

MEETING OF THE LEGISLATIVE COUNCIL.

The following Report, extracted from the *Daily Press*, is published for general information.

A meeting of the Legislative Council was held on Thursday, the 29th May. There were present:—

His Excellency Governor J. POPE HENNESSY, C.M.G.
Honourable Sir JOHN SMALE, (Chief Justice).
Honourable W. H. MARSH, (Colonial Secretary).
Honourable J. RUSSELL, (Acting Attorney General).
Honourable M. S. TONNOCHY, (Colonial Treasurer).
Honourable P. RYRIE.
Honourable W. KESWICK.
Honourable J. M. PRICE.
Honourable H. B. GIBB.

MINUTES.

The minutes of the last meeting were read and confirmed.

NEW MEMBERS AND THE LATE MR. MAY.

His EXCELLENCY said:—Gentlemen, I have to swear in Mr. TONNOCHY as Treasurer, and my honourable friend Mr. GIBB as an unofficial member of the Council, but in doing so I think it is my duty to express, and I only re-echo what you all feel, my deep sense of the loss the Council has sustained in the death of Mr. MAY, which has taken place since the last meeting, causing one of the vacancies I had to fill up. His death is one that every one in this Colony has felt as a most serious loss to the whole community. He was, indeed, for the time he sat at this Council table, the most experienced official sitting at it. He was the oldest resident of all the members, and I am bound to say that during the whole of the time I had the honour of his acquaintance, indeed of his friendship, his great experience, his natural ability, his straightforward and honest disposition, and his thorough loyalty to the Government, all rendered him one of my most useful officers and one of the most useful members of Council. With respect to the other vacancy, it is caused by the resignation of Mr. Lowcock, and for that I have selected my honourable friend Mr. GIBB, and although Mr. GIBB is present I must take the opportunity of saying I believe it would be quite impossible for me or any other Governor to choose any gentleman in this community better fitted for a seat at this Council.

Honourable H. B. GIBB acknowledged His Excellency's remarks.

Mr. TONNOCHY and Mr. GIBB were then formally sworn in.

THE SHIPPING ACTS.

His EXCELLENCY.—Gentlemen, I find upon the Order of to-day, No. 1, the Merchant Shipping Consolidation Bill, the second reading; 2, the Survey of Steamships and Boilers Bill. On referring to the minutes of the Legislative Council of the 29th April, 1878, I find that the Steamship Survey and Regulation Ordinance was referred to a Select Committee consisting of the Acting Chief Justice, the Acting Colonial Treasurer, the Attorney General, and the three unofficial members of Council.—His Excellency read the minute, which went on to state that the Merchant Shipping Consolidation Bill, which included the provisions of the other Bill, was referred to the same Committee, and gave a summary of His Excellency's remarks on the Bills.—His Excellency proceeded:—On the 21st November, 1878, Mr. MAY, who was then Acting Colonial Secretary, received the following letter:—

Hongkong, 21st November, 1878.

SIR,—In response to a notice issued by the Government some five months since, we appeared before the Committee on the New Shipping Bill, and gave our views upon certain sections of it.

It is of considerable importance to Shipowners, who have vessels trading from ports in China to Hongkong, to know as soon as possible how the Act will affect their interests, and as a considerable period has elapsed since the Bill was referred to the Committee, we respectfully beg that you will afford us such information as lies in your power regarding the probable date when the Bill is likely to come again before the Legislative Council.

We have the honour to be, Sir,

Your obedient servants,

BUTTERFIELD & SWIRE.

To the Honourable CHARLES MAY,
Acting Colonial Secretary,
&c., &c., &c.

I find on the back of this letter the following minute of mine:—

Minute by His Excellency the Governor.

Please let me know the cause of this long delay in the proceeding and report of the Select Committee.

25th November, 1878.

Forwarded to the Honourable the Acting Chief Justice, Chairman of the Select Committee.

C. MAY,
Acting Colonial Secretary.

26th November, 1878.

I find the Acting Colonial Secretary forwarded this document to the Acting Chief Justice, as Chairman of the Select Committee, and then I find the following minute from the Chairman:—

The last meeting of the Committee was held July 3rd, when it was arranged that the Bill should be printed as revised for final consideration, and the Attorney General undertook, as I understand, to revise the revised Bill and prepare it for the press. This required two or three days' preparation.

I have mentioned the matter on several occasions to the Attorney General, but owing to press of business, I presume, and lately from ill-health he has not had time to attend to it.

I have written to ask the Attorney General when he can resume the business, and will let His Excellency know.

F. SNOWDEN, Chairman.

27th November, 1878.

The minute made upon that was:—

Write in substance to Messrs. BUTTERFIELD & SWIRE, adding that I shall do my best to expedite the proceedings of the Committee.

28th November, 1878.

Well, gentlemen, for the reason stated by Mr. SNOWDEN in this, namely, the illness of the Attorney General, I am sorry to say I have not yet received the report of that Committee. I think it would perhaps be convenient if the Acting Attorney General, who I think has seen the draft of the report, and who is probably familiar to some extent with what was done by his predecessor in office, would let us know what is now the exact stage of the proceedings of the Committee on these two Bills. I may add my own wish would be to pass as speedily as possible the Bill for the survey of steamships and boilers.

The ACTING ATTORNEY GENERAL.—Your Excellency, when Mr. PHILLIPPO was about to leave I tried to see what was exactly done with reference to these Bills, which he told me had been referred to a Committee of the Council, but I really found his state of health was such that I could not get much from him without going to the members again. The *personnel* of the Committee has changed so much, owing to Mr. SNOWDEN's absence, and other changes which have taken place, that it was impossible to get together all the members and draw up such a report as I should like to have been able to do. In the first stage I see there was some evidence taken, and the first thing discussed was this small Bill for the survey of steamships and boilers. A number of suggestions were made, but it was finally resolved that as it was to form part of the larger measure, the complete discussion should be adjourned until the larger measure was considered. There was one point noticed, which was that it did not refer to foreign steamers, and that consequently if this measure were carried out British vessels would be placed at a disadvantage as compared with vessels under foreign flags, and most of the members thought this was so inequitable that they would not be prepared to pass it. However, at this stage the matter was left over. The outcome of the whole of the discussion of the Committee was a draft report which Mr. WODEHOUSE made; this was sent to the Acting Chief Justice, who returned it to me a few days before he left. It appeared from what Mr. SNOWDEN told me that Mr. PHILLIPPO was to arrange and draw up the report, but nothing was done, and that is exactly the state of affairs at present. If the small Bill is passed in the original shape in which it was brought before the Council, I don't think there could be much difficulty, with the exception of a few omissions of schedules, but if you go into the larger question it is a very difficult one and would require much consideration. However, the other gentlemen here who took part in the discussion can go more fully into the subject than I can from what I gather from the records.

Honourable P. RYRIE.—Your Excellency, I was present at the meeting and my understanding of what took place is not exactly as Mr. RUSSELL states. My impression was that the Committee had done with the Bill until they saw it again in Council, or until they saw the report; that there was nothing to be done but to draw the report; my impression was that there was to be no more proceedings at the Committee.

Honourable W. KESWICK.—Your Excellency, the conclusion we came to at the last meeting, according to my recollection, was this, that the Attorney General should draw up the report, revise the Bill according to the suggestions of the Committee, call another meeting to revise in printed form the draft we had made, and consider and discuss the report, and, if approved of, pass it and submit it to the Governor. Therefore the detailed particulars that have just been given by my honourable friend the Acting Attorney General, to the best of my recollection are correct.

His EXCELLENCY.—Gentlemen, you understand that I myself, not having been a member of the Committee and having only received the communication I read to you, don't know exactly what passed, but upon the whole, I think the members are agreed upon this, that no doubt a great deal of pains was taken by the Committee in going through the Bill, but that the matter was not finally settled. So far, that appears to be the state of things with regard to the Merchant Shipping Bill.

Honourable W. KESWICK.—It was thought that as the small Bill was an integral portion of the larger Bill we should take them together.

HIS EXCELLENCY.—I am a little disappointed in learning that, because, when I consented to the suggestion of referring this Bill to a Committee with the Merchant Shipping Bill, I expressed a hope that the short Bill for the survey of steamships and boilers would be brought into operation without delay, and therefore that the Committee would deal as shortly as possible with that part of the question. The Committee have given to it great discussion, and I don't say they have not acted wisely in doing so. But now they come before us as separate measures, that is, the Attorney General has before him the printed copy of the Bill for the survey of steamships and boilers, and in order that the matter may come before us in regular form, I venture to move that we go into committee upon that Bill.

Honourable W. KESWICK.—May I remark, with regard to the deviation from your Excellency's wishes, that what was understood was that, instead of there being delay, the matter would be pushed through very promptly, and therefore that in considering the small measure with the larger we should get on with the whole business. We did not anticipate such delay as has occurred.

The Council then went into committee on the Bill.

On clause 3—

Honourable W. KESWICK said:—The application of this Ordinance would be only to British vessels; consequently there would be a distinction between the requirements in the way of survey of British steamers and those of other nationalities. I think the objection originally taken is as forcible to-day as it was then, and it is very important. It is a difficult matter to introduce anything with regard to foreign flags, but it is quite clear it is not fair to English vessels that they should have a burden to bear that is not borne by vessels under another flag. I think it might be possible to introduce a clause by which the inspection might be made imperative on the part of consignees, otherwise there is a spirit of unfairness in it towards our own flag.

The ACTING ATTORNEY GENERAL.—In the larger Ordinance, your Excellency, I have taken notice of that, and I have inserted a clause which I thought would be satisfactory to all, to the effect that if a certificate was produced from any foreign nation to the satisfaction of the Governor of this Colony, such a survey as is here required would not be compulsory. I really think that the whole question involves such difficulties—and I have looked carefully through the books on the subject—that I don't know that your Excellency or the Council would be quite justified in such a question as this, affecting shipping interests—that it would be wise to bring in that point without a reference home.

HIS EXCELLENCY.—I need hardly say, gentlemen, that when a measure of this kind comes before us I am most anxious to obtain the views of the commercial gentlemen on the Council, and the honourable gentleman who has just spoken has pointed out that this clause we are now dealing with practically applies this Ordinance to all British steamships within the waters of the Colony and excludes from its operation ships under foreign flags. The full operation of the Ordinance applies only to vessels of fifty tons and upwards plying within the waters of the Colony. Well, whether it is a steamship flying the German flag or the British flag, so long as it is plying in the Colony we could apply the Ordinance to it, but no doubt as the Bill stands, in dealing with a far more important question of steamships plying to other parts of the world, the survey would apply only to those flying the British flag. I understand the honourable gentleman objects to that on the ground that it would be subjecting the British shipowner to a survey to which the foreign shipowners are not subject. Well, it may be argued that the survey is one that would be useful to the shipowner; at the same time, if I understand my honourable friends, the commercial members at this table, support the view of the honourable member who has spoken, and that they would wish to have this Bill extended to the steamships of foreign nations as well as British steamships, I would be ready to give that my best consideration, because I do think that in this or any other Colony we ought to have the fairest play between all, and certainly not to place the British shipowner at a disadvantage as compared with others. The Germans, Americans, and others enjoy the advantages of this Colony, they pay not one whit more taxes than the British merchants, whilst some of them are exempt from doing duties a British merchant has to perform, and it would certainly be hard to the British shipowner that his ship should have to submit to hardships which the others would not. Therefore, if I understand the commercial gentlemen present agree with what has been said, I would be fully prepared to represent their view to Her Majesty's Government, and to send this Bill to the Government stating the view expressed by the honourable members at the Council table and asking how far Her Majesty's Government would authorise me, for I would not have the power myself, to make a change which would include foreign steamships in this clause.

Honourable H. B. GIBB concurred in the remarks which had been made by Mr. KESWICK, and thought that all vessels coming to this Colony should undergo a survey.

HIS EXCELLENCY.—Under these circumstances, I will not press the Bill to-day. I shall take the opportunity of at once referring the question to the decision of the Secretary of State, and when we get his reply, which I hope will be in three months, I will communicate it to the Council. With respect to the Merchant Shipping Consolidation Ordinance, I think it is plain from what we have heard that another meeting had better be called to put that in order, and bring it before us about the same time as the other will come under consideration.

THE NAVAL YARD POLICE.

HIS EXCELLENCY moved the second reading of "An Ordinance to extend Ordinance No. 1 of 1875 to provide means for enforcing good order and discipline in the Police Force employed in the Royal Naval Yard to the other Establishments of the Royal Navy in this Colony."

The Bill passed the second reading unopposed.

The ACTING ATTORNEY GENERAL suggested that they might proceed with the other stages of the Bill, as it was a very simple one, but said he had not considered it.

HIS EXCELLENCY thought they had better let the matter stand over for the present.

A MISTAKE RECTIFIED.

HIS EXCELLENCY.—I think, gentlemen, the little Bill I am now going to bring to your notice is a very good illustration of the importance of letting the Acting Attorney General carefully read the last Bill. It is this:—

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to amend Ordinance No. 1 of 1878.

Whereas the date of the short title of Ordinance No. 1 of 1878 is erroneous and it is expedient to correct it: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

I. Section I. of Ordinance No. 1 of 1878 is hereby amended by substituting the figures 1878 for the figures 1877 in the said section.

HIS EXCELLENCY added that the error was discovered by the Secretary of State.

THE CONTAGIOUS DISEASES COMMISSION.

HIS EXCELLENCY.—Now, gentlemen, we have not done very much in the way of legislation, and I am now about to lay before you what may perhaps furnish the materials for legislation. I must frankly confess I am not at all one of those administrators who boast very much of legislation. It does not at all follow you are to measure the value of a Council or Governor by the number of Ordinances passed. It is just possible that there may be too many Ordinances, and it is essentially necessary that before we proceed to pass Ordinances we should have thoroughly mastered the subjects upon which we legislate, and it was with that view that I have received the very valuable assistance of certain gentlemen who sat upon Commissions and Committees from time to time. I am now, as a matter of form, about to lay before you some of the reports, and I shall take the liberty after doing so of making some remarks. I thought it necessary on the 12th November, 1877, to issue a Commission which recited that:—

Whereas during the progress of a Coroner's inquest held at Hongkong by JAMES RUSSELL, Esquire, Coroner for the Colony of Hongkong, and a Jury of three persons on the 17th, 18th, 19th, and 20th days of October, A.D. 1877, touching the death of a certain woman named Fung A-Sz, alias A-Sau, evidence was laid before the said Coroner and Jury concerning certain practices connected with the operation of the "Contagious Diseases Ordinance, 1867," and the suppression of unlicensed brothels: And whereas the said practices were for the first time brought to my knowledge by the said evidence: And whereas the Jury aforesaid appended to their verdict at the above inquest a special finding which, among other matters, contained the following recommendation, viz.:—"The Jury aforesaid would strongly recommend that the whole system of obtaining convictions against keepers of unlicensed brothels be thoroughly revised, as the present practice "is, in their opinion, both illegal and immoral."

Well, having received in proper form a copy of that finding of the Jury, I issued the Commission, and the Commissioners who were so appointed have manifestly taken very great pains. They examined the Heads of the Departments concerned, a number of the officials in the Colony connected with the administration of the Ordinance and the administration of justice, and they have gone through the records of the departments, both the Registrar General's Department and the Medical Department, and the result is that this valuable report, a mass of information, is now in the hands of the members of the Council. I have caused this to be circulated, and I now lay it upon the table.

The CHIEF JUSTICE remarked that he had not received a copy.

The CLERK OF COUNCILS explained that a copy was sent to the Acting Chief Justice during the Chief Justice's absence.

HIS EXCELLENCY.—I am informed that within the last few weeks Her Majesty's Government have decided to issue a Commission to inquire into the same legislation, its operation and effects in England, and I have already sent copies of this to Her Majesty's Government, so that the members who have been appointed on the Commission in England will have the opportunity of considering the very valuable mass of facts which have been got together by the Commissioners in this Colony.

THE POLICE COMMITTEE.

HIS EXCELLENCY.—Now, gentlemen, another and perhaps more important and practical Commission was one that I issued in September, 1878. That was a Commission or Committee of the Legislative Council to consider the question of the Police Force and Crime in this Colony. My lamented friend Mr. MAY was the Chairman of that Committee. He has drawn up a brief but very clear and able report. That Committee also examined the heads of the departments concerned, that is, the Superintendent of Police and his staff; they examined my honourable friend who is now taking charge of the Gaol (Mr. TONNOCHY) and they received on all sides a good deal of advice and assistance in pursuing their important inquiry. In the letter of appointment that was sent to them, there was put before them a mass of documents bearing on the subject, and they were further told that any other documents they might desire to consult would be placed at their disposal. The consequence was that from time to time the Committee did ask the Colonial Secretary for information, which they obtained. The archives of the Colony were at the disposal of the Committee, and I cannot too strongly express my thanks to the Committee for their labours and for this valuable report which is the result of their investigation. That also, gentlemen, has been distributed to members of the Council, and I now lay it on the table.

THE SUPREME COURT.

HIS EXCELLENCY.—I also felt it necessary to inquire into another subject, namely, the practice and procedure respecting the receipt, custody and disbursements of all monies and valuable securities in the hands of officers attached to the Supreme Court. That Committee was appointed also in September, 1878, and I am happy to say that the Commissioners who were good enough to investigate that important subject have taken very great pains with their work. Owing to the illness of the Attorney General, and also the illness of Mr. MAY, the report is signed only by two Commissioners, namely, Mr. JACKSON and Mr. WOTTON, but it is a report which I think will carry with it the public opinion of the Colony, and I have already been able to ascertain that His Honour the Chief Justice coincides in the main with the recommendations of the Commissioners. I need not enter now into the causes which induced me to issue this Commission, nor is it necessary for me to describe at any length what the Commissioners found the state of things existing to be. They say that the cash accounts in thirty-one estates in bankruptcy were under the control of one person, and had never been balanced, that in many cases the balance of estates had disappeared, that in several estates there had been overcharges of commission, that in one estate, under the charge of Mr. HUFFAM's predecessor, there had been over \$1,000 overcharged, that in certain estates Mr. HUFFAM had charged commission on money never received. They say there are numerous instances of the overcharge of commission and other serious errors. They say that in ordinary bankruptcies a very eminent book-keeper examined before them found the accounts in a very confused state, so much so, that it was almost impossible to make anything of them, and that as a rule there were no papers filed with the estate. They referred to other incidents in the conduct of those officers of the court which certainly no one can read without very much regretting. They say that not only have there been grave irregularities in the accounts, but that in some instances estates that should have been wound up ten years ago remain to the present day unsettled; that it is very clear there has been no check upon any officer, but that a most lax practice has existed in the Supreme Court in respect of the conduct of business. They say that through the courtesy of the Chief Justice the Commission were able to peruse some long and valuable letters written by His Honour at different times, and these letters are printed in the appendix. The Commissioners consider that they should be perused in connection with the report. The Commissioners then proceed to make a number of recommendations, and I will only inform the Council that, on the day I received the report, seeing at once the extreme gravity of the facts disclosed, I requested my Honourable friend Mr. MARSH, who is our Colonial Secretary and Auditor General, to confer with the Attorney General and draw at once a draft of instructions which it might be necessary to issue without any further delay, whilst some of the other recommendations of the Commissioners might be receiving more mature consideration. The consequence was that, on considering the instructions so drawn up, I directed a letter to be written to his Honour the Chief Justice and his colleague, the Acting Puisne Judge, and a few sentences from that letter will let the Council know what has been done.—His Excellency then read the letter, which was to the effect that His Excellency has decided, on the strong recommendation of the Chief Justice and the Acting Puisne Judge, that Mr. BARFF be relieved from all court duties and that he should be provisionally appointed to act as Accountant, and that he should be in charge of the duties mentioned by the Commissioners in paragraphs 3, 4, and 9, of the report. Mr. BARFF would therefore relieve Mr. PLUNKET of a part of his duties and receive the same salary as at present. His Excellency had also decided to appoint provisionally Mr. SANGSTER and Mr. MOSSOP, to be Deputy Registrars, in addition to their previous duties; that the Chinese shroff should be relegated to the Accountant's department, that all monies received should be lodged in the bank to the credit of the Government, all payments be made by order on the Treasury, and that the accounts should be audited monthly.

THE CHIEF JUSTICE.—It was with very great satisfaction that I received this letter, because I think His Excellency will believe and must have seen that in point of fact it carries out the view which Mr. FRANCIS and I had with some care eliminated after seeing this report, but in point of fact the report itself gives me the greatest satisfaction, because it throughout refers to my frequent request for action in the matter of the officers and the business of the Supreme Court. From the time of Mr. ALEXANDER's death to the present I have urged the reconstruction of the affairs of the office and with what success the public is now well aware. My letters, at least some of them, are here, but the most important parts of these letters cannot now be found. Referring to very delicate matters, I kept no copy, and wrote my own letters to the successive Governors. The Commissioners have stated that they entirely agree with my propositions, excepting some small minutiae. I had always had a sort of sensitive feeling about the accounts and state of the funds, but, as it is well known, I have no power in that office. There is no officer in that office who has to look to me for promotion or anything else. I have some power just to apportion the duties, and when I attempted to do that in Mr. ALEXANDER's time it was said I was interfering beyond my duty, which was judicial and not connected with the detail of that office. Years before the late catastrophe I had given expression to my views that unless something was done there would always be the risk of a catastrophe, but certainly no one expected the catastrophe which occurred. With regard to Mr. ALEXANDER himself, I certainly did not very much admire him as a public officer; he was a great deal too independent for me; I could never get any control over that office, but I believed him at the time to be the best officer in the Colony. I don't agree with the views that were put forward on a one-sided consideration

of the matter with regard to Mr. ALEXANDER, for whom I always had great respect, though, perhaps, not much personal liking. With respect to a man who is dead and unable to defend himself, some of the evidence I would rather should not have appeared in that paper. Now, with regard to the audit, there was originally an audit by the Auditor General, but Mr. RENNIE cut us off and told us we were to audit our own accounts. I found that out just before I left for home, when Mr. HUFFAM told me that Mr. RENNIE had said so. I quite agree with all the recommendations by the Commissioners. I cannot say I do concur in all their findings, because that is a matter as to which I have not had sufficient information, but from No. 1 to 13, I don't dissent from anything. They say they are my views only rather modified. The moment I saw this letter I thought the time had come to make a very respectful application to His Excellency to carry out the views expressed. The way in which His Excellency has met that request certainly calls for my very warmest thanks, because now I do feel that, with the order His Excellency has given, we shall be able to carry out the proper management of the business, and it will be between the auditor and the officers if there is the slightest error in the accounts. I remember telling Mr. PLUNKET when he came here that four times my present salary would not induce me to become Registrar. I would lose the situation within six months certain. I am not an accountant, it is no part of my education to be an accountant. A Judge, it has been said, ought not to know that two and two do not make five. His Excellency has stated in the letter that whatever is now done shall be provisional and experimental only, so that if in the working out of this matter anything is found to go wrong, we shall be able to work without any vested rights or interests created until we come to a very clear understanding of how these things are to be done.—His Honour then went into the details of the new arrangement, only taking exception to the new regulation as to the shroff, who he thought was wanted in the Summary Jurisdiction Court.

FLOGGING.

HIS EXCELLENCY.—Gentlemen, I have now also to lay on the table a paper which I think has already been distributed, the report of a Medical Committee appointed to investigate the physical effect of flogging the Chinese on the back, and the mode of flogging in the Hongkong gaol. The interest that you take as members of the Council in a paper of this description is of this character: we have upon the statute book of this Colony certain Ordinances which prescribe the mode of flogging and these Ordinances must be carried out. The question upon which the medical gentlemen report is really as to the effect of flogging upon the back of the Chinaman, and that involves, as you know, the question of flogging with the cat or flogging with the rattan upon the breast or thighs. Now, as regards the interest of the legislature in this I will remind you that a good many persons appear to have been under the impression that the laws of this Colony prescribe flogging by the cat, and that for some mysterious reason or other the Governor of the Colony substituted flogging with a rattan for flogging with the cat. Well, I must say that when I was shown in the Gaol an instrument called the regulation cat, and when I ascertained that in one year something over two hundred floggings had been administered with that instrument upon Chinese prisoners for breach of prison discipline, I thought it my duty to tell the Acting Superintendent at that time, Mr. TOMLIN, that he had better read carefully the laws of the Colony, and when, from time to time, I saw it stated in the organs of the public press that the Governor had put a stop to flogging with the cat, that there was a time when magistrates had this power, and that they had been deprived of the power by the Governor, and that there was a time when it prevailed pretty extensively in the gaol and that the Governor had interfered with this, it did occur to me that some of those who were criticising my conduct might have turned for instruction to the laws of the Colony. They would find Ordinance 6 of 1862, Clause 6, to this effect:—

VI.—Whenever Corporal Punishment shall be inflicted under this or any other Ordinance, such punishment shall in no case exceed thirty-six blows with a rattan, to be inflicted in the Presence of the Governor of the Gaol, or Superintendent of Police, or other Officer of Police appointed for that purpose.

And the clause to which I thought it my duty to specially call the attention of Mr. TOMLIN was Clause XI. of Ordinance 4 of 1863, which is to this effect:—

XI.—It shall be lawful for the Superintendent of any gaol to punish by imprisonment in a Solitary Cell, for not exceeding three days on bread and water or rice and water, or, if the prisoner be under conviction of Felony, to punish by moderate Corporal Punishment not exceeding twelve strokes of a rattan, any prisoner whom he may find after due investigation to have been guilty of any of the following offences or of any breach of prison regulation or discipline.

And it is provided in a subsequent section that the Superintendent, in conjunction with the Visiting Justices, may also punish by personal correction not exceeding thirty-six strokes. In the presence of my learned friend the Attorney General I need hardly say I am justified in saying these two sections read together would render the infliction in the gaol of corporal punishment with the cat illegal. I have before me a return showing that 226 such illegal punishments were inflicted in the gaol in one year by the Acting Superintendent—that is, 226 prisoners were flogged with the cat for prison offences. The Attorney General, who is present, will be able to inform you that that was illegal. But there was some other irregularities to which at this moment it is no harm to refer. The Superintendent was given the power to punish for three days on bread and water. I discovered that Mr. TOMLIN had a practice of sentencing a prisoner to three days' bread and water—we will say to-day for a certain offence—and on the same day he would sentence him to three more

for another offence, to commence at the termination of the former sentence. That also, it occurred to me, was not lawful. I found, on asking the opinion of the Attorney General, that he agreed with me. I found also that Mr. TOMLIN was in habit of ordering prisoners to be flogged who were in the prison only for security. The Ordinance says he has only power to do so when the man is in for a felony. The Committee have printed in their Appendix a despatch which I felt it my duty to address in 1877 to Lord CARNARVON on the subject. In that a reference is made to some of these illegal floggings. I say these floggings were inflicted with the regulation cat, whereas the local Ordinances say that all floggings must be with the rattan.—His Excellency quoted extensively from the despatches printed in the report as to individual cases of flogging. Referring to one of the cases, His Excellency went on:—Her Majesty's Government are aware of the fact that a Chinaman was five times flogged in this gaol, illegally according to the opinion of the Attorney General, that he was flogged when he was suffering from phthisis, that he was flogged with the regulation cat on the back by the order of the Superintendent in spite of provisions of our law. I am sure every Visiting Justice present will forgive me for saying I regret that no one called attention to the case of this man until I myself, seeing the Coroner's inquest, and seeing the records of the Gaol, felt compelled to do so. However, the facts such as they are, have been in the possession of Her Majesty's Government since 1877. They were laid before the Medical Committee. That Medical Committee was composed of Dr. WELLS, a Deputy Inspector of Hospitals, and Dr. O'BRIEN, who I suppose I may say, without creating professional jealousy, is the most eminent physician in private practice in this Colony.—Having expressed his obligations to these gentlemen, His Excellency went on to say they were requested to inquire into the physical effects of the punishment by the cat and also the prevalence or otherwise of pulmonary complaints among the prisoners in the gaol; also to make special inquiries into the cases of one or two prisoners who had been flogged in the month of March immediately before his arrival. He also requested them to inquire as to the case of one man, LEONG A-LOI, whether the flogging he had received had in any way affected his health. He said:—I called upon them to do so because I was requested by Lord CARNARVON to do so, but from that time to this I have not known why the Secretary of State selected LEONG A-LOI, who was flogged in 1877, as a case to be brought before this Committee. His name was never mentioned in any despatch of mine, and I have no idea how it was his case was brought to my special notice, and I was instructed to have the Committee investigate it. However, the Committee express their opinion upon the subject. They state, which is very true, that the records in the gaol with respect to flogging were extremely meagre, they found it very difficult to find reliable statistics; indeed they say "in the absence of reliable statistics it is difficult to say whether phthisis is prevalent in this Colony or not." They found a great absence of statistics, they say, in the gaol itself. With respect to this particular man, whose case they were asked to investigate, they state that on examining him they found that he was suffering from phthisis. They go on to say that they cannot say whether the phthisis was excited by the flogging he received on the back or not. Dr. AYRES, to whom the report was sent, makes this minute:—

MOK A-KWAI, released from gaol in a dying condition, and LEONG A-LOI still in gaol suffering from phthisis, were both, when they entered, healthy, powerful, muscular men, presenting no indications whatever of hereditary disease. LEONG A-LOI in his present condition weighs 138 lbs. and is 34 inches round the bare chest, a weight and size far above the average of Chinese prisoners. After they arrived in the gaol, their diet, clothing, and lodging were far superior to anything they had before been accustomed to as regards sanitation. To what then can the disease they were attacked with be attributed? I cannot myself regard it otherwise than as caused by the punishment they had received, both of them were horribly marked, their backs having sloughed from the extensive bruising.

Now the Commissioners had before them as they say very slender evidence indeed upon the subject. They say:—

Apart from the questions put by us to the Colonial Surgeon and the examination of the four men who had been flogged on the back, with imperfect statistics, we have little to guide us in the solution of the main question—"Does flogging on the back produce phthisis?"

They then discuss the question, and in doing so they touch upon a point of great importance. They say:—

In regard to air space, we find that in the cells where many prisoners are locked up together for the night, instead of at least from 1,000 to 1,200 cubic feet per man, the allowance is actually only from 482 to 775, and even bearing in mind the fact of only barred gates separating the cells from the corridors, we do not consider the air space and ventilation what it should be.

The figures they give are figures taken from Dr. AYRES's evidence, and as he explains in a note, they include the average cubic space of all cells, include European and Chinese, but the Committee had to examine, according to the wishes of the Secretary of State, and give an opinion, as to phthisis among Chinese, and accordingly it is Chinese we have to do with. The Commissioners give the air space in the appendix and the result is that instead of having 400 and odd cubic feet, as it would be on the average of the minimum for all the prisoners, it turns out that in some cases the prisoners had only 237, in others 277, in others 285, in others 265, and I find that before my arrival here, in November, 1876, according to a note of Mr. TOMLIN's, there was 184 cubic feet of space only in some of the associated cells, and 281 in others. That man LEONG A-LOI had only 200 cubic feet of air space. Dr. WELLS and Dr. O'BRIEN say it should be 1,000 or 1,200. That is also the opinion of Her Majesty's Government. I must confess

that when the breathing space has been limited to that extent I think it not at all unlikely the phthisis from which this man suffers may be quite as attributable to that fact as to the flogging on the back, perhaps even more so, and in connection with the subject I take the opportunity now of mentioning a despatch of really very great importance which has not been laid before this Council, but which I shall take the opportunity of printing. It was a despatch written by Lord CARNARVON to my predecessor, Sir RICHARD MACDONNELL, when he took the prisoners from Stone Cutters' Island and put them into the present gaol. Sir RICHARD, when he did so, spoke of his predecessor as being quixotic in his views as to the treatment of criminals. Sir RICHARD thought Chinese criminals should be treated in some peculiar way; accordingly he disapproved of Sir HERCULES' scheme and transferred the prisoners to the Gaol at Victoria. He also reported changes he had effected with respect to the punishment of Chinese prisoners. One of these despatches was one enclosing Dr. MURRAY'S report on the health of the Colony. Dr. MURRAY tells us that for the first time—at all events in what may be called the modern history of the Colony, flogging with the cat had been introduced. It appears that when the Colony was established in 1841 powers were given to the Magistrates both of hanging and flogging, but that was speedily altered, and from the time British law really prevailed here up to 1865 there was no flogging with the cat on the back. Dr. MURRAY tells us how he thought it a very desirable change to introduce, and Sir RICHARD MACDONNELL reported also to Lord CARNARVON the good effect it produced. I think he mentions that at the time Dr. MURRAY'S report was sent home, after having twelve months' experience of the cat upon the back, out of 570 prisoners in the gaol that year 71 had died. I don't know whether it was in any way connected with the introduction of the new mode of punishment, but the Secretary of State, Lord CARNARVON, in acknowledging the receipt of the despatch about giving up Stone Cutters' Island, says—"I am inclined to think that if you transfer these prisoners to the gaol in the city of Victoria the breathing space for each prisoner in the cells will be too small and I therefore ask for further reports upon that subject." He goes on to say, "I am bound also to inform you at once that I am disposed to think that the changes you have effected in the punishment of the Chinese are too severe, and upon that subject I must also ask for further information." Well I cannot ascertain that any information as to the air space in the cells was actually sent until I myself, after my first visit to the gaol, at once reported that in my opinion the cells were too small and the air space too small. But at the Colonial Office they had before them what we call the Blue Book, which is sent home by every Governor every year and which contains amongst other items of information asked for by the Government in a printed form to be filled up, what is the cubic space in which prisoners are confined. Well, the answer was that it gave the average cubic space of all the cells in the prison including the corridors, and the result was that it amounted to something like seven or eight hundred cubic feet for each prisoner, but until I wrote my despatch of 1877 the Government were never aware that Lord CARNARVON'S fears, expressed in his despatch to Sir RICHARD MACDONNELL, were literally correct and that the experiment of forcing too many prisoners into the gaol ought never to have been tried, that in point of fact we were forcing into that gaol a number of prisoners that would never have been tolerated if Her Majesty's Government had known the facts. Fortunately these gentlemen's report disposes of that. At the time they made their inquiry four men only had been flogged. What do they find? That two of these men are suffering from phthisis. The Colonial Surgeon certified they were healthy, strong men when they came into the prison. Therefore I say, as to those who are opposing flogging on the back, it is not fair to say that the phthisis from which these men are suffering has been caused by flogging on the back; it is probably fair to say it has been caused by that evil Lord CARNARVON foresaw, namely, the evil of overcrowding. We know what it must be in winter, with every door and window closed in these cells, and I myself found on visiting the gaol when the prisoners were in the cells that the atmosphere they were breathing was something horrible. Therefore this report is of value to the Council apart from the mere question of flogging on the back. Upon that question every man is entitled to form his own opinion. A document was laid before the Committee, which is printed in the appendix, which is of no small interest because it shows this question had attracted the attention of the Chinese Government more than 1,000 years ago, when one of the Emperors, who seems to have paid very proper attention to the physiological effects of flogging on the back, after a long inquiry arrived at the conclusion there ought not to be flogging on the back because it would lead to injury to the viscera. Well, when Her Majesty's Government learned that the Ordinance prescribed flogging with a rattan, when they learned that the cat was illegal except when ordered by the Supreme Court, and when they had further learned that throughout the whole of the Empire of China, no matter how severe their punishments may be, men are never flogged on the back, when they know the laws have been broken, you may be quite certain they will very carefully consider before they will again allow the laws of the Colony to be broken or allow a practice to be indulged in which leads to the consequences this report establishes. Well, you will say, the rattan was too lenient an instrument; if you put by the cat make that severe.—His Excellency went on to quote the report of the Committee as to the use of the rattan, referring particularly to a case in which sores caused by it did not heal properly for six months; the rattan was 47 inches long and had an average circumference of two inches. They say:—

We have examined the "regulation cat," a "naval cat," and the "rattan" used in the gaol, and find there is little difference between the "cats" except the knots, which, we were informed, should be three in the gaol cat "over hand" on each tail, but had not been used, smaller ones being worked on.

Well, then they say:—

We are of opinion, that the punishment of flogging on the back with the "regulation cat," without any knots, be continued; care being taken by means of a thick canvas collar that the neck is not injured and that the loins be protected in a similar way so that by these means the blows should fall on the muscles covering the shoulder blades and the intermedia spinal space. That flogging on the back be not inflicted on any person under eighteen years of age. That flogging on the breech with six tails of the cat be the punishment of offenders from the age of thirteen to eighteen, and that the "birch" be used for any offenders of more tender years.

Now, I have had to consider whether I would introduce the important changes recommended by the Committee, whether I would direct the canvas protection that they say should be used to be employed in future, and whether the cat should be used without knots as they say. If I should order this, one effect would be that it would reflect very seriously on every sentence of flogging that had been carried out before. If all this protection is necessary, and if the knots are to be taken off the cat, what about all the floggings that took place before?

The Colonial Treasurer.—The canvas covering was used before, your Excellency, by myself.

HIS EXCELLENCY.—No doubt my Honourable friend may have used it, but it was not used by others. Mr. TONNOCHY has introduced many reforms and improvements into the prison, but without doubt there have been men flogged without these coverings and with the knots to which the Committee referred. Therefore, if I were to issue an order it would be so far a reflection on what had been done before. But that is not the reason why I decline to issue that order. I certainly could not continue in use the rattan they speak of. On seeing their report Dr. AYRES at once drew my attention to it, pointing out that a cane of shorter dimensions and less severity should be used. As the body of laws in this Colony point to flogging with the rattan, and as we know what the laws of China point to, we had better retain that punishment and not inflict a punishment which is inconsistent with our Ordinances and with the opinions of their own medical men, because there is not a single Chinese doctor who is not of opinion it is dangerous to flog on the back. Every one knows the physical constitution of the Chinese differs from our own, just as the physical constitution of the Indian does, and every one is aware that in India no one is flogged on the back. I have laid these papers before you and entered into these details because it is important to remove very serious misapprehensions which have prevailed in the first instance as to my action with regard to the laws of the Colony. The Attorney General is present and he will bear me out, I think, when I say I would not be acting properly if I permitted any Superintendent of the prison to have any prisoner flogged with the cat for a prison offence, or if I allowed any person to be flogged with the cat under sentence from a Magistrate. At once we dispose of by far the largest number of floggings.—His Excellency went on to refer to the small number of cases from the Supreme Court and said that of five men sentenced by the Chief Justice three were not flogged, but the Attorney General advised His Excellency that he had not power to alter the sentence so as to inflict the flogging with a rattan instead of the cat as ordered.

The Chief Justice explained that the questions which arose was as to whether the flogging was to be public or private. The Governor had the power to regulate the instrument. He thought he was bound by precedent to order the flogging to be public, but while he was at home Mr. SNOWDEN sentenced men to be flogged in private, and he gave way, Mr. SNOWDEN having, as it were, overruled him.

His Excellency referred further to the grounds of his action with regard to the rattan, and with reference to a remark which had been made on Dr. AYRES, to the effect that it was only when His Excellency came that he made the discovery about the evils of flogging on the back, said it was due to that gentleman to state that the imputation was unfounded. Dr. AYRES having been asked by the Colonial Office to explain why he had not pointed out the evils of flogging on the back before, replied that he had called attention to it on two previous occasions. The limited question as to the Supreme Court sentences was now under the consideration of the Secretary of State, but his own recommendation certainly was that the rattan should be used as in India. The Council was now aware of all that had passed on the subject, and he left the question in their hands.

DEPORTATION.

His Excellency said that before sitting down he would call their attention to another question in connection with the administration of justice, upon which a wonderful misapprehension had prevailed. They were aware Mr. LOWCOCK gave notice of motion on the 21st December, 1878, for the correspondence between the Governor, the Magistrates, and the Police department about deportation. That motion he agreed to and he now laid upon the table all the correspondence. In doing so he would mention that on the 24th of last month Mr. Lowcock wrote to the Colonial Secretary saying:—

Mr. Lowcock to Colonial Secretary.

Hongkong, 24th April, 1879.

SIR,—Being about to leave the Colony for some months, I have respectfully to request you to inform me whether the correspondence I had the honour to move for at the Legislative Council on 21st December last, and which His Excellency the Governor then expressed his willingness to have placed on the table, has been prepared yet, as I am most anxious to have an opportunity of seeing it before my departure. For full particulars of the correspondence asked for, I would beg reference to the *Government Gazette* of 22nd January, 1879.—I am, &c.

(Signed,) HENRY LOWCOCK.

The Honourable W. H. MARSH,
Colonial Secretary,
&c., &c., &c.

Upon that there is a minute of mine which I will read. But in the meantime this official answer was sent to Mr. Lowcock:—

Colonial Secretary to Mr. Lowcock.

Colonial Secretary's Office, Hongkong, 28th April, 1879.

SIR,—In reply to your letter of 24th instant, requesting me to inform you whether the correspondence which you moved for in Legislative Council on 21st December last has been prepared yet, I have the honour to state that this correspondence is not yet quite ready.

I am authorised, however, by his Excellency to inform you that he hopes to be able to lay the papers relating to Deportation before the next meeting of the Legislative Council, and I am to add that if you will do him the favour of calling at Government House he will be very happy to put them into your hands and let you see the various minutes and orders issued in deportation cases from September, 1876, to the present date.—I have, &c.,

(Signed,) W. H. MARSH,
Colonial Secretary.

The Honourable HENRY LOWCOCK.

Furthermore, there was a little semi-official note which Mr. MARSH addressed to Mr. Lowcock in these terms:—

Mr. Marsh to Mr. Lowcock.

Hongkong, 28th April, 1879.

MY DEAR SIR,—I send you an official reply to your letter on the subject of deportation. I understand from the Governor that he had a satisfactory interview with you yesterday on this subject, and that in fact the latter part of my letter has been already acted on.

All the papers are, however, ready for your perusal again if you wish to see them.—I am, &c.,

(Signed,) W. H. MARSH.

The Honourable HENRY LOWCOCK.

Upon Mr. Lowcock's first letter was this minute of mine:—

Minute by His Excellency The Governor.

In accordance with the request Mr. Lowcock makes in this letter, I gave him an opportunity of seeing the whole of the papers and correspondence relating to every case of deportation from April, 1877, to the present date. Mr. Lowcock went carefully through those documents, as well as some others of an earlier date. Having done so he said he was perfectly satisfied, and that if he had been in my place he would have acted in every case precisely as I had done. He thanked me for having allowed him to read minutes of the Executive Council and legal opinions, in addition to the correspondence for which he had moved, and he said it was now clear to his mind that I had acted according to law and to the instructions of Her Majesty's Government in dealing with deportation cases.

(Signed,) J. POPE HENNESSY.

27th April, 1879.

Well, it afforded me no small satisfaction to know that an honourable gentleman who had been for a long time labouring under grave misapprehensions—but, as I told him, because he did not come to me and ask to see these papers, I then would have put before him all the papers that were before the Police Committee and documents going back to the earliest history of the Colony, but it was only at the last moment that he did that frankly, which I hope every member of the Council will do, come to me as the head of the Executive, not go behind my back, but come to me frankly and say "I should like to see the documents." There are no documents kept back from the members of this Council. No doubt I have shown Mr. Lowcock minutes of the Executive Council which ought not to be printed, but I have no objection to let any gentleman see these documents, and it is satisfactory to know a gentleman who laboured under a wrong impression simply because he did not do me the honour of calling to see me at an earlier date, was satisfied with my action in that matter.—His Excellency then entered into a long explanation of his action with regard to deportation, stating that every man had been deported whose case was considered by the Executive Council to require deportation and whose sentence was legal according to the opinion of the Attorney General. The only case as to which Mr. Lowcock disagreed with him was one where he had deported a man whose offence the late Mr. MAY, one of the members of the Executive Council, considered too trivial to call for deportation; Mr. Lowcock agreed with Mr. MAY. His Excellency concluded by inviting observations from honourable members.

Honourable W. KESWICK.—I would just remark that until after a perusal of the documents it would be premature to express any opinion in contradiction to what your Excellency has expressed so fully and so satisfactorily.

SPIRIT FARM.

The Spirit Farm Ordinance was read a second time.

EXPENDITURE.

A number of votes passed by the Finance Committee were approved.

REVENUE AND THE TRADE OF THE COLONY.

His Excellency.—Now, gentlemen, it may be proper I should close the sitting of to-day by stating the result of our audit of the accounts for 1878. I addressed you on this subject in October and November last. I am now happy to tell you that the accounts of the year 1878, as audited by Mr. MARSH, show that our total revenue amounted to \$947,632. The total expenditure amounted

to \$910,523.32, leaving a surplus upon the year's transactions of \$37,114.40. With respect to the sums expended, I think any one who looks around the Colony will bear me out when I say that we have never had the Surveyor General doing more useful work, expending money more usefully, than he has during those two years. We see it in every part of the Colony. Of the \$157,000 which you voted my Honourable friend the Surveyor General has expended \$142,000. I may tell you the expenditure of 1878 exceeded the expenditure of 1877 by \$37,315. The actual excess of revenue over expenditure was just about the same figure, \$37,114, but the \$37,114 was a clear gain upon the transactions of the year. When I mention that during the year we laid out \$37,000 more than before, that was so much out of the surplus. That \$37,000 occurred owing to our large revenue. I must not now recapitulate what I said in September, but I find that all items which really indicate a prosperous state of things in the Colony—upon these items there is an increase in the revenue. A question arises about the Post Office. I find the increase in postage in 1878 as compared with 1872 amounted to \$20,649, that is, in the year 1877 our revenue was \$62,675; in the year 1878 it was \$82,325. Actually the revenue from postage is not a subject which we may consider as a matter of very great importance, because we endeavour to expend our postal revenue as far as we can in our postal arrangements, but an increase indicates an increase in the commercial transactions conducted by correspondence. The light dues in 1877 amounted to \$14,984, whereas the light dues collected last year amounted to \$17,494. I had estimated only for \$15,000, the surplus being \$2,500. Well, now, what does that mean? The light dues are made up of a cent a ton upon all shipping but the native junks. You will easily see what the increase must have been in the tonnage. It means 250,900 tons increase in the trade of the Colony. These, of course, are facts which must be gratifying to us, because depression of trade we know exists elsewhere. It exists very largely in our own country, and it is satisfactory to know that this depôt of trade, the most important perhaps in the Queen's Colonial Empire, as far as its commercial results are shown by the shipping and in the revenue, is really in a healthy state and flourishing condition. And I think Her Majesty's Government may perhaps view with satisfaction the fact that out here, in this great depôt of commerce, we may be able to assist in alleviating the depression of trade at home by opening up the great Empire with which we do trade to manufactured goods, and I hope to do that as long as I have the Government by assisting in every way the commercial transactions of the Colony, promoting those transactions, and not only with foreign shipping, to which I have referred, but also the native junk trade of the Colony. The fact is that in spreading in China the manufactures of England and obtaining for the English consumer Chinese goods at a cheap rate we must not omit from our calculations the native junk trade of Hongkong. Whatever harasses that junk trade, whatever tends in any shape or form to prevent its development we should carefully scrutinise. I pointed out to you we levied certain taxes, bringing in about \$20,000 a year, on native junks; I have pointed out for your consideration how far we might relieve the junk trade of that burden. But there is something else that presses on the junk trade of this Colony. I have been now two years at the head of the Government here. I have had the honour of often presiding in this room at meetings of the Legislative Council, but I have never been asked a question with respect to that which intimately concerns the prosperity of the Colony. How does it come to pass that two years have elapsed and nothing has been said with respect to restrictions now placed on the native trade of Hongkong? I don't think it is the business of the head of the Government in dealing with matters of this kind to force his opinions upon a commercial community, but it is his duty to ascertain from those who are concerned how they regard the harassing of their trade, and what remedy they can suggest. I have consulted with those who are directly concerned in the native trade of this Colony, I have had opportunities now for a long time, more than eighteen months, of considering the burdens they suffer under and the suggestions they have made to me, and certain plans I have thought of with respect to this grievance, and having done so I will only now say to the Council that though I came to this Colony, as far as the subject to which I now refer is concerned, I may say, with my hands tied by the acts of my predecessor, and I must say also frankly, as far as I can judge from the records in the Colonial Secretary's Office, by the act of three advisers whom he took into his confidence. Nevertheless, I am prepared upon this important subject, as upon others where I see a case fairly established, and where I think it is within my power to carry out a reform, to do so. It will be perhaps a couple of months before I may have the satisfaction of meeting you again, for I am now about to proceed on a few weeks leave of absence which Sir MICHAEL HICKS-BEACH has been good enough to give me, yet I can assure you that the question to which I am now referring, namely, developing the commercial resources of this Colony with reference to native trade, and doing that with the object of increasing the prosperity of the Colony, as well as alleviating the distress at home—these are questions which, whether I am in Government House or taking a few weeks vacation leave, will not escape my attention.

Honourable W. KESWICK.—Your Excellency's remarks are doubtless applicable to the system of Chinese collection of dues on native junks, and I have no doubt your Excellency's remarks, in connection with the way in which your hands were tied, had reference to the rules which were made public through the Chamber of Commerce. You have mentioned that three advisers acquiesced according to the records of the Colonial Secretary's office. I am not aware whether I am one of those to whom you have alluded. I believe however, that I am, and I feel myself bound to say that I took

no part in acquiescing in those rules as a final act of right towards this Colony. I never approved of them, I do not approve of them, and I see other means by which redress can be obtained. I would further remark, with reference to your statement about no attention having been given to the matter by the merchants, that it is a subject they have never ceased to feel an interest in, and through the Chamber of Commerce the expression of their feelings has frequently been made. Your Excellency has also received from the Chamber communications on the subject. I think though we have had little but reference to the past, from your Excellency's remarks we may look hopefully to the future.

THE GOVERNOR'S VACATION.

HIS EXCELLENCY informed the Council that he proposed to leave on Saturday. On his leaving the Colony his Honourable friend, Mr. MARSH, would ask them to meet for the purpose of Mr. MARSH'S being sworn in by the Chief Justice as Administrator. He would take the opportunity of mentioning that he had given great consideration to the question as to who by his experience, by his public services, and by his official rank, was fitted to take the temporary post of Acting Colonial Secretary, and he had, after mature consideration, selected for that high office Dr. FREDERICK STEWART.

The Council then rose.

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONGKONG.

No. 1 OF 1879.

SATURDAY, 18th JANUARY, 1879.

PRESENT:

His Excellency Governor J. POPE HENNESSY, C.M.G.
 The Honourable the Chief Justice (Sir JOHN SMALE).
 The Honourable the Acting Colonial Secretary (CHARLES MAY).
 The Honourable the Acting Colonial Treasurer (M. S. TONNOCHY).
 The Honourable PHINEAS RYRIE.
 The Honourable HENRY LOWCOCK.
 The Honourable WILLIAM KESWICK.
 The Honourable JOHN MACNEIL PRICE.

ABSENT:

The Honourable the Attorney General (G. PHILLIPPO), from indisposition.

The Minutes of the two previous Meetings of Council are read and confirmed.

His Excellency the Governor announces that he had appointed Mr. M. S. TONNOCHY to be Acting Colonial Treasurer *vice* the Honourable J. M. PRICE, who had resigned the office from pressure of work as Surveyor General.

The Honourable M. S. TONNOCHY, who had previously been sworn in as Acting Colonial Treasurer, takes his seat at the Table.

On the motion of His Excellency the Governor, the Bill to amend the *Opium Ordinance, 1857*, is read a second time.

With the permission of His Excellency, His Honour the Chief Justice, in the absence of the Attorney General, details certain alterations, which had been made by the Attorney General, after consultation with himself and Mr. RUSSELL, in the Bill as framed when read a first time.

The Bill is read a second time, and, on the motion of His Excellency the Governor, the standing orders are suspended, and the Council goes into Committee upon the clauses of the Bill.

On the motion of the Honourable H. Lowcock, the term "Excise Officer" is substituted for "Revenue Officer" throughout the Bill.

The Bill is then committed and passed, with one or two verbal alterations, bearing the Title of "An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to amend Ordinance No. 2 of 1858, entitled 'An Ordinance for Licensing and Regulating the Sale of Prepared Opium,'"—being No. 1 of 1879.

His Excellency the Governor informs Honourable Members that he had sold the Opium Farm for three years from the 28th proximo to Mr. BAN HAP, of the Singapore and Saigon Firm of Opium Farmers, for \$205,000 per annum. His Excellency briefly details the steps by which he had succeeded in securing so large a sum, as compared with that obtained in past years.

His Excellency moves the first reading of a Bill to establish a *Spirit Farm in Hongkong*.

Carried.

His Excellency refers to the recent lamentable conflagration in this Colony, and details the reforms which, in his opinion, were absolutely necessary to introduce in the Fire Brigade organisation.