

20<sup>TH</sup> MARCH, 1895.

PRESENT:—

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

Hon. J. H. STEWART LOCKHART, Acting Colonial Secretary.

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

Hon. A. M. THOMPSON, Acting Colonial Treasurer.

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

Hon. R. M. RUMSEY, Harbour Master.

Hon. C. P. CHATER.

Hon. Ho KAI.

Hon. J. J. KESWICK.

Hon. E. R. BELLIOS, C.M.G.

Hon. A. McCONACHIE.

Mr. A. Seth, Clerk of Councils.

MINUTES.

The minutes of the last meeting were read and passed.

THE FINANCIAL STATEMENT: EXPLANATION  
BY THE GOVERNOR.

HIS EXCELLENCY—Before we proceed with the orders of the day I wish to make a few remarks in reference to some of the papers laid upon the table at the last meeting. From the statement of revenue and expenditure it will be seen that the balance in hand was \$451,000, and several comments have been made in reference to these figures in connection with the statement I made on 29th November that the balance in hand was \$600,000. It has been inferred that the Government wished to put a good face on the revenue in reference to the exchange compensation. My statement has also been called "a rhetorical flourish." I wish to observe that I made that statement in thoroughly good faith, and I am sure all members of the Council will believe with me when I say so. (Applause.) The statement was repeated by the Acting Colonial Secretary, and in justice to ourselves I ought to say that we were

distinctly informed that the balance in hand was \$620,862. I am very sorry the mistake occurred. I have no desire to throw blame upon an absent officer, and I am very glad to say that the revenue of the current year is likely to be on a more satisfactory scale than even that of last year. (Applause.)

THE SANITARY BOARD BY-LAWS.

THE ACTING COLONIAL SECRETARY—I have the honour to move the approval of certain by-laws made by the Sanitary Board under Section 13 of Ordinance 15 of 1894. It will be remembered that at the last meeting of the Council, at the request of the unofficial member opposite (Hon. J. J. Keswick), the consideration of the question of approval of the by-laws was postponed. Since that meeting certain amendments have been suggested by the unofficial members with regard to by-laws Nos. 3, 4, 5, 18, 19, 20, 22, 27, 33. The amendments suggested by the unofficial members were referred to the Sanitary Board for its consideration, and a letter has been received to-day from the Sanitary Board transmitting the by-laws, which were considered, amended, and made by the Board at a meeting held yesterday afternoon. I think the Sanitary Board is to be congratulated upon the prompt attention which it has given to this matter. I may say that the Sanitary Board has practically passed all the amendments suggested by the unofficial members with the exception of by-law 31—that is by-law 33 of the original by-laws, and 31 in the by-laws as last sent up by the Sanitary Board. Although they have not accepted it in its entirety, as the amendment proposed by the unofficial members amounted to its deletion, they have modified the by-law in question and confined it to a state of things when an epidemic of bubonic plague, small-pox, cholera, or such like disease exists in the colony. I trust that the by-laws will be approved without delay by this Council.

The ACTING ATTORNEY-GENERAL—In seconding the resolution I may say that the Sanitary Board has worked with extreme expedition because not only have its members had to consider the amendments proposed by the unofficial members, but they had to make other amendments also in regard to the by-laws which were only submitted for their consideration at the last moment. The hon. member then referred to a misprint in by-law 18, which was corrected without reference to the Sanitary Board.

Hon. C. P. CHATER—I beg to say that the altered by laws were received by me only during luncheon to-day, and on carefully going through them I observed the clause to which the hon. the Acting Colonial Secretary has spoken, namely, clause 31. There is very little difference between what the Sanitary Board wants and what we, the unofficial members, would like to have; therefore I would ask your Excellency, as it is urgent that the by-laws should be passed, that they be passed with the exception of by-law 31, which might be referred to the Board for further consideration.

HIS EXCELLENCY—The question is that clause 31 be referred back to the Sanitary Board, and I ask the Council to approve of the others.

The HARBOUR MASTER.—The second sub-section of section 2 states that "the material to be used for covering the floors and yards ... situated on any upper floor." I do not know whether that is a mistake. Can you have a yard on the upper floor?

Hon. HO KAI—Certainly.

HIS EXCELLENCY—It is understood that the by-laws, excluding 31, are approved.

By-laws approved.

THE ISSUE OF BANK NOTES IN THE COLONY

The ACTING ATTORNEY-GENERAL—I have the honour to bring before your attention to-day a subject which is not on the orders of the day, and that subject is a Bill to regulate the issue of bank notes in the colony. No notice having been given of the introduction of the Bill it will be necessary in order that it may be introduced to-day, that I should move the suspension of the standing orders. The Bill has been sent out and drafted by the Secretary of State with orders to pass it without delay, and it is necessary to put it though all its stages to-day in order that there may be no time to evade or attempt to evade its provisions. It is therefore necessary for me to move the suspension of the standing orders.

The ACTING COLONIAL SECRETARY—I beg to second the motion.

Carried *nem. con.*

The ACTING ATTORNEY-GENERAL—I have to move the first reading of an Ordinance to regulate the issue of bank notes in the colony. The object of the Ordinance is to prevent any bank from making, issuing, or circulating any

bank notes without the sanction of one of Her Majesty's principal Secretaries of State. It does not attempt to regulate, and it exempts from its chief provisions, the rights by Banks possessed under Royal Charter or Colonial Ordinance. The Ordinance, as I have remarked before, is introduced by express directions of the Secretary of State for the Colonies. The regulation of the issue of paper money by bankers is an undoubted prerogative of the Crown, and in England it is regulated, I think, by the Bank Charter Act of 1844. But although the Royal Instructions to this colony and the Colonial Regulations point very clearly to the prohibition of the issue of bank notes without the previous sanction of the Secretary of State without a Charter or Ordinance having been obtained, hitherto there has been no statute law or enactment prohibiting the issue of bank notes in this colony. That fact was brought to the attention of the Secretary of State, and he has accordingly directed that this Ordinance be passed. The Ordinance briefly provides that at some date to be fixed—that is from the passing of this Ordinance or from such day as may be put in the Ordinance—no bank is to make, issue, or circulate bank notes payable to bearer on demand without the sanction of one of Her Majesty's principal Secretaries of State. The Ordinance does not affect bank notes which are in circulation on that day. That will be filled in in Committee as this day, 20th March. There is also a provision in the Ordinance enabling the Colonial Treasurer to require banks to furnish him with a statement of the number of bank notes in issue or circulation on 20th March this year in order that notes issued afterwards may be identified from notes issued prior to the passing of this Ordinance. I do not think it will be necessary for me either on the second or third reading to make any further remarks. The object is a very simple one; it is to give effect to what had always been the intention of the Colonial Office. I have to move the first reading.

The ACTING COLONIAL SECRETARY—I beg to second that.

Bill read the first and second time and committed.

Hon. HO KAI—Do the words "Bank Notes" include notes issued by Chinese bankers?

The ACTING ATTORNEY-GENERAL—As I understand, notes issued by the Chinese banks are not bank notes at all; if anything they are bank post bills. Bank notes are notes issued by the ordinary incorporated banks. None of the Chinese banks are incorporated.

Hon. HO KAI—No; that is so.

The ACTING ATTORNEY-GENERAL—They do not issue bank notes in the ordinary acceptance of the term.

Hon. HO KAI—I only wanted to be quite clear upon the point.

Bill passed through Committee without discussion.

Council resumed.

Bill read a third time and passed.

## THE POSSESSION OF FIRE ARMS.

The ACTING ATTORNEY-GENERAL — In moving the second reading of the Bill entitled "An Ordinance to amend and consolidate the law relating to the carriage and possession of deadly weapons." I would like to call attention very briefly to what has given rise to the proposed Consolidation Ordinance. Most of the Ordinance is entirely old matter, but there are only certain portions of it which are new matter. Early last March a serious disturbance took place in the City of Victoria. There were clan fights, I think I am correct in saying, of men from the Tung Kun and Sz Yap districts, and during the period of disturbance it was necessary to bring into force by proclamation of the Governor certain provisions of the Peace Preservation Ordinance. Arms, revolvers, fighting irons, were found in the possession of Chinese by the police, and persons were assaulted with swords, some were killed or injured by shots in the streets, and people were shot at from the roofs of houses. Owing to the vigilance of the police and the active measures taken by them and also in some degree to the salutary application of the Banishment Ordinance, everything was in time quieted down. Shortly after this disturbance took place, the Captain Superintendent of Police presented a report detailing very ably all the circumstances of the affair. The result was that at the end of May last year a strong Committee was appointed to enquire into the means of preventing a repetition of such rioting. The Committee comprised the Registrar-General, the Captain Superintendent of Police, and others, who certainly rendered very good services to the Committee. The report of the Committee was presented in October last year, and I will very briefly refer to that portion of the report which deals with the proposed amendments in this Ordinance, and it is as follows:—

"We are of opinion that the Arms Consolidation Ordinance 1891 should be amended in the following respects.

"(1.)—Section 5. In addition to the 'carrying' of arms the possession of arms generally (and otherwise than is provided against in the existing law) without due authority should be prohibited." The Arms Consolidation Ordinance dealt with the carriage only of arms except in certain instances. The report goes on—

"(2.)—'due authority' should be a licence to possess arms grantable in the same manner as a licence to 'carry' arms under Section 3 of the Arms Consolidation Ordinance as amended by Section 3 of Ordinance 4 of 1892. All licences granted as above should be issued for a limited period only, otherwise the restrictions on the sale of arms which we are recommending in the sub-sequent paragraph under this heading might be evaded.

"(3.)—All owners of trading junks or fishing junks excepted in Section 5 of the present Ordinance should be required to hold a licence (similarly available for a given period) signed by the Harbour Master.

"(4.)—All licences to 'carry' or 'possess' arms should be made out in the name of the grantee and should not be transferable, and should bear the number of the day of issue and expiry.

"(5.)—'the sale of arms'—this is a very important matter —by dealers should be prohibited unless the intending purchaser is provided with, and presents at the time of purchase, a licence to carry or possess arms.

"(6.)—A register should be kept by all dealers in arms in which should be entered the name, occupation, and address of the purchaser, the amount and date of the purchase and the number and date of the licence presented in each case.

"(7.)—As an alternative to the powers granted under Section 19 of the present Ordinance the Governor in Council should be further empowered during the continuance of any proclamation issued under the Peace Preservation Ordinance to order the closing of all arms shops, and the suspension of the sale of arms during that period. The penalty for the breach of the law in this respect should be the same as that provided by section 20 of the present Ordinance."

These recommendations, I think, have been given full effect to in the Bill now before the Council. I do not think I need detain the Council in going into details, because members will have an opportunity of making any suggestions when the Council is in Committee. In regard to section 5, it seems to me that it requires consideration. That section provides that "no person who has not a licence from the Governor for the purpose shall carry any arms or have any arms in his possession in this colony." Then follow certain exemptions. Now, sir, I think there are one or two matters in connection with that section which require very considerable care. In the first place there is no exemption in respect to steamers in the harbour, and nearly all of them have a certain quantity of arms on board for their own protection. In the second place there are steamers carrying arms as *bona fide* cargo in transit through the harbour. The wording of the old Ordinance also seems defective in regard to trading and fishing junks. The Harbour Master informs me that there are four classes of junks; there are licensed trading junks, licensed fishing junks, unlicensed junks, and unlicensed fishing boats. There is only one class which is required to give security and that is the licensed fishing junks. At the last moment there has been a further objection to this Bill. It is said that it deals harshly with Chinese dealers in arms. Mr. Dennys, who represents them, indicated this fact to me about half-an-hour ago, and I believe he also indicated it to my hon. friend on my left (Hon. J. J. Keswick). In view of these

o b j e c t i o n s t o t h e B i l l

I do not propose to ask the Council to go into Committee on this Bill to-day. I beg to move the second reading of the Bill.

The ACTING COLONIAL SECRETARY—I beg to second that.

Bill read a second time.

THE REPEALS ORDINANCE.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of a Bill entitled "An Ordinance to declare the effect of Ordinances repealing others." As I m e n t i o n e d o n t h e l a a t

occasion this is a technical subject, and its object is to provide that class of legislation which has long been the law in England, and which, I believe, has been adopted by the Straits Settlements and other colonies.

The ACTING COLONIAL SECRETARY seconded the motion.

Bill read a second time, committed, and passed.

ADJOURNMENT.

His EXCELLENCY—I propose that the Council do adjourn until Thursday week at 3.30.

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