

# VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONG KONG.

NO. 2 OF 1872.

MONDAY, 25<sup>TH</sup> MARCH, 1872.

PRESENT:

His Excellency Governor SIR RICHARD GRAVES MACDONNELL, K.C.M.G., & C.B.  
The Honorable the Acting Chief Justice (HENRY JOHN BALL).  
The Honorable the Acting Colonial Secretary (CECIL CLEMENTI SMITH).  
The Honorable the Acting Attorney General (THOMAS CHILD HAYLLAR).  
The Honorable the Acting Treasurer (CHARLES MAY).  
The Honorable PHINEAS RYRIE.  
The Honorable WILLIAM KESWICK.  
The Honorable HENRY LOWCOCK.  
The Honorable JAMES GREIG.

The Council meets this Day at 3 P.M., by Special Summons.

The Minutes of the Council held on the 26th February, are read and confirmed.

His Excellency lays on the Table an amended Bill *for the more effectual Prevention of Crime* and directs the withdrawal of the one which was read a first time on the 1st November, 1871, and published in the Government Gazette of the 18th November.

The Bill on the Table is then read a first time.

Read a first time a Bill *to provide for the Oral Examination of Prisoners.*

Read a first time a Bill *to provide for the Trial and Punishment of Offenders found at large within the Colony, in violation of any Conditional Pardon.*

This Bill, His Excellency states, is introduced in substitution for Ordinance No. 5 of 1871, an amendment of which was ordered by the Secretary of State in His Lordship's Despatch of the 30th November, No. 146, which is laid on the Table and read.

Read a first time a Bill *to make Provision for the Branding and Punishment of Criminals in certain Cases.*

His Excellency states the grounds and reasons upon which this Bill is founded, and reads Extracts from a Report by Mr. Attorney General PAUNCEFOTE, of the 23rd May, 1870, containing a Digest of Correspondence with the Secretary of State on the subject.

Read a first time a Bill *to prevent certain Nuisances.*

Read a first time a Bill *to amend Ordinance No. 6 of 1845, entitled "An Ordinance for the Establishment "of a Supreme court of Judicature at Hongkong," to reconstitute the said Court, and to abolish the Summary Jurisdiction Court.*

His Excellency states the grounds and reasons upon which this Bill is founded.

Read a first time a Bill *"to consolidate the Procedure and Practice of the Supreme*

*Court and amend the Provisions of the Law relating thereto, and to give to the Supreme court Summary Jurisdiction in certain Cases.*

Whereupon, by Command of His Excellency, the Bill *to amend the Summary Jurisdiction Ordinance , No. 7 of 1862*,— which was read a second time and committed on the 16th November, 1871,—is withdrawn.

His Excellency the Governor moves that there be placed on the Supplementary Estimates for 1871, the following Sums:—

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| (1.) Grant in aid of the New Mahomendan Cemetery in terms of Ordinance No. 8 of 1867,.....   | \$ 2,000.00  |
| <i>Transport.</i>  |              |
| (2.) Transport of 23 Time-expired Convicts from Singapore, at the rate of \$13 each, .....   | \$ 299.00    |
| <i>Public Works.</i>   |              |
| (3.) Repairs to the Praya Wall, Public Buildings and Works, and the Roads of the Colony, injured by the Typhoon of the 2nd September, 1871,..... | \$ 14,500.00 |

Question put and carried.

His Excellency moves that there be placed on the Supplementary Estimates for 1872, the following Sums:—

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| <i>Public Works.</i>   |              |
| (1.) Outstanding Accounts of 1871,.....  | \$ 8,424.39  |
| (2.) Balance for Typhoon Reports,.....   | \$ 25,846.93 |
| (3.) New Gardens, Drainage and minor Works at.....   | \$ 4,938.00  |
| Construction of a larger Drain down the Albany Road, .....   | \$ 2,210.00  |
| <i>Harbor Master's Department.</i>   |              |
| (4.) Gratuity to Indian Interpreter IBRAHIM on retirement from the Service, .....  | \$ 875.00    |
| <i>Government House, &amp;c.</i>   |              |
| (5.) Purchase of Plated-ware, Glass, Crodkery, &c., &c., .....   | \$ 5,167.91  |
| <i>Surveyor General's Department.</i>  |              |
| (6.) Salary to Mr. KIDD, as Overseers of Water Works, at \$200 per mensem.   |              |
| <i>Postmaster General's Department.</i>  |              |
| (7.) Remuneration to a Clerk at the Post Office Agency at Amoy, from the 1st June, 1871, at the rate of \$15 per mensem. |              |
| <i>Police Magistrates' Department.</i>   |              |
| (8.) Salary of an extra Chinese Clerk at the rate of \$30 per mensem.  |              |
| <i>Educational Department.</i>   |              |
| (9.) Grant in aid of Chinese Schools at Sai-wan, at Tai-kok-tsui, at \$5 each per mensem. ....                           | \$ 100.00    |

Rent of School-houses at Ap-li-chau, and Bowrington,  
at \$5 and \$8 per mensem, respectively,..... \$ 130.00  
Salary of an Assistant Chinese Teacher at the Central  
School, at \$12 per mensem.

Question put and carried.

His Excellency then moves that there be placed on the Supplementary Estimates for 1872, the sum of \$2,322.50, being an increase to the Salary of the Crown Solicitor, at the rate of \$1,200 per annum, from the 25th January, 1871, to the 31st December, 1872, as sanctioned by the Secretary of State in Despatch No. 131 of 27th October, 1871.

Question put.

Discussion follows;—and further Consideration of the motion is postponed till the next Meeting of the Council.

At this stage of the Proceedings, the Honorable PHINEAS RYRIE, leave being obtained, asks His Excellency whether any regulations exist in the Harbor Master's Office for allowing the Gunboats of the Canton Authorities to anchor amongst the Junks in the Harbor.

His Excellency states that Chinese Gunboats coming to Hongkong are not permitted to anchor, except in the Man-of-war Anchorage. His Excellency only knew one instance in which the rule was departed from, and that was a few weeks ago when a Gunboat was seen by himself to enter from the Westward and anchor amongst the native craft in the Harbor. She was, however, immediately ordered to move from thence and take her berth in the Man-of-war anchorage.

The Honorable Member next begs permission to ask His Excellency if any reason could be given for the delay which had occurred in the publication of the Annual Police Report for the Year 1870.

His Excellency states that he had called upon the Colonial Secretary, (The Honorable JOHN GARDINER AUSTIN,) before his departure on leave, for an explanation of such delay, and that his answer with reports from other quarters,—and His Excellency's observations thereon, —are now on record in the Colonial Secretary's Office, where any Member might see his reasons for not laying Mr. AUSTIN's explanation before them. In His Excellency's opinion, there had been no valid reason for withholding publicity of the Report.

The Honorable Member then begs to be allowed to ask another question, in reference to a matter personal to himself; and that is, whether His Excellency could afford any information or produce any Regulations affecting the relative positions and status of the Members of this Council.

Whereupon, His Excellency lays on the Table a Circular Despatch from His Grace The Duke of BUCKINGHAM AND CHANDOS, of the 15th September, 1868, defining the position of Official, Nominated, and Elected Members of Colonial Legislatures.

The Honorable Member asks His Excellency if there has been any Correspondence with the Chinese Authorities, respecting the collection of Customs Duties in Hongkong, namely:—the proposed Establishment of a Custom House at

Hongkong.

His Excellency replies that the question had apparently dropped, as no concession of the kind seemed probable on British soil, or under the British Flag. His Excellency avails himself of this opportunity to declare, that the Colony is much indebted to the Un-official Members for the firm attitude which they had assumed, when the matter was brought to their notice by the Local Government.

His Excellency then adjourns the Council at 5 O'clock, till Friday, the 5th April, at 3 P.M.

RICHARD GRAVES MACDONNELL,  
*Governor.*

Read and confirmed, this 5th Day of April, 1872.

L. D'ALMADA E CASTRO,  
*Clerk of Councils.*