

30TH NOVEMBER, 1911.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR FREDERICK JOHN DEALTRY LUGARD, G.C.M.G., C.B., D.S.O.

HIS EXCELLENCY MAJOR-GENERAL C. A. ANDERSON, C.B. (GENERAL OFFICER COMMANDING THE TROOPS).

HON. MR. C. CLEMENTI, (Colonial Secretary).

HON. MR. C. G. ALABASTER (Attorney-General).

HON. MR. A. M. THOMSON (Colonial Treasurer).

HON. MR. W. CHATHAM, C.M.G. (Director of Public Works).

HON. MR. E. R. HALLIFAX (Registrar-General).

HON. CAPTAIN F. W. LYONS (Captain-Superintendent of Police).

HON. DR. HO KAI, M.B., C.M.G.

HON. MR. WEI YUK, C.M.G.

HON. MR. E. A. HEWETT.

HON. MR. C. H. ROSS.

HON. MR. E. OSBORNE.

MR. R. H. CROFTON (Clerk of Councils).

Minutes

The minutes of the previous meeting were read and approved.

Financial Minutes

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes Nos. 95 to 97, and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded, and the motion was agreed to.

Financial

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the report of the Finance Committee (No. 20), and moved its adoption.

Peace Preservation Amendment Ordinance

THE ATTORNEY-GENERAL — I beg to move the suspension of the Standing Orders in order that a Bill entitled "An Ordinance to amend the Peace Preservation Ordinance, 1886," be read a first time, and in order that it may be carried through its stages to-day. I understand that you, Sir, will address the Council on the Bill, and all that is necessary for me to do is to give the reason why this Bill was not circulated to members of the Council two days before the meeting in the usual manner. That was because the decision with regard to it was come to yesterday, the Bill was not drafted until last night, and the proofs were not revised until this morning.

THE COLONIAL SECRETARY seconded.

The motion was agreed to.

THE ATTORNEY-GENERAL moved the first reading of the Bill.

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

THE ATTORNEY - GENERAL then moved that the Standing Orders be suspended, and continue to be suspended, until the Bill passed through all its stages.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

THE ATTORNEY - GENERAL then moved the second reading of the Bill. He said—This Bill adds a second schedule to the principal Ordinance. It entitles Magistrates in Court to order the flogging of any person during the continuance of the proclamation, and during that period only, who shall offend against any of the enactments mentioned in the schedule which this Bill adds to the principal Ordinance. As drafted it states that in the case of offenders 16 years of age the instrument to be used is the "cat," while in the case of offenders under that age the instrument to be used is the birch. The limit of strokes is the same as in the Flogging Ordinance, 12 for offenders under 16 years of age, and 24 for offenders over 16 years of age.

THE COLONIAL SECRETARY seconded.

HIS EXCELLENCY — Gentlemen, the *Gazette* Extraordinary published yesterday contained a proclamation issued under section 6 of the Peace Preservation Ordinance, No 10 of 1886. That proclamation gives certain powers for dealing with disturbances in the Colony, certain exceptional powers which were considered necessary at a meeting of the Governor-in-Council on the previous afternoon. I do not for a moment imagine that any exceptional powers will be required in this Colony, except perhaps in one single direction, of which I will speak more fully in a moment. Chinese residents in this Colony, I am confident, appreciate the security and safety they enjoy under the British flag, and this has been proved abundantly to me during the course of the last month when I have had most loyal co-operation from leading Chinese residents, of course including the two Chinese members of Council. They have not only done their utmost to co-operate with the Government, but they have also followed my advice in many somewhat difficult matters on which they have come and asked it. It is therefore, you will agree, all the more incumbent on the Government to grant to the residents of the Colony that peace, security and protection of life and property that they expect to enjoy under the British flag. (Applause.) As, however, you have seen probably in the Press, or have heard elsewhere, there has, during the last few weeks, been a considerable amount of rowdiness—I will not give it a stronger name than that—there have

been several interferences with the police in the execution of their duty, and the first three cases which occurred are, in my opinion, somewhat significant. One case was the arrest of a thief, after whom there had already been raised a hue and cry. When arrested by a constable, the crowd turned on the constable. The next two cases were cases of snatching jewellery from the heads of Chinese ladies. That form of crime is detested by Chinese in this Colony, and is one in which they always give the most eager assistance to the police. The fact that in these two cases the crowd should have resented the arrest of the prisoner by the police is to my mind very significant, and it seems to me to show that these persons who have interfered with the police do not belong to the Colony, but are a recent importation from outside its boundaries. It is, as I have said, the duty of the Government to protect its citizens from abuse, and to assure them the freedom which is always extended to all persons to come in and out, and to stay as they like in this Colony. It is the duty of the Government to show, if people come from Canton to this Colony, that they must behave themselves, and that we shall not allow the city of Victoria to become the scene of turbulence and riots such as, unfortunately, at the present moment exist in some parts of China. And in this desire I am quite confident that we have the full approval and acquiescence of the whole community, including the Chinese. (Applause.) The Peace Preservation Ordinance, gentlemen, confers certain powers, as I have said, upon the Government for the dispersion of riotous assemblies and so on, but in my view its provisions for dealing with persons arrested red-handed in acts of violence are exceedingly inadequate. It is, as you well recognise, very difficult in those circumstances to arrest persons. When the police succeed in arresting a person, in my opinion he should be dealt with severely. The infliction of a small fine is perfectly useless, and the infliction of a short sentence of imprisonment is not only useless, but exceedingly difficult because of the limited prison accommodation we have in the Colony. I think therefore it is advisable that when it shall appear to the Governor-in-Council necessary to issue this proclamation under this Ordinance that for the time, and for the time only during which the proclamation

is current, the Magistrates should be given powers to inflict corporal punishment upon persons who have been arrested for inciting acts of violence or them selves committing acts of violence. That, gentleman, is the object of the Bill which is before you. The Law Officers have set down a number of sections of various Ordinances dealing with such acts of violence, and these we will examine very carefully in Committee. Our object is to deter criminals from congregating here during the present crisis in China, and show them that the Government of this Colony, and also the law-abiding and peaceful citizens of this Colony, will make it hot for them if they attempt to create disturbances and prevent the police of the Colony from carrying out their duties. The hon. Attorney-General has told you that I propose to ask the Council to pass this Bill through all its stages to-day. That, however, will come under a separate motion. We are engaged at the present moment on a motion for the suspension of the Standing Orders in order to pass the first reading of the Bill. But I think it is well that I should explain the reason why, later on, we shall propose this as a matter of urgency if members agree, and it is useless to have any unnecessary delay. As I have said, the proclamation which has been issued appears to me to be of little value unless it is supplemented by a Bill something like the one before us. The leniency the Magistrates are compelled to show is only misunderstood, and the Bill appears to me necessary to make the proclamation effective. If, however, the feeling of the Council should be that it would be better to postpone the passing of the Bill till next meeting, I shall not insist on passing it through to-day. But I hope the Council will agree with me that if the Bill is necessary at all it would be much better that it should be passed at once. The reason why the Bill has not been circulated as usual has already been explained by my hon. and learned friend on my left. (Applause.)

Council then went into Committee to consider the Bill clause by clause.

On resuming,

THE ATTORNEY-GENERAL reported that it had passed through Committee with slight amendment and moved that it be read a third time.

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

The objects and reasons attached to the Bill stated:—It has been deemed desirable to authorise, during the continuance of any proclamation under the Peace Preservation Ordinance, 1886 (Ordinance No. 10 of 1886), the punishment of flogging for certain offences which are likely to increase in prevalence during a disturbed state of the Colony. These offences are referred to in the Second Schedule which it is proposed to add to the above Ordinance. Most of these offences involve either violence or malicious damage to property. It is proposed to authorise the use of the "cat" for male offenders whose ages exceed 16 years and of the birch for male offenders whose ages do not exceed 16 years. Opportunity has been taken by this Bill to repeal sub-sections (1) and (3) of section 9 which the Arms and Ammunition Ordinances, 1900-1911, render unnecessary.

Chinese Partnerships Ordinance

THE ATTORNEY - GENERAL moved the third reading of the Bill entitled, "An Ordinance to establish Registered Partnerships and to give effect to certain Chinese Partnership Customs."

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

The Pounds Ordinance

THE ATTORNEY - GENERAL moved the second reading of the Bill entitled, "An Ordinance to make provision for impounding stray animals and for the disposal thereof." In doing so he said—There is in England, and in nearly every Colony, such a law as this, but possibly because the Chinese are so very careful that if they do lose an animal they take prompt steps for its recovery, there has never been occasion until recently to have such an Ordinance.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

Council then went into Committee to consider the Bill clause by clause.

HIS EXCELLENCY explained that the Bill was introduced with the object of preventing animals from straying on the railway.

On Council resuming,

THE ATTORNEY - GENERAL reported that the Bill had passed through Committee without amendment, and moved that it be read a third time.

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

The Stamp Further Amendment Ordinance

THE ATTORNEY - GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the law relating to Stamps and Stamp Duty." In doing so he said—The second clause of this Bill repeals a section of the principal Ordinance because the effect of that section is already contained in a section introduced into it by an amending Ordinance passed early this year. The third clause in the Bill corrects a mistake which was made in arriving at the figures in a certain part of the schedule, and clause 4 of the Bill adds a subsection to the principal Ordinance which comes from the Imperial Act, and which it is very desirable to introduce into the Colony; that is, to make it an offence to refuse to give a receipt duly stamped.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

Council then went into Committee to consider the Bill clause by clause.

On resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee without amendment, and moved that it be read a third time.

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

Stamp Duties Management Amendment Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Stamp Duties Management Ordinance, 1911." In doing so he said—The amendments to this Bill, introduced by His Majesty's Secretary of State, are very slight indeed. The scope of section 14 of the principal Ordinance has been very slightly extended to make it more closely follow the English Act, and the remaining alteration is one which takes away the confusion which existed in a section of the principal Ordinance in the use of the words "chief office" or "one of the head offices."

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

Council then went into Committee to consider the Bill clause by clause.

On resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee without amendment, and moved that it be read a third time.

THE COLONIAL-SECRETARY seconded, and the Bill was read a third time and passed.

University Further Amendment Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to further amend the University Ordinance, 1911." In doing so he said—This Bill was introduced, as stated in the objects and reasons attached, in consequence of certain criticisms passed on the principal Ordinance by the Board of Education. The chief effect of the Bill will be to give the University greater powers for selecting its own curricula than they had before. It also makes quite clear the position of the Vice-Chancellor of the University, and secures to Government the right of inspecting schools.

THE COLONIAL SECRETARY seconded.

HON. MR. POLLOCK—Sir, a petition has been sent in to the Secretary of the Hongkong College of Medicine by certain students of that College in which they point out that they desire certain amendments to be made in this Bill in order to prevent them being saddled with extra annual expenditure, and also in order to prevent those who have been studying for several years at the Hongkong College of Medicine from having, before they get any degree or diploma, to study for two years in the University. I would ask your Excellency, therefore, not to pass the Bill right through today, but to allow it to be left in Committee to enable me to confer with the hon. and learn Attorney-General to see how the wishes of the students of the Hongkong College of Medicine can be met.

HIS EXCELLENCY—I shall be most glad to meet the wishes of the hon. and learned member who has just spoken to leave the Bill in Committee. The hon. member is already in possession of a minute by myself dealing with the petition, which I hope will be found entirely satisfactory. The two amendments of the Ordinance I think are in connection with the third schedule, upon which the hon. Attorney-General will presently propose an amendment to the Ordinance now before Council, which will give it a little more elasticity: that is to say, that the third schedule may be altered with the approval of the Governor-in-Council in order that it shall not be as rigid as it is at the present moment. The other point upon which the hon. member spoke was regarding the term of residence at the University. The Ordinance makes it necessary for every person who takes a degree at the University to reside there for a minimum period, but that will not affect the grant of a diploma or anything short of a diploma. If any student desires to take a full degree at the University he will have to reside there for a minimum time, but I think if the hon. member refers to the preceding clause he will see that it is possible for the University to grant a diploma or other certificate, and that may be granted in a less period of residence. I think, in view of the sub-section to which I refer, together with the amendment to be proposed, that the difficulties which have been raised by the students of the Hongkong College of

Medicine will be fully met, but I am perfectly willing to leave the Bill in Committee in order that it may be seen where these suggestions will be satisfactory.

Council then went into Committee to consider the Bill clause by clause, and the Bill was left in Committee.

Union Church Incorporation Ordinance

HON. MR. POLLOCK moved the second reading of the Bill entitled, "An Ordinance for the Incorporation of the Trustees of the Union Church at Victoria in this Colony." In doing so he said—Sir, as I addressed the Council on this Bill on the last occasion I do not propose to say anything further now, but I shall have a few amendments to move in Committee.

HON. MR. ROSS seconded, and the motion was agreed to.

Council then went into Committee to consider the Bill clause by clause.

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee with a few amendments, and moved that it be read a third time.

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

Companies Consolidation Ordinance

THE ATTORNEY-GENERAL moved that Council resume the Committee stage on the Bill entitled, "An Ordinance to consolidate and amend the Ordinances relating to Companies."

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

The Bill was left in Committee for the further consideration of certain sections, and Council resumed.

HIS EXCELLENCY—Council will adjourn till this day week.

FINANCE COMMITTEE.

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A meeting of the Finance Committee was then held, the COLONIAL SECRETARY presiding. The following votes were passed:—

Town Clock

THE GOVERNOR recommended the Council to vote a sum of Fifty-five Dollars (\$55) to aid of the vote Public Works, Recurrent, Miscellaneous, Town Clock.

Treasury

THE GOVERNOR recommended the Council to vote a sum of Thirty Dollars (\$30) in aid of the vote Treasury, A—Treasurer's Offices, Other Charges, Incidental Expenses.

Land Resumption

THE GOVERNOR recommended the Council to vote a sum of Three hundred and fifty Dollars (\$350) in aid of the vote Public Works, Extraordinary, Miscellaneous, Resumption of Land in connection with the new laying out of Shaukiwan.
