

21st DECEMBER, 1899.

PRESENT:—

His EXCELLENCY the GOVERNOR (Sir Henry BLAKE, G.C.M.G.).

His EXCELLENCY Major-General GASCOIGNE, C.M.G. (Commanding the Troops).

The Hon. J. H. STEWART LOCKHART, C.M.G. (Colonial Secretary).

Hon. H. E. POLLOCK (Acting Attorney-General).

Hon. R. MURRAY RUMSEY (Harbour Master).

Hon. F. H. MAY, C.M.G. (Captain Superintendent of Police).

Hon. A. M. THOMSON (Colonial Treasurer).

Hon. R. D. ORMSBY (Director of Public Works).

Hon. C. P. CHAPTER, C.M.G.

Hon. Dr. HO KAI.

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

Hon. WEI A YUK.

Mr. R. F. JOHNSTON (Acting Clerk of Councils).

PAPERS.

The COLONIAL SECRETARY laid on the table correspondence with reference to the services of the Volunteer Corps in connection with the occupation of the New Territory.

FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial Minute No 28 and proposed that it be referred to the Finance Committee.

The COLONIAL TREASURER seconded, and the motion was carried.

The COLONIAL SECRETARY laid on the table report of the Finance Committee No. 12 and moved its adoption.

The COLONIAL TREASURER seconded and the motion was carried.

THE PIERS ORDINANCE.

A Bill entitled the Piers Ordinance, 1899, was read a first time, on the motion of the ACTING ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY.

THE COMPANIES' ORDINANCE.

On the motion of the ACTING-ATTORNEY GENERAL, seconded by the COLONIAL SECRETARY, the Bill entitled an Ordinance to amend the Companies' Ordinance, 1877, was read a second time.

DANGEROUS GOODS ORDINANCE.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled an Ordinance to amend the Dangerous Goods Ordinance, 1873. Honourable members will see the object of clause 2 of this Bill is to include, in the definition of dangerous goods, certain goods which are not specified in section 5 of Ordinance 8 of 1873, which it seems desirable to treat as dangerous goods. Since this Bill has been before the Council certain suggestions have been made by the Chamber of Commerce with reference to the definition of dangerous goods contained in this Bill, and in

consequence of these suggestions I propose to move certain amendments to clause 2 of this Bill in committee. Those amendments have been circulated to honourable members, and I think they will meet with the views of the Chamber of Commerce. With regard to clause 3 of the Bill the object of that clause "is to except lubricating oils and high test petroleum tar or petroleum fuel from the operation of sections 9, 10, 14, 15, and 16 of Ordinance 8 of 1873 and from the operation of any bye-laws, etc., relating to the movement or storage of dangerous goods which have been heretofore made, and from any bye-laws relating to dangerous goods which may hereafter be made unless such special classes of goods are expressly mentioned in such bye-laws, etc. By that means such special classes of dangerous goods will be exempted from the severe tests which have been hitherto applicable to them in common with all other dangerous goods. At the same time, however, it appears desirable, looking to dangers which might arise from the mixing of low flash oil with the high test oil, to retain the power of making bye-laws for the movement of and conditions for the storage of such special classes of goods, instead of exempting them altogether from all the liabilities attaching to dangerous goods." As honourable members will see from the amendments which have been circulated, I shall have a few verbal amendments to suggest to clause 3 of the Bill in committee.

The COLONIAL SECRETARY seconded, and the motion was carried.

The Council then went into committee to consider the Bill clause by clause.

The following proposed amendments were adopted:

— That in the seventh line of clause 2 of the Bill, the words "other than safety fuzes" be inserted after the word "fuzes;" and

That in the ninth line of clause 2 of the Bill, the words "other than percussion caps or priming caps or empty sporting cases" be inserted after the words "ammunition of all descriptions;"

That in the fourteenth line of clause 3 of the Bill, the words "Ordinance 8 of 1873 or Ordinance 8 of 1892" be substituted in place of the words "any Ordinance;" and

That a new clause be added to the Bill, to be numbered clause 4, and that such new clause run as follows:—"The provisions of section 11 of Ordinance 8 of 1873 shall not apply to any goods the storage of which is provided for by any other Ordinance."

The ACTING ATTORNEY-GENERAL.—The object of the new clause is to make the provisions of the Dangerous Goods Ordinance with regard

to storage to not apply to goods the storage of which is specially provided for by other Ordinances. I may mention that in the Merchant Shipping Ordinance there is a special provision made for the storage of certain goods which would come under the term dangerous goods, and I do not propose by this Bill to interfere with these special provisions, and that is the reason why I propose that clause 4 be included in the Bill.

The Bill passed through Committee and the Council resumed.

THE SUMMONING OF CHINESE BEFORE THE  
REGISTRAR-GENERAL.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled an Ordinance to provide for the summoning of Chinese before the Registrar-General. This Bill is for the summoning of Chinese before the Registrar-General to give information regarding any matter in which the Registrar-General is directed by the Governor to enquire. The reason for this Bill is that it is necessary that the Registrar-General should have power to summon before him any Chinese whom he desires to question upon any matter of importance connected with the New Territories and affecting the Chinese. At present there is no power for the Registrar-General to compel the appearance before him of Chinese, and it is very desirable that he should have such power. I may mention, sir, that this Bill is framed upon similar lines to certain laws which are in operation in the Malay States. I understand from the Registrar-General that it is necessary that he should have this power to summon Chinese before him, and that it would very much facilitate the government of the New Territories if such a measure as this is passed.

The COLONIAL SECRETARY seconded.

The Hon. Dr. HO KAI—I do not intend to offer a strong opposition to the second reading of the Bill, but at the same time, sir, I would wish to remind the Council that a Bill of this nature confers a very great power upon an official of the Government—a power which, in some respects, is not possessed even by His Excellency the Governor or by the Chief Justice. As the Bill we have before us contains certain provisions expressly affecting the Chinese and the Chinese alone, whether a British subject or otherwise—and this makes the Bill very much more objectionable—it may be considered as class legislation, and as a general rule the Legislature regard such legislation with a great deal of disfavour and suspicion. In the present instance, I must say that in dealing with the affairs of the New Territory it may be necessary for the Registrar-General to possess such power in order effectively to carry out his functions, and for that reason I and my honourable colleague who represents with me the Chinese have thought it wise not to offer any strong opposition. Of

course we are quite prepared to sacrifice a certain amount of our liberty with the object of helping the Government to carry out their policy for the good of the Chinese inhabitants of the New Territory; but at the same time I would ask Your Excellency to give instructions if this Ordinance be passed that tact and discretion should be exercised. Otherwise the Chinese will suffer a great deal, and in the case of an abuse of power I hope Your Excellency will give instructions that speedy redress shall be given. On a former occasion when a law was passed for the inspection of houses the Governor at the time (Sir William Robinson) gave the Council his word that such powers would be exercised with a great deal of tact and discretion, and that in the case of any abuse of such power he would at once direct a strict enquiry. I wish the Council also to consider whether a measure of this kind should be allowed to continue for a very long time. I think it will meet the circumstances of the case if this Ordinance is allowed to be in operation for 12 months or a definite period, and at the end of that period it may be renewed from year to year if considered necessary. Of course the New Territory in its present condition requires special legislation, but by and by when it has become enlightened and prosperous like Hongkong I see no reason why it should not be brought under the same laws as Hongkong. In an old Ordinance passed for the protection of women and children we have a precedent and an example of an enactment which is renewed from year to year, and in this case in committee I shall move that a clause be inserted limiting the operation of the measure to 12 months, at the end of which time it may be renewed if necessary.

The Hon. WEI A YUK—I have much pleasure in endorsing the observations which have fallen from the honourable member.

HIS EXCELLENCY THE GOVERNOR—I think the observations of the honourable members who have just spoken are very much to the point, and I think it is only right that not alone the Council but that the Chinese people in the New Territory should have some idea why this Bill is introduced by the Government at the present time. The condition of the New Territory is peculiar. The Chinese do not understand our ways, and we desire—I desire most heartily—to interfere with the Chinese and their customs as little as possible, but it is absolutely necessary that the land in the New Territory should be registered. Of course all members of the Council know that in the interests of the Chinese themselves it should be registered, but for some reason, probably from suspicion which I hope will be removed in the course of time, the Chinese have not been for some time as anxious to register their land as they might be, and for a considerable time we have found great difficulty

in getting the Chinese to come forward and give any information about their land or about registration. It then became necessary to approach the Chinese through their elders, their leaders, for the purpose of explaining why it was necessary that land should be registered. However, on more than one occasion when these Chinese elders had been invited to come in they gave no attention whatever to the invitation. Such conduct under Chinese jurisdiction—refusing when invited by a high official to come in and assist him and give him information— would not have been tolerated for an instant. We do not propose to take the stringent measures which would have been taken had the people remained under Chinese jurisdiction, but we do wish to get the power to compel their attendance and to inflict a small fine in case they disobey the summons. As to the observations of the honourable gentleman with reference to the supervision, so to speak, of the exercise of this power, the honourable member will see from the second clause that "The Governor may at any time direct the Registrar-General to enquire into and report as to any matter which is connected with the New Territories as defined by section 2 of Ordinance No. 12 of 1899, if such matter exclusively concerns persons of Chinese race, whether British subjects or otherwise." The Registrar-General will only summons Chinese to come before him in certain cases into which he is directed by the Governor to enquire. Therefore, in no case can there be any action whatever without the direction of the Governor, and I think the honourable member will accept my assurance that the Ordinance will be carried out with every consideration for the Chinese and with every anxiety on the part of the Government that we shall never be forced to bring the provisions of the Ordinance into operation at all. I think that when it is known that we have power to compel the attendance of these people who do not up to the present appear anxious to come forward the Chinese will yield gracefully to the necessity and come in when invited without our having to resort to this power. With reference to the suggestion of the honourable member that this Bill should have a duration clause. I think it is a very fair suggestion. I shall have no objection whatever to it. I hope that in a short time the necessity for any such Ordinance as this will disappear.

The Council then went into committee to consider the Bill clause by clause.

On the suggestion of the Hon. Dr. HO KAI, seconded by the Hon. WEI A YUK, the following clause was added to the Bill:—"This Ordinance shall continue in operation for a period of two years from the coming into operation of this Ordinance, and for such further period or periods as may from time to time be determined by resolution of the Legislative Council."

The Bill passed through committee and the Council resumed.

THE ARMS AND AMMUNITION BILL.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled an Ordinance to amend and consolidate the law relating to the carriage and possession of arms and ammunition.

The COLONIAL SECRETARY seconded.

The Hon. E. R. BELLIOS—A petition has been presented to Your Excellency by firms dealing in arms in this colony praying that they be heard by counsel in opposition to the passing of this Bill. In moving that the prayer be granted I beg Your Excellency's permission to make a few remarks. I venture, sir, to ask you kindly but finally and definitely to withdraw the Bill. It is so absurdly strict in its provisions that no postponement of its consideration, no amendment of its clauses in committee, can possibly improve it. I maintain, sir, that the law now in force is already stringent enough for our purposes, and to proceed to make it still more stringent will, I am afraid, undermine the freedom of this port, the freedom upon which our prosperity mainly depends. We will be arrogating to ourselves powers we do not possess, inasmuch as such legislation will be based on the assumption that Hongkong is the only entre-pot in China, the only gateway through which arms and ammunition could be introduced into this vast Empire on whose fringe we stand. Because robberies and piracies are committed on the West River, miles away from this small island, we are asked to remodel our old law and thus seriously jeopardize an important branch of the trade of this colony. It is tantamount to restricting and hampering our opium trade because a few people commit suicide by eating the drug. A tendency or inclination seems recently to have developed in this Council to ferret out old laws and remodel them regardless of what the consequences may be to the interests of this colony. We seem to be elated with our surpluses and appear to think that whatever strain the progress of the colony may be subjected to our prosperity will continue uninterrupted. We must remember that there is always the proverbial last straw and that a calm generally follows a storm. If by these enactments we were to adversely affect the growth of the colony and a retrograde movement were once started, it would be difficult to retrace our steps and to undo the mischief effected. It will be remembered a few weeks ago when the Bill providing for the closing of disorderly houses was before the Council in committee, I called your Excellency's attention to the enormous powers we were delegating to two honourable but somewhat youthful members of this Council. My advice was then unheeded. I was under the impression when passing the Bill that only disorderly houses were to be closed, but now we

hear that edicts have gone forth to close indiscriminately scores of houses of ill-fame without any fault being found with them.

HIS EXCELLENCY THE GOVERNOR — Is not the honourable member travelling outside the the subject under discussion?

THE HON. E. R. BELLIOS—No, sir, I am coming to the point. The consequence is sheer loss to a great number of the poor inhabitants of this city. Before the Bill was introduced, owing to the enhanced rents prevailing in the centre of the town, families of limited means found cheap residences in the suburbs to the east and west of us, but now, owing to the compulsory exodus of these women to these quarters, rents have been nearly doubled, to the serious detriment of the poor families, who will now be compelled to stint or starve themselves to pay these exorbitant rents. Notwithstanding this movement rents in the central districts will be upheld by Chinese landlords, who are principally the proprietors or lessees of the houses which are being vacated. For this reason, I submit, it will be advisable to let well alone and desist from making any enactments of the kind now proposed. I feel, therefore, compelled to sound a note of warning and beg to deprecate meddling with the present laws of the colony.

THE HON. DR. HO KAI—I beg to second the suggestion of the honourable member who has sat down that counsel be heard on behalf of the arms dealers who have presented the petition to this Council, in accordance with section 52 of the Standing Rules and Orders.

The motion was carried.

HIS EXCELLENCY then invited Mr. J. J. Francis, Q.C., who was present with Mr. J. Hastings (Messrs Deacon and Hastings, solicitors) to come forward.

MR. FRANCIS said—Your Excellency, I appear here to-day under the provisions of No. 52 of the Standing Orders of the Legislative Council, which provides that:—"In any case where individual rights or interests of property may be peculiarly affected by any proposed Bill, all parties interested may, upon petition for that purpose, and on motion made, seconded, and carried, be heard before the Council, or any Committee thereof, either in person, or by Counsel." Though formally and strictly speaking I only represent directly the dealers in arms who are of Chinese nationality or Chinese race, I represent indirectly and necessarily all the arms dealers in the colony, because the export trade, the import trade, and the retail trade are so intimately connected as different branches of the same business that it is impossible that one of those branches should be

injuriously affected without all the others suffering in proportion. Now, sir, in the first place I venture to submit for the consideration of the Council that the arms business is an extensive one. At the lowest estimate the annual value is half a million dollars. That was the estimate made a couple of years ago, and it must be more now. The arms trade carried on in the colony is carried on with Japan, with Korea, with China, with the Philippine Islands, with Cochin-China, with Borneo, and probably also with Siam. It is a very extensive trade. The first point to which I ask the attention of the honourable Council is this, that the trade is divisible and divisible clearly into two parts—the trade in arms carried on in this colony itself and with the neighbouring mainland of China, and the trade which is carried on from this port with the other countries I have named, and I submit that the general trade in arms—the export trade from this colony, as necessarily connected with the import trade into this colony—is a trade with which this colony and the laws of this colony ought not to be allowed to interfere, except in so far as such interference may be necessary for the protection of our own interests. The trade in arms, from a battle-ship down to the smallest deadly weapon which is in use, is one of the most important trades carried on in Great Britain itself. We construct, manufacture, and fit out men-of-war for every nation on the face of the earth. Our great manufacturers turn out guns of every description and of the largest and smallest calibre and small arms ammunition of every description, and supply them unhindered by our own Government to every nation in the world, even to nations or people actually on the point of going to war with ourselves. No restriction is placed on the trade in Great Britain itself, and international law places absolutely no restriction on it whatever. The countries at war, the countries to whom the weapons and arms are exported, are left to look after their own interests, to forbid the entry into their own countries of these arms and ammunition. They have got to protect themselves in times of war by cruisers and other means, and if arms and ammunition are being improperly introduced into their respective countries to seize them. But there is no limitation whatever to the export of arms and ammunition from Great Britain itself. The export of arms and ammunition to the Philippine Islands and so on is no breach of any law existing in Great Britain. It is no breach of any English law to introduce them into the Philippines. It may be a breach of Spanish or American law, but the Americans by international law are left to protect themselves. The same observation refers to the French settlements and to Japan and Korea. There is certainly a slight difference with reference to China, but only a slight difference. My clients admit that certain restrictions are right and proper and just in this colony—that the Government has the right, as a matter of self-preservation, to impose such restraint or restriction. The Government ought, therefore, to have the means of knowing what becomes

of the arms which come into the colony, and to have the means of restraining the sale of them to the Chinese in the colony and in the New Territories, and so far as the provisions of this Ordinance are reasonably necessary for such purposes my clients do not in the least degree object to them. With reference to China and the importation into and sale of arms in China, the Chinese Government ought to be left in precisely the same position as is any other Government. If the importation of arms into China is contraband, is forbidden by the laws of China, let the Chinese Government protect itself. We are only justified in interfering with the entry of arms into China in so far as those arms may be used by robbers and thieves and pirates, as, for instance, in certain portions of the West River at the present moment, in such a fashion as to be injurious to trade there. Wherever we find pirates attacking our trade it certainly would be wise and prudent for us to do all we possibly can to prevent their being supplied with arms, and that is the only reason which can be urged in support of the restrictions contained in this Ordinance. But, on the other hand, the Chinese Government is entitled to purchase arms and has a right to do it. All honest and respectable Chinese are entitled in the disturbed state of the country to carry arms and ammunition for their own defence. When piracy was so extremely rife in the neighbourhood of Hongkong in the 60's some very stringent proposals were made—I think by Sir Richard Graves MacDonnell—with a view to checking this piracy. Arms and ammunition were then carried on all junks, and when the attempt was made to disarm them there was a great outcry, and it had to be recognised that there were honest men as well as thieves, and that unless we were prepared to do what the Chinese Government was unable to do—put down the pirates—the honest men must have the means of defending themselves. Therefore it is that from that time up to the present day all vessels going out of this port are entitled as a matter of safety to carry such arms and ammunition as are reasonably necessary for their own protection. This Ordinance recognises that fact, but how are these people to get arms and ammunition? Hongkong is and always has been the place where the honest men have got their arms and ammunition, and to interfere with or place any serious restraint upon their ability to get the necessary arms and ammunition for their own defence for the sake of preventing thieves and robbers getting arms seems to me would be very foolish indeed. The pirates and thieves will get arms in spite of everything we can do in this colony, because they will get them in Macao, where the trade in arms is practically unrestricted. If the enforcement of the provisions of this Bill, or even of more stringent provisions, would prevent the pirates and

thieves on the mainland getting arms well and good, let them be enforced, but they could have no possible result so far as preventing these people from getting supplies of arms and ammunition. If they do not get them from here they will get them from elsewhere, and the only possible result will be to drive a valuable trade from this colony. As I said before, if the pirates and thieves get their arms here, on the other hand the Chinese Government and the honest people who are fighting against these thieves and pirates are also assisted, and assisted very largely, by being able to get their arms and ammunition from Hongkong. Then provision is made in this Bill for increasing the license fee, which is to be raised from \$10 to \$1,200. I suppose it may be assumed, from the statement made by the learned Acting Attorney-General when introducing the Bill, that the object of this increase is not to raise revenue. Whether that is the object of the Government or not the Chinese will certainly understand it as such. It will be looked upon simply as an additional squeeze. The result of this large increase will be to kill a number of small traders, to kill specially the more respectable of these small traders in arms, who cannot afford, their trade being in itself so small, to pay such a fee as the one proposed. Lane and Crawford, from whom most of us when we stand in need of arms and ammunition buy, say distinctly that they will cease to carry on the business if this Bill passes, as they cannot afford to pay the fee; it is not worth their while. If this Bill passes, with the extraordinary restriction upon the transaction of business, the greater portion of the respectable German and other firms in the colony will give up the trade. It will not only be an injury to the colony if they give up the trade, but the trade will pass into the hands of those who are utterly reckless, who will smuggle and speculate and sell their arms to whomsoever they like. I submit that on these broad general principles, which I venture to submit to the Council, this Bill should not be allowed to be converted into law. It contains numerous unnecessary restrictions upon a perfectly lawful and legitimate trade, and the result of these restrictions will be to drive that perfectly legitimate and lawful trade out of the colony and into the hands of our trade opponents. With your Excellency's permission I propose to take the clauses of the Bill one by one and point out how they will bear unfairly on the traders in arms, and I will beg also to point out what are or what seem to be imperfections in the Bill and what are the amendments necessary to the successful working of the Bill if it passes. In the first place I venture to point out that there is no definition of ammunition, and that it is important in the interests of traders that that word should be clearly defined. I would also venture to ask this honourable

Council whether it is advisable or necessary to introduce and class as arms, swords, cutlasses, spears, pikes, bayonets, and fighting irons. Many of these weapons are not used to any considerable extent in modern warfare, and the result of their being included in this definition will be that if any member of this Council has an old matchlock or kris on his walls he will either have to be a privileged person or obtain a license. Now in reference to the definition of "possession." Any arms on the body of or in the custody or under the control of any person shall be deemed to be in his "possession," and in connection with that particular clause I would ask attention to the meaning of the word "carry." In the existing Ordinance the word has led to considerable difficulty. In the ordinary sense to carry arms means to carry arms about your person, to wear a sword, to have a revolver in your belt, to carry a sword cane habitually ready for use, but the word has actually been applied—I believe there is only one decision to the contrary—to a coolie who is carrying arms in a box. If I send down a servant of mine with a revolver to Schmidt's to get it repaired he is carrying arms, he is in possession of arms, and yet in the ordinary sense he is only conveying them. I submit to this honourable Council that some provision ought to be made in this Ordinance which will give a more definite meaning to the words "carry arms," and I think it may be necessary to introduce some other phrase. Now, sir, my clients most strongly object to the power of granting licenses being vested in the Captain Superintendent of Police. He is so directly concerned in the preservation of peace and good order in this colony that it may be assumed to be to his interest to limit the trade in arms, to limit the carrying of arms, in every possible way, and no matter how impartial he may try to be, he will at all times have a strong feeling which will always disincline him from granting in the ordinary course licenses to carry arms or to deal in arms. The granting of licenses to carry arms should, we submit, remain in the hands of His Excellency the Governor. The Governor will as a **rul-act** not of his own personal knowledge but under advice. That advice will probably be in most cases the advice of the Captain Superintendent of Police, but there is a very great difference between the Captain Superintendent of Police acting without consulting anybody and entirely on his own authority, and His Excellency the Governor, with the full sense of his responsibility upon him, exercising his judgment and discretion on any report made to him by the Captain Superintendent of Police. Clause 5 says:—"No person, who has not a license from the Captain Superintendent of Police for the purpose, shall either carry any arms or ammunition or have any arms or ammunition in his possession in this colony," except to certain privileged persons. Now there again I submit considerable confusion may arise.

It wants definition. The words "carry arms" should be applied in their proper meaning of carrying arms on the person. The question of possession is a totally different one. A man may be fairly authorised to have arms in his possession, such arms as I indicated—old weapons, matchlock guns, a bundle of spears from the South Seas, Malay crises or swords— and have them exhibited on the walls of his house. But if this Bill passes no person except a privileged person will be at liberty to have any of these purely ornamental weapons. With reference to the classes of persons authorised to carry arms, the only class I am instructed to call special attention to are the foreign officers, who are to carry weapons of ceremony only. As long as the meaning of the words "carry arms" is indefinite and the words are not confined to their proper meaning of carrying arms on your person, no person belonging to any foreign man-of-war can go into Lane and Crawford's or any other firm and buy a revolver and take it on board his ship without a license, and the question will certainly arise. Is he carrying arms or exporting arms? Which license is he to obtain? I am instructed that a considerable business is done in the colony with French and German officers coming into the port and purchasing arms for sporting requirements, etc.. They do not want them for use within the colony but are in possession of them in the colony. They carry them about with them in the streets of the colony and will be liable to be stopped and searched by any police constable—Chinese, European, or black man—who comes across them, to see whether they carry a revolver or a small dagger in their pocket, and may be taken to the Police Station. A very considerable business is done by retail dealers in this line, and if the word carry is not more clearly defined, a foreign officer purchasing a revolver will have to get out a license to possess it in the colony, and another license to enable him to take it on board his ship. The exception to this clause bears out exactly what I endeavoured to lay before this honourable Council in the first portion of my argument. It is provided "that this prohibition shall not apply so as to prevent the owner or master of any vessel from having on board such arms and ammunition as are reasonably necessary for the protection of such vessel, and provided that in the case of every junk or other Chinese vessel such arms and ammunition shall be described and enumerated in the license or clearance issued by the Harbour Master." It is just as necessary for the respectable Chinese in South China as things are to possess arms and ammunition for the protection of their houses and properties as it is for junk owners. These junks have no license or permit from the Captain Superintendent of Police or the Governor. The simple

fact that in the license or clearance issued by the Harbour Master the arms and ammunition on board shall be described and enumerated is sufficient under the provisions of this Ordinance. But how are they to get these weapons or ammunition? They are not for use in the colony but for use out of the colony, and these people will have to get a licence from the Captain Superintendent of Police to enable them to go to a shop and get these arms and ammunition, and then they will have to get a permit for the purpose of exporting them or carrying them on board their junk and taking them out of the colony. I am afraid sufficient consideration has not been given to the practical details of the working out of this Ordinance. No attempt has been made to provide for the many different classes of persons and the different classes of circumstances to which it will have to be applied. Then clause 6 says "no arms or ammunition shall be sold to any person for use within the colony unless the purchaser presents at or before the time of purchase a valid license either to carry or to have in his possession such arms ~~or~~ ammunition." That is all very well to apply to residents, but how is it to be applied to persons passing through on board ship? Such a man who wants to purchase a revolver has to get a permit "to have or to use in the colony," and he is not at liberty to take the revolver on board ship without an export license. Such restrictions will utterly destroy the trade. Residents here will have no difficulty whatever possibly if they want to purchase arms, but what is the position of a stranger coming into the colony? He is practically unknown to everybody, and the Captain Superintendent of Police will have it entirely at his discretion to grant or refuse the application. With reference to the question of export, there has been a great difficulty experienced which the amended Bill ought to provide for. There will be two authorities at work. Supposing an export license has been obtained from the Harbour Master, notwithstanding this the man who may be taking the arms on board the vessel will be liable to be dropped upon by the Police and taken to the Police Station for carrying arms without a license. Clause 10 provides that the police may arrest any person on suspicion of carrying or having in his possession arms. I submit that a proper provision is that when a person is suspected of having arms he should be taken to the Central Police Station or the nearest Police Station where there is an inspector, who should be authorised to ascertain whether the suspicion is well founded. But if this section comes into operation any constable if he thinks fit can arrest a person whom he suspects of carrying arms, take him to the Police Station, and bring him before a Magistrate with as little delay as possible. Some provision ought to be made for the proper and reasonable and respectable search of the person suspected to ascertain whether the suspicion is or is not well founded. Again, there

is the strongest possible objection on the part of the dealers in arms to the Captain Superintendent of Police having power to grant import licenses. I submit that the Captain Superintendent of Police is not the proper person to have this power. He is strongly prejudiced against any person bringing arms into the colony, good, bad, or indifferent. There is a provision that in case of refusal by the Captain Superintendent of Police to grant a license an appeal can be made to His Excellency the Governor. But, assuming the clause is passed in its present form and an appeal is allowed, it will be absolutely necessary for the purpose of dealing fairly with the persons appealing and enabling the Governor to exercise his appellate jurisdiction, that the Captain Superintendent of Police should be required when he refuses a license to any one to state in writing his reasons for so doing, so that the person concerned may know on what ground that refusal is based and may bring before His Excellency evidence to contest the ground on which the Captain Superintendent has exercised his power to refuse. Without some such provision the powers given to appeal will be perfectly useless. With regard to clauses 13, 14, and 15, there is no objection on the part of any of these dealers to keeping proper stock books and sale books or to furnishing periodically a return showing the quantity and description of arms and ammunition in their possession on a given day, but there is the strongest possible objection, and a very reasonable objection, to the books being examined by any police constable who, authorised or unauthorised, comes into the store and asks to see the books. The power of examining these books should be confined to certain persons, and if not exercised by the Captain Superintendent written authority should certainly not be given to anyone under the rank of an Inspector, and certainly it ought to be made an offence for the person who examines these books to communicate the contents to anyone who will profit by the knowledge. There might be trade matters in connection with his business which a dealer may not wish to be known to anybody. As to section 19, I submit that however desirable it may be that no arms whatever should be removed in this colony from any one place to any other unless they are securely packed in wooden boxes and distinctly labelled, it will be impossible under this provision; no man, whether he has a licence or whether he has not, can remove a weapon of any description or any ammunition, not even a box of percussion caps, from Lane, Crawford's to his house unless securely packed in a wooden box and labelled. Such a provision by itself is enough to put an end to any trade in arms in the colony. If I am going out shooting, and my servant behind me is carrying

my gun, he has to have it securely packed in a wooden box and labelled. In connection with clause 20, which gives power to any member of the police force to open and search any box or package containing or suspected to contain arms or ammunition, I submit that this is a power which should be entrusted to a thoroughly competent person, and there ought to be some provision for the punishment of any police constable who wrongly arrests or interferes with a person without reasonably sufficient grounds for believing that there are arms in the box he is carrying. Such a provision as the one in the Ordinance only gives rise to crime instead of preventing it. Section 22 is of precisely the same character. The provision in this section is a very valuable one if properly safeguarded. It is to the effect that the master of any ship may search any passenger's baggage and may give him into custody if arms or ammunition are found in his possession and he cannot satisfactorily account for them. I have a license to carry arms in this colony, but if I go on board a ship and am going to Shanghai and take arms with me I am exporting; I am not carrying them for use in the colony, and if I have no licence to export arms I have no justification for having them on board that ship and I am liable to be arrested. The greater part of these provisions have a certain amount of justification if properly safeguarded, but as they are they are likely to do ten thousand times more mischief than good. While we may be under certain social obligations, considering our proximity to China, to assist the Chinese Government in preventing rebels and troublesome characters from getting arms, we must also take care that we do not attempt to interfere with honest people getting arms for their own protection, and we must also take care, while we endeavour to serve the Chinese Government, that we shall accomplish the object we have in view. But if this Bill is passed the arms trade will be driven from this place to Macao or elsewhere and arms can be purchased there, so we shall be doing the Chinese no good while we run the risk of doing ourselves considerable injury. With reference to the sale of arms in this colony and the carrying of arms in our own territory, the Government is perfectly right in taking any reasonable measures for the peace and the promotion of the good government of the colony, but when it goes beyond that, and interferes unduly with a lawful and legitimate trade, we are doing what we have no right to do. I submit that this Ordinance wants a thorough and careful consideration not merely in principle but in its details,

and I respectfully ask your Excellency and this honourable Council on behalf of my clients that the further procedure of this Ordinance may be postponed and the whole matter be more fully and carefully considered.

On Mr. Francis resuming his seat, the proposition that the Bill be read a second time was put and carried.

#### THE MERCHANT SHIPPING ORDINANCE.

The ACTING ATTORNEY-GENERAL—I now propose the third reading of the Bill entitled an Ordinance to consolidate and amend the Laws relating to Merchant Shipping, the duties of the Harbour Master, the control and management of the waters of the colony and the regulation of vessels navigating the same.

The COLONIAL SECRETARY seconded, and the motion was carried.

The Council then adjourned until Thursday next.

---

#### MEETING OF THE FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately after the Council meeting, the Colonial Secretary presiding.

The CHAIRMAN said—I have one minute only to bring before the committee, and that is one in which the Governor recommends the Council to vote a sum of \$250 in aid of the vote "Maintenance of Gardens." The Superintendent of the Botanical and Afforestation Department reports that an expenditure of \$73.33 has been incurred in collecting and sending materials to England in connection with the Malarial Commission. He has been making enquiries in connection with the mosquitoes; which are supposed to be connected with the spread of malaria. He has also expended a sum of \$176.67, the cost of making a kitchen garden at Government House.

The vote was passed.

This was all the business.