

25TH MARCH, 1891.

PRESENT : —

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

Hon. W. M. DEANE, C.M.G., Acting Colonial
Secretary.

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

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

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

Hon. S. BROWN, Surveyor-General.

Hon. P. RYRIE.

Hon. HO KAI.

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.

FINANCE.

A number of votes submitted to the Finance
Committee at the last meeting and agreed to by them
were agreed to by the Council.

THE SALARIES OF THE TEACHERS AT VICTORIA COLLEGE.

On the vote for \$1,830 for an increase to the salaries
of the masters of Victoria College, recommended by the
Finance Committee,

Hon. P. RYRIE said—Your Excellency, the unofficial
members opposed this vote in Finance Committee. As
we are bringing forward a motion that the Secretary of
State withhold his sanction to the increase of salaries
recently recommended, it is only consistent that we
should oppose this particular vote. I therefore propose
that the vote be not passed.

Mr. WHITEHEAD seconded.

The question "that the vote do pass" was then put to the Council with the following result:—

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

The vote was therefore lost by a majority of two.

HIS EXCELLENCY—I am not quite sure whether Mr. Keswick voted for or against.

Hon. J. J. KESWICK—On the last occasion I voted for the increase, but as the matter is brought forward to-day and in view of the fact that the vote would certainly be passed and of the motion coming forward of which the hon. member opposite (Hon. T. H. Whitehead) has given notice, I think it would be desirable that I should record my vote with my colleagues on the present occasion.

TIDE TABLES.

On the vote for \$536.84 for defraying the cost of analysing and observing the tides of Hongkong for 1887-88,

Hon. P. RYRIE said—Your Excellency, I made a request to the Chairman of the Finance Committee at the last meeting to let me know whether other Colonies made contributions for this object, and I regret to say that the information was of a very slender description. In fact to the question whether other Colonies contributed I got no answer. I may also say there were several other questions to which I found it very difficult to get answers, and I must protest against this.

HIS EXCELLENCY—The Government will always be glad to give such information as it is in their power to give, and if you will think for a moment you will see that it would not have been a very easy thing to give the information you desired without communication with other colonies.

Hon. P. RYRIE—Somebody should know whether the object for which the vote was asked was contributed to by other colonies.

HIS EXCELLENCY—Then I presume you would have opposed it if you had certain information.

Hon. P. RYRIE—I merely wanted information. It is not this question alone that I refer to. There were other cases where I had to drag out information.

The ACTING COLONIAL SECRETARY—I can only say that it is perfectly impossible for any Colonial Secretary to know in this colony what the Government of Singapore is doing in this matter for instance. The whole of the information asked for was furnished.

Hon. P. RYRIE—I beg your pardon; it was not furnished.

The ACTING COLONIAL SECRETARY—There is a record fortunately taken of the discussion that took place at the meeting, and I think you

will find there an utter absence of any such action on my part as withholding information that it was in my power to give.

HIS EXCELLENCY—I am quite sure no information the Government has will be withheld. I don't understand the hon. member to charge the Colonial Secretary with any want of discourtesy; it would be very foreign to his character. I can only say that if the hon. member asks for any information that we have he will get it. With regard to this particular vote I confess I do not quite understand it. It appears by the remarks of the Director of the Observatory that it is purely a scientific matter which requires a scientific person to attend to it. He also asserts, and his assertion is apparently confirmed from home, that the purpose for which this sum is voted will be a very considerable benefit to the shipping of the Colony, and unless his character for scientific attainments has been wrongly earned—a thing which we cannot conceive for a moment—he is certainly qualified to speak on the subject. Of course as it is a charge connected with the tides in our own harbour, I do not see how anybody could be asked to pay except ourselves. These really are the whole facts so far as I know. The question is whether there is any opposition to the vote.

The vote was passed.

THE INCREASED MILITARY CONTRIBUTION.

Hon. P. RYRIE—I beg, in accordance with notice given at the last meeting, on behalf of the unofficial members, to lay on the table a protest in order that our opinions may be recorded in the minutes of the Council, in accordance with precedent. I have also to move that a copy of the protest be forwarded to the Secretary of State. We reserve to ourselves the right to take such action on further consideration and developments of the question as may appear to us desirable.

Hon. T. H. WHITEHEAD—Your Excellency, in rising to second the hon. member's motion, I wish to express my own protest against the attempt of your Excellency to shift the ground of the debate at last meeting of Council, and also to protest against the apathy—

HIS EXCELLENCY—I beg your pardon, I must know in the first place what is the motion.

Hon. P. RYRIE—That the protest be accepted by your Excellency and forwarded to the Secretary of State.

HIS EXCELLENCY—I think that is a matter for me simply to decide and not a matter for debate. It is a perfectly respectful protest, I presume?

Hon. P. RYRIE—I hope so.

HIS EXCELLENCY—If it is in terms not disrespectful to Her Majesty's Government it will be forwarded. Do you wish it to be published and entered on the minutes?

Hon. P. RYRIE—That is my desire.

HIS EXCELLENCY—Not having seen it before, I think it had better be read.

HIS EXCELLENCY then read the protest, which is as follows: —

We, the undersigned, the unofficial members of the Legislative Council of Hongkong, desire to place on record our emphatic protest against the re-vote of the sum of \$123,870.96 originally voted by this Council on the 26th day of March, 1890, as an addition to the military contribution payable by the colony for the year 1890, and which, not having been disbursed within the financial year, has necessarily been again submitted to the Council before payment can be constitutionally authorized or made.

We protest against this re vote on the following among other grounds: —

1.—That this addition to the military contribution was originally demanded on the sole ground that the garrison of the colony was about to be largely increased. No other grounds for the increase were even hinted at in the Secretary of State's despatch, and he goes so far as to explain how the additional amount demanded had been arrived at, solely by a comparison of the numbers of the then existing and of the intended future garrison.

2.—That the additional military contribution was proposed in this Council, discussed and voted solely on the ground that an increased military force was required for the efficient defence of the colony, and that the amount asked for was reasonable in view of the proposed increase.

3.—That, however deferentially the resolutions were worded, the additional military contribution was granted by this Council upon the faith of an express promise that the garrison should be increased and upon the condition that the money should not be demanded or paid unless there was an increase in the strength of the military forces stationed here, and in proportion to that increase.

4.—That, as evidenced by the published despatches, the Officer Administering the Government and the Right Honourable the Secretary of State for the Colonies accepted the vote as conditional and as based on the promise of and dependent on the presence of a largely increased garrison.

5.—That, during the year 1890, there was no addition made to the strength of the force stationed in Hongkong; no preparations for such increase; no evidence of any real intention ever to grant the increase, and no reason is now assigned for the failure of Her Majesty's Government to keep the promise made to the colony.

6.—That the promise not having been kept, the condition not having been observed, the vote fell to the ground and the non-payment of the money voted was just and proper and to be approved of by this Council.

7.—That if Her Majesty's Government had frankly recognised the right of the Council to treat the vote of last year as inoperative for the reasons above stated and had applied to the Council for an additional military contribution for 1890, on general grounds and irrespective

of any increase in the garrison, the unofficial members would have given every consideration to the appeal and would have impartially examined the question from the point of view presented by His Excellency the President in his address to the Council on the 19th March instant.

8.—That this very proper and reasonable course has not been adopted; that the Right Honourable the Secretary of State for the Colonies in his telegram and despatch of the 13th February last demands payment as of money due on the footing of the original vote; that the matter was brought before the Finance Committee of this Council as a re-vote and that all discussion was stifled and all time for consideration refused on the ground that it was only a re-vote and that further discussion, if not absolutely forbidden, was a mere waste of time; that the re-vote (carried in the Financial Committee simply by the casting vote of the Chairman), came before this Council for confirmation on the same footing, and that the unofficial members are within their right in refusing now to allow the vote to be supported on grounds other than those on which it was originally granted.

9.—The unofficial members therefore protest against this re-vote, forced through Council in opposition to their views and to the views and opinions of the vast majority of the colonists, and they protest against the payment of the money so voted and against the action of the Imperial Government in demanding the money when the promises on the faith of which it was granted have not been fulfilled.

Legislative Council Chambers,
Hongkong, 19th March, 1891.

(Signed) P. RYRIE.
C. P. CHATER.
J. J. KESWICK.
HO KAI.
T. H. WHITEHEAD.

HIS EXCELLENCY—That is perfectly respectful and there can be no question as to its being forwarded.

QUESTIONS.

Hon. T. H. WHITEHEAD gave notice that at the next meeting of Council he would ask the following questions: —(1.) What was the total expenditure of the Government under the head of salaries for the years 1887, 1888, 1889, and 1890, and what is the estimated total expenditure for the current year under the same heading on the basis of the increased pay and allowances recommended by this Council? (2.) What was the total expenditure on the Public Works department in the years 1887, 1888, 1889, and 1890 for salaries and wages, and what is the estimated expenditure under the same heading for the current year on the Public Works department and Water and Drainage department combined? (3.) How is it that there has been no meeting of the Public Works Committee appointed in

October last? (4.) Does the Government intend to give effect to the recommendation of the unofficial members in their addendum of the 20th December 1890, to submit to the Public Works Committee details and estimates of all public works? (5.) What arrangements have been made for examining and checking accounts sent to the Treasury for payment and have any difficulties arisen since the new system of audit was introduced in checking and examining accounts for payment. (6.) What are the duties of the Treasury Department and the Treasurer under the new organization of that department?

THE "NAMOA" PIRACY.

Hon. J. J. KESWICK—I beg to ask the following question:—"Will the Government inform the Council whether in view of the piracy of the *Namoa* in December last any steps have been taken for special Police supervision of native passengers embarking on steamers, and if not, is it the intention of the Government to adopt any measures whatever?" —With your Excellency's permission. I would wish to say one or two words in explanation of why I ask this question. The recent case of piracy on board the steamer *Namoa* of course excited a great deal of public interest, and I think the general public, both European and Chinese, are exceedingly anxious to know whether any measures have been adopted by the Government likely to prevent the recurrence of such a disaster. I think there can hardly be any doubt that the ordinary police regulations and supervision are insufficient to prevent pirates from getting on board vessels in this Harbour. It may be a matter of interest to the public—I do not know whether your Excellency has heard of it— that since the occurrence of the *Namoa* piracy I have good reason to believe that there was imminent danger of another vessel being pirated. Considering the great number of bad characters in the colony I think it is desirable that we should know if any measures have been taken to prevent such attempts in the future.

The ACTING COLONIAL SECRETARY—In reply to the hon. member I have to say that it is undesirable for obvious reasons to go into all the details of the supervision exercised. Suffice it to say that all measures are taken with this object which are practically consistent with the complete freedom of the port. I must say that since this piracy certain Chinese of bad character have been sent away, in addition to those usually sent away after a second conviction of felony.

HIS EXCELLENCY—In explanation of what the hon. the Colonial Secretary has just said I may remind the Council of the very obvious difficulties which there are in the way of any really effective supervision by Government over the very great number of passengers that leave this port—I mean supervision consistent with the freedom of the port. In view of these

great difficulties I have felt that some very exceptional steps were justified in order to meet this evil. You are aware that the Governor has powers of deportation. Hitherto these have been almost exclusively exercised with reference to persons convicted of offences before the Courts. In view, however, of the increasing use of this Colony by a large class of people who come here as a safe resort for devising crime to be committed both here and on the continent of China, I have deemed it right to go beyond what has been the usual course, and consequently I have lately been deporting a considerable number of people not actually convicted in this colony. I need scarcely say, however, that only grave circumstances warrant such a course, and it has to be taken with extreme caution for fear that the necessary information to establish a case against any particular person might be given on the ground of malice. However, when the police and the Registrar General from different sources independently report that persons are living in this colony of notoriously criminal character although not convicted here, and when that information is supported by the fact that they have no visible means of honest subsistence in this Colony, it appears to me that it is not in the present circumstances any great stretch of the power which is given to the Governor to deport these people, or what is really repatriating them, as their own country is within a few miles. I have taken this course in a considerable number of cases, and there are a considerable number of other cases under investigation. I hear from the police that one effect of this has been that a considerable number of others, for fear of deportation for a long period, have taken their departure also. I do not know that we can entirely clear ourselves of the criminal class of Chinese; but I think we are taking a considerable step towards it, and it appears to me that in view of the peculiar circumstances of this place it is the only really effective step that can be taken.

The ATTORNEY-GENERAL—I should like to say a word or two on this matter. Shortly after the *Namoa* affair I happened to be going to Canton on board the *Honam*, and having this matter in my mind I had a long talk with the captain as to what precautions should be taken by the captains of these vessels. I went over the vessel with the captain after dark, and I must say I was very much struck with the admirable precautions taken on that particular steamer. The ordinary Chinese passengers were confined between decks, and gratings were put down over the gangways leading from the lower to the upper deck, and it seemed to me that if such precautions were taken on every steamer it would render it extremely difficult for anything like a repetition of the *Namoa* affair to occur. I think it only right to mention this as showing what a great

deal can be done by the officers and masters of steamers themselves if due precautions are taken. It is almost impossible to supervise every person going on board, and I understand from inquiries made that some of the companies are very unwilling to examine the passengers because they are afraid that if they make it unpleasant for them they will go to some other company. It is therefore very difficult for the Government to make a thorough supervision of Chinese passengers.

HIS EXCELLENCY—It may be of interest to know that I hear, not officially but from sources on which I can rely, that some thirty of the miscreants connected with this piracy have, by information received from us and from other sources, been hunted down, and are now, whether alive or dead, in the possession of the Chinese Government. Certainly the Chinese have taken very exceptional measures on our representations in connection with this matter, and I think probably by other precautions which we are taking such a case will not occur again for some years to come at all events.

CIVIL SERVANTS' SALARIES.

Hon. T. H. WHITEHEAD—Your Excellency, with reference to the motion of which I have given notice I submit that until the information has been supplied, which I have asked for to-day, in the questions of which I have given notice, hon. members will not be in a position to effectively consider the important question involved in the motion. I would therefore ask your Excellency's permission to let the motion stand over until next meeting of Council.

HIS EXCELLENCY—Of course, I can only express regret that the hon. member should put forward the motion he now asks to postpone in view of the fact that by now requiring information on the subject he is now apparently doubtful of what is there stated as certain. Although I have pleasure that the hon. member withdraws for the moment from what I consider an untenable position for himself and for those members who were likely to support him, and one which I do not think would add any weight to the remonstrance against this military vote. I may say at the same time that I regret that the motion has been postponed, because it would have given us an opportunity of hearing that on which I have before invited discussion on two occasions before namely, whether this Colony should pay this vote apart from any increase in the garrison and also whether we are able to pay it, I think it very unfortunate that there should not have been this discussion, because as I have remarked over and over again, there is not in my opinion any ground whatever for the so-called breach of faith. If the home Government had taken advantage of the vote passed last year and obtained forthwith the money on that vote the position of the unofficial members would be, although not entirely justifiable, still in view of the circumstances

I have already mentioned at least intelligible. I am unaware of what occurred in the Finance Committee, but I must beg leave to say that the Finance Committee, although a very convenient means of furthering business, is no part constitutionally of this Colony. So far as this Colony is required to vote money, it is a matter for this Council and no other body. Now, whatever occurred in the Finance Committee on the two occasions that have been referred to, I distinctly stated here that Her Majesty's Government do not ask for this vote on the grounds that were referred to last year. They come forward evidently on totally different grounds, and it was on these grounds that I asked the Council to consider the motion. I asked the Council to consider the vote on the grounds put forward during the past year exclusively of the promise of an increased garrison and to say whether they considered the vote a right one or a wrong one. Although I asked the Council on two occasions to so consider this vote, they declined to so consider it. I now understand that the hon. member is desirous of gaining certain information before he proceeds with his motion. I think, I may say I feel quite sure, that it is his better judgment which has caused the hon. member to retire from the position which he arrived at on impulse. The mere fact that he now wants information about that which he positively stated before, shows, I think, that that is so, and I hope that the same better judgment will induce him to withdraw the motion altogether. I will give you my reasons and I think my reasons will be appreciated by the unofficial members as well as the official members. This Council voted last year what is exactly the same sum as is asked for now and what was intended to be voted annually. I am quite willing to believe that the Council, or rather the unofficial members, gave that vote on the ground or condition that we were to have an addition to the garrison, one regiment, I presume—exactly what it was does not for the moment particularly matter. Now if members were willing to spend this £20,000 per year—even the unofficial members proposed to do that—they would by this motion practically stultify themselves, or at all events go back upon and entirely withdraw their deliberately expressed opinion of last year. Because, supposing that these additional troops had actually come here, with the exception of a very infinitesimal sum, the revenue of the colony would not have been affected, it would not have benefited except in a very small degree. I believe I am right in saying that officers stationed here pay no rates—they are remitted on officers' houses—and the only gain to revenue from this addition to the garrison would be the rates on the few additional houses that might be required by coolies and others who might be attracted to this Colony to meet the requirements of these men. It would be only

from such rates as might be obtained on the few houses of the extra population who came to assist in furnishing supplies to these troops that there could be any revenue at all, and under these circumstances I can scarcely see how there could be anything but a very infinitesimal gain to the revenue of the colony from these troops. It is only the revenue gained which concerns the ability of this colony to pay these increased salaries unless your assent to the vote conveyed the assumption that if troops came you were willing to pay additional taxation. I do not think that it would be wise on the part of this Council to convey the assumption to Her Majesty's Government that they were willing, when these troops came, to pay additional taxation. When you consider that these troops could give nothing to the revenue and when you say when you are called upon to pay the exact sum that you are no longer in a position to pay increased salaries, it must be assumed that you meant that there should be increased taxation. There are other reasons, but I only wish to point out that it would be unwise on the part of this Council to pass a motion of this kind at this particular moment. It would have all the appearance, it would look like the result of a sudden impulse—I will not use a stronger impression—and would have the effect of creating an impression which might lessen the weight of any remonstrance sent to Her Majesty's Government. If after further consideration or after getting the facts which the hon. member desires and which it would have been ordinarily presumed he had when he gave notice of this motion, he still really thinks the colony is not in a position to pay this money, why it is of course competent for him to proceed with the motion, but I would ask you to recollect that it would involve the consequences I have already indicated and which it is not at all necessary to repeat.

Hon. P. RYRIE—I think your Excellency rather underestimates the benefits the additional garrison would bring to this Colony. I think if the paying this increased military contribution meant bringing additional troops to the Colony, we should have, I think, instead of increased taxation, or at the same time, increased expenditure. We may be now in a position to pay these additional salaries—that may be correct or it may be not correct—but I think that the Colony would derive a certain benefit from these troops and might be able to sustain more taxation.

His EXCELLENCY—I think Mr. Ryrie has not considered that even if as he suggests we had additional troops here, the returns from actual expenditure of £60,000 per year—

Hon T. H. WHITEHEAD—I think that is rather under the figure. Lord Knutsford's despatch of the 20th January, 1890, states that the additional amount to be expended would be

£120,000. A very large portion of that would be expended in this Colony.

His EXCELLENCY—That would not be all expended here. You have to take into consideration what would be expended here. Suppose for the sake of argument it were £120,000. I do not say it would be anything like that sum. This sum must include the transfer of officers and soldiers backwards and forwards and other outside charges, so that the £120,000 spent by the Imperial Government must be subject to a great deal of reduction to arrive at the amount spent in this Colony. Then recollect that the amount expended here does not amount to all profit. It is only the amount of profit which you have to take into consideration and anybody must have very different ideas from what I have who would say that the profit amounts to anything like £20,000. It seems to me that the additional garrison may benefit the Colony, but I fail to see that it would obviate additional taxation if such were required for the payment of this additional vote in its absence.

Hon. P. RYRIE made a remark which was inaudible at the reporters' table.

His EXCELLENCY—Yes, Mr. Ryrie, but this would not benefit the colony. You must understand that although this amount was spent it would not affect the revenue, without extra taxation.

Hon. P. RYRIE—I say that if these profits were made from the Garrison, we might be able to afford a little additional taxation.

His EXCELLENCY—I think it would be very infinitesimal. However, we need not discuss further at present what is merely a problematical motion.

THE PRINTERS AND PUBLISHERS BILL.

The ATTORNEY-GENERAL—I have to move the second reading of the Printers and Publishers Bill. Under the existing Ordinance no provision is made for having any person held responsible while the printer or publisher may be still in the Colony, and yet under certain conditions may not be answerable for what appears in his paper. It may for instance be that the printer and publisher might go mad or he might suffer imprisonment and it would be unfair to him that he should be held responsible for what appears in his paper, while under the present requirements the person in charge is not required to make any declaration. The new Ordinance under section 3 makes such person responsible. Section 3 states that "As often as the printer or publisher who shall have made the aforesaid declaration shall leave the Colony permanently or temporarily, or shall, although in the Colony, be imprisoned or otherwise incapacitated from being or shall cease to be the actual printer or publisher for the time being, a declaration from the actual printer or publisher resident within the Colony shall be necessary." What is proposed by this section is nothing more than that every person who prints and

publishes a newspaper in this Colony shall make the necessary declaration.

The ACTING COLONIAL SECRETARY seconded the second reading.

Bill read a second time.

The Council then went into Committee on the Bill, which was passed without amendment.

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

NATURALISATION BILL.

A Bill for the naturalisation of Lau Sai, otherwise Lau Wai Chin, after passing through the various stages was passed.

THE GAMBLING ORDINANCE.

The Council went into committee on the Gambling Ordinance.

The ATTORNEY-GENERAL suggested that in the definition clause there should be a definition of the word "street," as in the body of the Ordinance street gambling was referred to. He suggested that the following should be added: "The word street shall mean any road, alley, or lane."

HIS EXCELLENCY said he thought the words "whether public or private property" should be added to the definition suggested by the Attorney-General, because there were a great many lanes which though practically public thoroughfares could not be dealt with as such because they were private property. These lanes caused a great deal of difficulty in many ways, and it was a matter for serious consideration whether some law dealing with them should not be brought in.

After some discussion the matter was postponed in order to allow the Attorney-General to draft a definition.

Section 3 provides that "A place shall be deemed to be opened, kept or used as a common gaming house or for a lottery when gambling is one of the main and principal objects for which the said place is opened, kept, or used, although such place is also used as an ordinary social club, and the public at large have not access thereto."

Hon. HO KAI—I beg to move that this section be amended. Gambling takes place in most clubs. The words here are, "when gambling is one of the main and principal objects." It does not say a place has to be found to be a common gaming house before it is closed, but simply says it must be closed if gambling is one of the main and principal objects. Now what is meant by gambling? There is a definition of a common gaming house, and of the play that constitutes a place such. The play that constitutes a place a common gaming house must have certain characteristics, but the word gambling is not defined, and it must therefore be taken in its ordinary sense. Now suppose a whist club, or a club where dominoes are played, which are very nearly the Chinese equivalent to whist—the game of whist certainly does not answer to the definition given in connection with a common gaming house, and yet at the same

time by this section a whist club would be brought within the law. The word "gambling" must be taken in its ordinary sense as meaning any play where there is a wager, so in that case, I think what your Excellency apprehended before, and what I also apprehend, that innocent play going on in a social club—

HIS EXCELLENCY—Has the hon. member any amendment actually prepared? I mean to say it is irregular to raise a discussion of this kind except upon a substantive amendment either to expunge the whole clause or—

Hon. HO KAI—To expunge.

HIS EXCELLENCY—That is what you move?

Hon. HO KAI—Yes, because as I was just going to remark, the clause if left out would not do any harm to the rest of the provisions of this Ordinance. You have a common gaming house defined and if games are found being played of such a nature as to answer that definition the place will of course come under the provisions of this Bill. But clause 3 does not seem to me aimed at common gaming houses, but at all houses. That gambling is one of the main and principal objects must be proved by the facts and if any club offers facilities for games on which a wager passes then gambling must be held to be one of the main and principal objects of the club. If this clause remains therefore every club can be attacked at once, although there is no such gambling as is mentioned in the definition of a common gaming house. That, I believe, is not the desire of the hon. members of this Council.

Hon. J. J. KESWICK—If I am in order—

HIS EXCELLENCY—Do you second the amendment?

Hon. J. J. KESWICK—No.

HIS EXCELLENCY—Then I am afraid you are not in order.

Hon. J. J. KESWICK—I cannot quite second it, but I share the views of the hon. member to a certain extent.

HIS EXCELLENCY—I should be quite prepared to listen to any proposal for improving the clause but it is quite clear that to cut it out altogether would destroy the chief object of the Ordinance, namely, to hit those places which are really common gaming houses but which at present shelter themselves under the designation of clubs. As I have said before, the difficulty of distinguishing between what the hon. member calls respectable and non-respectable clubs is very great, and I confess I don't see any means of so far distinguishing them as to entirely preclude the inclusion within the section of comparatively innocent places, such as a whist club. I fear that a club of which the playing of whist was the main object would come within that section. If some means could be devised of so amending the section that an apparently innocent form of gambling could be excluded I should be happy to consider it. It has just occurred

to me whether the substitution of the words "common gaming" for "gambling" might meet the point to some extent.

The ACTING COLONIAL SECRETARY suggested that after the word "gambling" the definition given in the definition of a common gaming house should be inserted. The section would then read:—"A place shall be deemed to be opened, kept, or used as a common gaming house or for the purpose of a lottery when gambling in which a bank is kept by one or more of the players exclusive of the other or others, or in which any game is played the chances of which are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed or against whom the players stake, play, or bet, is one of the main and principal objects for which the said place is opened, kept, or used, although such place is also used as an ordinary social club and the public at large have not access thereto."

The ATTORNEY-GENERAL said he had felt all along that the practical effect of section 3 as it at present stood was to somewhat enlarge the definition of gaming as given in connection with a common gaming house. He would suggest the clause might be allowed to stand over. The suggestion made by his Excellency to substitute "common gaming" for "gambling" seemed meet to the case, or the suggestion of the Colonial Secretary, but if either of these was adopted they would make the meshes of the net much wider than in England, because this was taken from a judgment of Mr. Justice Hawkins. If it was thought advisable to make this section no wider than the definition of a common gaming house in section 2 the suggestion of the Colonial Secretary might be adopted. As to whist clubs, the only argument he could use was this, with a similar law in force in England did the police interfere with whist clubs? If they were to deal with the evil they must have very wide powers given.

HIS EXCELLENCY—We know as a fact that if whist clubs are strictly speaking against the law in England they are not interfered with. On the other hand it is undesirable in this Colony, where we are dealing with races whose habits we do not completely understand, to allow it to be in the discretion of the police to seize or not seize a place at their will. I think there is more necessity here to be absolutely sure of a place as being legally affected than elsewhere. At the same time, I am not sure whether, if this Ordinance is to have a chance of doing any good, we must not risk the chance of occasionally interfering with an innocent place rather than risk the chance of a great many places that are not innocent escaping. However, I will adjourn this clause until the next meeting. I am not sure the Ordinance will not have to be passed as

it is, if it is not to be another *brutum fulmen*, so to speak.

Hon. HO KAI—As we are in Committee I believe I may be allowed to speak again. The Ordinance is aimed at gambling clubs and games on which a commission is charged. If you do away with games on which a commission is charged I do not think it would pay people to open gambling clubs. The games played are mostly games of pure chance, or mixed chance and skill, and on these games they do make a moderate profit by charging commission. I also wish to answer the Attorney-General, who referred to England. The conditions of England and Hongkong are not the same. In England the slightest injustice by the police would be heard of at once; in a colony like Hongkong a lot of injustice might be done long before it was heard of generally. In England, where you have constitutional government and the people speak one language, if any injustice were done the newspapers would publish it at once, the public would know of it, and it would not be tolerated for a moment. In this colony extortion and other abuses are practised to a large extent without ever being heard of by the Government. It is not so very long since extortion was practised by the threat that if the money demanded was not forthcoming the person would be kidnapped or taken away from the colony to be killed by the Chinese Government. When I say not long ago I mean twenty years ago. If such things could exist twenty years ago they may still exist, though perhaps not to the same extent, and great injustice may still be done to the Chinese.

HIS EXCELLENCY—The hon. member must have heard me say I was conscious of that possibility and that I considered there were reasons for being more strict in a law here than in England—I mean more strict in saying what is and what is not legal. I can see clearly enough that what works fairly well in England may not work well here, though I cannot help thinking it is to be regarded as objectionable even in England that people should be technically committing breaches of the law continually and never be called to account for it; still it may work fairly well, but I can see reasons why it would not work well here. But there may be reasons which would cause one to run the risk, not of causing injustice, but of carrying out an Ordinance so completely that it would occasionally hit comparatively innocent games like whist rather than that the laws should be so lax as would enable the guilty to escape. I am quite conscious of the difficulty. It is simply a question of which has the best chance of success. I am almost inclined to think, on the first moment's consideration, that it would be better to leave the Bill as it is; but I will give it my best consideration before the next meeting. As the settling of this question will largely affect the whole law I think I will postpone

the Bill, unless hon. members specially wish to go on, until the next meeting. This is the crucial point of the whole Ordinance. On the form this section takes depends, in my mind, really all chance of success. I should be glad to hear the Hon. Mr. Keswick if he has any remarks to make, because we have drifted into a discussion after all.

Hon. J. J. KESWICK—My remarks would have been very much in the sense of those made by the hon. member (Hon. Ho Kai) afterwards.

The REGISTRAR-GENERAL—Your Excellency, before we postpone this discussion perhaps it would be well that we should come to a clear understanding of what a Chinese club is. Hon. members have heard a good deal about Chinese clubs but probably do not really know much about them. I should like to state clearly that I should say there is only one Chinese club in this Colony the chief object of which is not gambling; in all the others stakes of a high order are played for, in some of them very high, in others not so high. So when we speak of Chinese clubs we must bear in mind they are institutions the main object of which is gambling.

HIS EXCELLENCY—I belong myself to clubs in England where gambling is expressly excluded by the rules—all decent clubs exclude gambling games; I mean such games as are referred to in the definition of "common gaming house" in this draft bill—but nevertheless very high stakes are played for at games which are not illegal, though the great majority of the members have nothing to do with it. The question is whether that is the same here. Does the hon. member know whether these clubs not only have for their principal object gambling but that there are not other objects which are the main objects to other members?

The REGISTRAR-GENERAL—I do not think the case is in any way parallel to that of English clubs.

HIS EXCELLENCY—You mean the great bulk of the members go there for the purpose of high gambling?

The REGISTRAR-GENERAL—The great bulk do, and this information has been given to me by gentlemen who go to these clubs themselves. They have told me it is the chief object.

The ATTORNEY-GENERAL—I have been informed gambling is by no means confined to men; there is a considerable amount of gambling among Chinese ladies.

Hon. HO KAI—I feel it my duty as representing the Chinese to emphatically deny what the Registrar-General has said so far as regards most of the respectable Chinese clubs, that their sole or chief object is gambling.

HIS EXCELLENCY—He said the main object.

Hon. HO KAI—So it may be, but you must define what is meant by gambling. We must have our common ground to commence with. Gambling may mean the wagering of a small stake of ten dollars, or five dollars, or one dollar. If gambling includes playing for a small stake I

suppose every one of us has been guilty of gambling at some period of our lives. In your clubs card tables are constantly prepared, and at evening parties in different places card tables are always provided, and I have always seen a small stake laid even at private parties. If that is gambling then I say gambling is one of the main objects of these clubs, but if what is meant is such games as are indicated in the definition of a common gaming house, then I know in a good many clubs gambling is not the principal object. As to members of the clubs themselves giving the information to the Registrar-General, all I can say is I wish he would give us their names. It is very easy to get Chinese to come to one's office, especially the Registrar-General's office, and get them to say what one wants, for on asking them certain questions, they, observing the same deference that they pay to officials of their own nation, will simply say aye, aye, to every question addressed to them, although at the same time they do not agree with the opinion expressed. It is a matter of notoriety that they will not contradict official remarks. As I am here to represent the Chinese—the Government has nominated me, and I hope I represent them—I must say I wish when the Registrar-General wishes information he would get it in a fair and just manner, allow the Chinese to come together in open meeting and then give the result arrived at, instead of taking opinions given under, I will not say the terror, but the peculiar feeling with which they come before a high official.

HIS EXCELLENCY—I do not think that can be thought of for a moment. I do not think the Hon. Ho Kai himself would claim that the Chinese are remarkable for moral courage. I think it quite possible a large number of respectable Chinese may have strong feelings on this subject, as I believe they have, and yet would shrink from the risk involved in publicly attacking so enormously strong a body as the gamblers in this colony. I mean people who make their living by professional gambling. I should like to hear from the Registrar-General whether he thinks the word "gambling" should remain as it is in this section or whether he thinks it could be safely restricted in its reference to those games which are indicated in the definition of a common gaming house. I will not ask him for an answer now, but that is the real point. Is it necessary to leave the word "gambling" as it is, which includes a large number of comparatively innocent games? Is it necessary for the object of the Ordinance to leave it as it is and run the risk of occasionally hitting these innocent games, or is it safe to restrict the meaning of the word "gambling" as has been suggested? I do not think, however, it is any use going on to-day; we would probably not arrive at any satisfactory conclusion, and it is just as well

hon. members should have time to think over this question.

ADJOURNMENT.
The Council then adjourned.