

31ST JULY, 1891.

PRESENT—

His Excellency Major-General DIGBY BARKER, C.B.,
Acting Governor.

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

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

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

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

Hon. S. BROWN, Surveyor-General.

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.

SUNDAY LABOUR.

Hon. T. H. WHITEHEAD—I rise to ask the following question:—

Will the Government lay upon the table copies of Lord Knutsford's despatch, dated 16th October last, to the Officer Administering the Government on the subject of inserting in all Government contracts a provision that work under such contracts shall not be carried out on Sundays except in very urgent cases, copies of the Honourable F. Fleming's despatch in reply, and copies of Sir Wm. Des Voeux's despatch to the Right Honourable the Secretary of State, dated 20th February last, on the same question?

HIS EXCELLENCY—The first despatch named in the question will now be laid on the table. There does not appear to be any despatch by Hon. F. Fleming in reply to that and with regard to the third despatch mentioned in the question, that of Sir William des Voeux, I find that no

reply has yet been received to it from the Secretary of State and it is not customary to publish any despatches which have not been replied to by the Secretary of State.

Hon. T. H. WHITEHEAD—I think a portion of the despatch has already been published in a blue book laid on the table in the House of Commons.

HIS EXCELLENCY—I am speaking of publication by this Government. I do not know who else may have seen it. It is the custom here not to publish despatches under the circumstances I have stated.

THE CENTRAL MARKET.

Hon. T. H. WHITEHEAD—I rise to move the resolution of which I gave notice. I do so in view of Governor Sir William des Voeux's minutes of the 3rd and 14th April. The proposed new Central Market is a work of great importance. Something like a quarter of a million of dollars of the ratepayers' money is going to be spent on the building quite irrespective of the cost of the land. The matter has been long under consideration and already great delay has taken place. The plans were originally prepared by a former Surveyor-General, but these were disapproved of by the present Surveyor-General. The plans and designs of the present Surveyor-General were disapproved of by Sir William des Voeux and at the request of the Surveyor-General, a professional man, an architect of high qualifications, was got out from home to look after the work pertaining to architecture in respect of this and other Government buildings. It seems that under the orders of Sir William des Voeux the architect prepared plans and designs, and these as well as the Surveyor-General's plans and designs were submitted to Sir William des Voeux, and he eventually, being unable to decide on the question, and as it was one of very great importance, referred the matter to the Public Works Committee. In the Public Works Committee I moved certain resolutions. The first one was that—"As it is impossible for non-professional men to determine as to the best method of dealing with a work of such importance as the proposed new Central Market, local architects be invited to send in designs for a new Central Market with detailed plans and estimates, the building to be erected on the present foundations, Government to offer two prizes there for." I further moved—"That this Committee has no sufficient information before its members to enable it to decide between the designs of the Honourable the Surveyor-General and those of Mr. H. W. Wills," and I asked that a commission should be appointed and allowed to take professional evidence. This was not allowed and I now bring the matter up in Council because I feel that it is one of very great importance. Such a huge amount of money is going to be spent that although it does involve further delay I feel the whole subject

should be referred to a commission of men of experience and standing in the colony. I may be permitted to refer to Sir William des Voeux's minute of the 3rd April, in which he states, "I do not intend to take any further step without additional advice. Mr. Brown is not an architect and has obtained a gentleman of that profession to deal with that portion of the work; give him these papers and let him report fully his advice on the subject. Mr. Brown is in no way to influence his report though he may make remarks in covering letter." His Excellency the Governor also asked whether plans and detailed estimates had been prepared for the whole building or whether the objectionable system had again been followed of preparing plans, &c., for only a part and leaving the additional cost a totally unknown quantity.

The SURVEYOR-GENERAL—Would the hon. member read my reply to that minute?

Hon. T. H. WHITEHEAD—His Excellency further stated that the foundations were in the opinion of practical men unnecessarily expensive. There is a further minute which I desire to read dated the 14th April last—"This matter is of such importance that notwithstanding the delay involved I desire further advice before coming to a final decision. There is here a marked difference of opinion between Mr Brown and Mr Wills, the architect who has been appointed by his desire. My natural inclination in such a case would be to support the head of the Department; but unfortunately experience does not give me great confidence in Mr. Brown's opinion with regard to building work, and as Mr. Wills has a high reputation as an architect I am bound to give consideration to what he urges. His adverse views so strongly expressed must presumably proceed from very strong conviction, and though he may have made mistakes through want of knowledge of the climate. I can scarcely think he is altogether wrong." I understand this matter has not been referred to the Sanitary Board, though the Sanitary Board will have to deal with and be responsible for the sanitation of the market later on. I think it would have been well had they been consulted in the matter. Sir William des Voeux referred the matter in dispute to the Public Works Committee, but I am of opinion the Public Works Committee is not quite the proper body to deal with it, for this reason, that the Surveyor-General is President of the Public Works Committee, and I strongly urge that the matter should be referred to a commission such as I have proposed. I do not think the public will be satisfied unless the matter is referred to a commission. Such a very large amount of money is going to be spent on this building that I think it is absolutely necessary that further advice should be taken and such advice can be very easily obtained by a commission, and the de-

lay that this might involve would not extend over a very long period. I therefore move—"That in view of His Excellency Governor Des Voeux's minutes, dated the 3rd and 14th April. 1889, and of the opinions expressed therein, and as it is impossible for non-professional men to decide between the designs of the Honourable the Surveyor-General and the designs of Mr. H. W. Wills, or to determine as to the best method of dealing with a work of such importance as the proposed New Central Market, a commission be appointed with full power to call for papers, to examine professional and other witnesses, and to report to the Council on the whole subject." I am sorry that the senior unofficial member is not able to be present through indisposition. He has promised to second the resolution but I hope one of my colleagues present will do so.

No one rose to second the motion.

HIS EXCELLENCY—The resolution is apparently not seconded. It therefore falls to the ground.

The ACTING COLONIAL SECRETARY—I had intended to have moved an amendment to the hon. member's resolution if that resolution had been seconded. As the resolution has not been seconded there is no motion now before this Council, and if I move as a motion that which I intended to move as amendment I should have to ask leave to do so without giving notice, In order that the hon. member may not think that a matter to which he has probably devoted some time has not been thought of and discussed, if hon. members wish me to move on this subject without notice I will do so, but if they do not wish it I will not do so. It is more out of respect to the hon. member than otherwise. It seems to me that it would be necessary to move the suspension of the standing orders to bring myself properly in order. I don't think it is necessary to do so and in view of the fact that the amendment I had intended to propose was simply to carry out the recommendations of the Public Works Committee and as the Hon. member moved the same resolution in that Committee and failed to find a seconder I do not think it is necessary to take up the time of the house in proposing the motion.

THE ARMS CONSOLIDATION BILL.

The ACTING ATTORNEY-GENERAL—I beg to move the first reading of the Arms Consolidation Bill. I may state that it is purely a Consolidation Ordinance with the exception of the 16th and 17th clauses which are printed in italics and which I have no doubt hon. members will read before the second reading of the Bill.

The ACTING COLONIAL SECRETARY seconded.

Bill read a first time.

THE MERCHANT SHIPPING CONSOLIDATION BILL.

The ACTING ATTORNEY-GENERAL—I beg to move the first reading of the Merchant Shipping

Consolidation Bill. Again here, all the material alterations will be found printed in italics.

The ACTING COLONIAL SECRETARY seconded.

Bill read a first time.

THE WIDOWS AND ORPHANS PENSIONS BILL.

The COLONIAL TREASURER—I would ask that this Bill be allowed to stand over to next meeting. I am at present engaged in collecting information from various departments as to officers who will come under the new Ordinance, and as I have not received all the replies I expect and as the Bill will not suffer from the delay. I beg to move that it stand over.

THE OPIUM BILL.

The ACTING ATTORNEY-GENERAL—I have the same application to make with regard to the next item on the paper, the Opium Ordinance. I may perhaps shortly explain my reason for this request. The Opium Ordinance is a most important measure, primarily as far as the Government is concerned, from the fact it obtains a portion of its revenue through it, and in the second instance it is very important as regards the Opium Farmer. Several amendments have been suggested which I should like to have the fullest opportunity of considering, and on the other hand the Opium Farmer, as I understand, only came back from Japan two days ago, and he thinks there are certain provisions which have been omitted from the Bill which he thinks should have been inserted. I may perhaps add that if I can so manage it all material alterations in the Bill shall be put in italics before the Bill again comes before the Council.

Hon. HO KAI—May I ask the Attorney-General whether he will send the amended Bill to hon. members a few days before the second reading, so that we may have a day or two for deliberation.

The ACTING ATTORNEY-GENERAL—I will do my best. It sometimes happens that the printer cannot get the work done in time. Perhaps I may be allowed to make one remark with respect to the Bill. There seems to be some misconception with regard to the definition of loose opium. Subsection 9 of section 2 reads—"Loose opium shall, in the case of Patna or Benares opium, mean any raw opium in less quantities than forty balls wheresoever it may be found or discovered or any Bengal opium," &c. "Bengal opium" here should be read "Patna or Benares opium." It was a mistake of the copyist.

Hon. T. H. WHITEHEAD—I support the remarks that fell from the hon. member on my left. I think it is somewhat unreasonable to expect us to go into a Bill of such importance as this one without a little previous time for consideration. It is almost absolutely necessary to refer a Bill of this kind to those particularly interested, namely, the opium merchants of Hongkong. Of course they are here for their own benefit, but at the same time the Colony derives a benefit from their presence

here, and if this opportunity is given us of referring to those directly interested we may be able to offer a few suggestions of practical utility.

HIS EXCELLENCY—I think what has been stated is very important and every effort will be made to get the Bill printed so that those who have been mentioned may have an opportunity to see and consider it. If we are run a little close and do not get the amended Bill printed before the second reading at all events the Bill in its main shape is at present in print. It is important we should not lose more time than we can help. Subject to that every opportunity will be given to those who desire to see and consider it.

THE SUNDAY CARGO-WORKING ORDINANCE
AMENDMENT BILL.

Hon. T. H. WHITEHEAD—I rise, sir, to move the second reading of the Bill entitled an Ordinance to amend the Sunday Cargo working Ordinance, 1891. I am aware that your Excellency has received a telegram from the Secretary of State announcing that Her Majesty the Queen has approved of the Sunday Cargo-working Ordinance. Notwithstanding that, I have been asked to still move the second reading of this Bill. The Secretary of State has heard only one side of the question and I think it is very desirable and very necessary that he should hear the other side. At the last meeting of Council I laid upon the table copies of the memorial from most of the shipping firms and others in the Colony and also copy of the memorial which is being signed by the Chinese. I also laid on the table copy of a letter from the senior unofficial member and myself to the Secretary of State in connection with the Sunday Cargo-working Ordinance. Outside of the reasons mentioned in the memorials and the letter in question I have very little more to say. I beg to move the second reading of the Bill entitled an Ordinance to amend the Sunday Cargo-working Ordinance, 1891. The senior unofficial member promised that he would second the motion, but unfortunately he is absent.

Hon. HO KAI—Sir, I beg to second the proposal to have this Bill read a second time. I see that it seeks nothing beyond the extension of the time at which the Sunday Cargo-working Ordinance is to come into force. It does not strike at the root of the Ordinance, but simply seeks to gain a little time until the Secretary of State can be communicated with by those who are opposed to the Ordinance, and on those grounds I accord it my support. Personally as I have shown by voting for the Sunday Cargo-working Ordinance when it was before the Council, my sympathy is with those who are trying to obtain one day's rest out of the seven, whether there be one thousand men in the colony who are affected by it or only one. As I myself wish to have my Sunday rest. I also wish that everybody else may have the same. But at the same time I cannot shut my eyes to the opinion

of others and no doubt there are in the colony a very large number of shipping firms and merchants who are opposed to the Ordinance, and in one way they have been treated in a very shabby manner, because when the Bill came before the Council some time ago it was certainly forced through. True outside of this Council they have had plenty of opportunities of criticising it and remarking on it, but when the Bill was in Council it was to a great extent hurried through. The hon. member on my right who proposes the present Bill and the senior unofficial member were absent and I proposed that the second reading should be adjourned, also the going into Committee and the third reading, in order to allow those two unofficial members to have an opportunity of discussing it in Council. But to that His Excellency Sir G. William Des Voeux replied that he could not wait any longer, because he wished to have the Bill passed before he went away two days afterwards, and if I persevered with my proposition another meeting must be summoned immediately for the day following. Finding it impossible for one member to effectually oppose the thing I withdrew my objection. Now the objectors to the Sunday Cargo-working Ordinance come and ask for an extension of two months before the measure comes into operation and I think they are fairly entitled to it, and those who have gained their object can, I think, without any injury to themselves wait another two months for it, especially when we know the Secretary of State has telegraphed out sanctioning the Ordinance. They may, I think, afford to be generous in allowing their opponents to have their say and an opportunity of bringing their opposition before the Secretary of State and Her Majesty's Government. For these reasons I second the motion for the second reading of the Bill now before the Council.

HIS EXCELLENCY—Notwithstanding what the hon. member who has just sat down has said about the object of the Bill, this Bill though purporting to amend has clearly for its object, and its sole object, the repeal of the Sunday Cargo-working Ordinance. That Ordinance has been passed by this Council—somewhat hurriedly I admit, owing to special circumstances—it has received Her Majesty's assent, and it comes into force to-morrow. I consider nothing but the most extraordinary and urgent circumstances would justify its repeal before its working is tested. Now, what are the circumstances? The contention that the Ordinance was passed through the Council too hurriedly was exhaustively treated in the petition from the two hon. members opposed to it which has been alluded to by the hon. mover of the motion. That petition I forwarded on the 11th June to the Secretary of State, who therefore had before him all that was to be urged on that score, and not only on that score,

but to a certain extent on the merits of the Bill, which were also gone into in that petition, when he informed me that the Ordinance was approved. Then as regards the changes introduced by the Ordinance, did they meet with any general expression of dissent in the Colony? Did the Press indicate that public feeling was against them? Were petitions placed in public or convenient places and notice given that they were there in order that those who felt strongly on the subject might have an opportunity of recording promptly and voluntarily their feeling of dissent? I have heard of nothing of the kind. All I have seen is a petition which was taken round to invite signatures, which has only after difficulty been completed in two and a half months after the Ordinance was passed. It bears 247 signatures, including those of a large number of men who can have little real interest in the matter; 26 appear twice, that is, in two capacities; and the large firms are not unanimously represented: We hear that a petition is also coming from the Chinese. Well, I have reason to know that very various views are held on the subject by them, and in any case, this is a British, not a Chinese possession, and the seventh day of rest is the birthright of an Englishman. On the other hand I find that petitions in favour of such a law have been received by the Government bearing the signatures of 579 who are being deprived of that birthright and of 164 residents in this colony who sympathise with them, making a total of 743. I find that in all the Treaty Ports of China a similar

custom to this is practically in force, and that it is reserved for the English free port of Hongkong to be the most un-English of them all. I have not yet seen any arguments which I consider would justify this Government in taking the extraordinary course which is proposed to them. The Ordinance having passed this Council and received the royal assent I can be no party to undoing it. The Government therefore oppose the second reading of the Bill now before the Council and propose that the Sunday Cargo-working Ordinance shall at all events have a fair trial, as the present system has had its trial.

A division was then taken on the motion that the Bill be read a second time.

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

Motion lost by a majority of seven to two.

ADJOURNMENT.

HIS EXCELLENCY—In order to carry out the suggestions which have been made with regard to getting the Opium Ordinance printed in such time that people outside this house may see it before it is read a second time I will, instead of adjourning to Monday week, as I intended, adjourn to Monday fortnight, that is, Monday, 17th August.