not to be considered a condition, as I could not undertake to say what course the military authorities would pursue.

Hon. C. P. CHATER—I agree with you, sir, that we did not make it a *sine qua non* that if

the troops did not come the money should not be paid. I differ, however, with the learned Attorney-General that nothing has happened since the money was voted. A good deal has happened since. The money has been drawn and the troops have not arrived. The troops promised have not been sent nor are there any signs of them being sent. As this amount has to be re-voted. I think we should wait and see what the Secretary of State has to say on the matter.

Hon. HO KAI—There was some misunderstanding. I believe, between the Colonial Office and the War Office concerning the troops, as to whether they were to be European or not.

The CHAIRMAN—I do not think there was any misunderstanding. There was a mistake in the Secretary of State's despatch that appeared to have occurred in consequence of the despatch the Colonial Office received from the War Office, but that was afterwards corrected in a subsequent despatch.

Hon. P. RYRIE—The despatch must have been made out by a very ignorant person. It puts down 200 local militia. I don't know where they are.

Hon. T. H. WHITEHEAD—The basis of the demand was that it was necessary to increase the Garrison. No increase has been made and therefore no increased expenditure has been incurred. It is therefore unjust, arbitrary and despotic to now claim this money, no additional expenditure having been incurred.

Hon. C. P. CHATER—The money was voted under the impression that there would be.

THE CAPTAIN SUPERINTENDENT OF POLICE—Another despatch put the claim in another manner.

Hon. T. H. WHITEHEAD—Yes, but the original claim was because of the increase of troops here.

Hon. F. FLEMING—I do not think I should be justified in waiting till the receipt of the Secretary of State's answer to the memorial. Whatever his decision may be, hon. members will have an opportunity of expressing their opinions in Council, and the fact of the military having expressed a desire to know whether the

money has been paid or not is evidence of their intention of getting the money voted. I do not know whether it is your wish that we divide on the question.

The unofficial members having expressed a desire that a division should be taken, Hon. P. Ryrie's amendment for postponing the consideration of the vote was put to the Committee, with the following result: —

FOR.	AGAINST.
Hon. T. H. Whitehead	The Surveyor General
Hon. Ho Kai	The Registrar General
Hon. J. J. Keswick	The Capt. Supt. of Police
Hon. C. P. Chater	The Colonial Treasurer
Hon. P. Ryrie	The Attorney-General
	The Colonial Secretary

The amendment was therefore lost by a majority of one.

Hon. HO KAI—I thought it was an established precedent that the Chairman of the Finance Committee does not vote.

The CHAIRMAN—I do not wish to interfere with precedents of that kind, but as without my vote the votes would be five to five, there can be no doubt that I have a casting vote. The question as to whether I have an original vote is another matter. I believe the question has been decided before and it was against my having an original vote. However, it is unnecessary to go into detail on that point as I have a casting vote in this case, and I give it against the amendment. I am aware that in Committee in the House of Commons, the Speaker does not have a vote of his own, but when the numbers are equal he has a casting vote. Whether the Chairman here is in the same position is open to question, but it is a point we are not called upon to decide to-day.

The vote was then agreed to.

INCREASE OF SALARIES TO THE MASTERS OF VICTORIA
COLLEGE.

The CHAIRMAN said with reference to this that it would take some time to explain the particulars connected with this vote and as he was desirous of having more information on the matter before asking for this vote, it would be postponed.

The Committee then adjourned.