

12TH DECEMBER, 1894.

PRESENT:—

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

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

Hon. W. M. GOODMAN, Attorney-General.

Hon. N. G. MITCHELL-INNES, Colonial Treasurer.

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

Hon. R. M. RUMSEY, Harbour Master.

Hon. C. P. CHATER.

Hon. Ho KAI.

Hon. J. J. KESKICK.

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

Hon. A. McCONACHIE.

Mr. J. G. T. BUCKLE, Acting Clerk of Councils.

MINUTES.

The minutes of the last meeting were read and confirmed.

FINANCE.

The ACTING COLONIAL SECRETARY laid on the table a financial minute and moved that it be referred to the Finance Committee.

The COLONIAL TREASURER seconded.

Carried.

THE APPROPRIATION BILL 1875.

The ACTING COLONIAL SECRETARY—I have the honour to move the second reading of the Bill entitled an Ordinance to apply a sum not exceeding \$2,420,501 to the Public Service of the year 1895. At the last meeting of this Council your Excellency explained generally the financial position of the colony and the estimates of revenue and expenditure for 1895. In view of that explanation and of the fact that the details of the estimates of revenue and expenditure are fully set forth in the papers which have been in the hands of hon. members for some time I do not propose to detain the Council with any remarks now. When this Bill has been read a second time I intend to move that it be referred to the Finance Committee. When it is being considered there I will be happy to answer any questions hon. members may ask and to give any further information that may be desired.

The COLONIAL TREASURER seconded.

Bill read a second time and referred to the Finance Committee.

THE TELEGRAMS BILL.

Hon. A. McCONACHIE—Your Excellency, I beg to move

the second reading of a Bill entitled "An Ordinance to secure, in certain cases, the rights of property in telegraphic messages," which was introduced and read a first time at the last meeting of this Council. It is promoted by the Chamber of Commerce, whose representative I am, but, although introduced by an unofficial member at the instance of an individual association, it is not a private Bill, but is a Bill dealing with a subject of public and general importance, and it is so framed as to protect, not merely the rights of the Chamber, but to safeguard the interest of all persons who make it their business to provide news for the public. A simple statement of the causes that have led to its introduction will, I think, be a sufficient argument to induce honourable members to assent to its principle and to allow it to be read a second time. Your Excellency is well aware that for a long time past, although merchants and traders have been abundantly supplied by wire at their own risk and expense with all the information needful for the conduct of their business, the Government and the community generally have been entirely dependent on the Chamber of Commerce for whatever political and general intelligence has been received from Europe in advance of the mails. The Chamber has contracted with Reuter's agency for the supply of so many telegrams per week, at a price, and recoups itself for the expense by subscriptions from its members and others to whom it communicates all information received. The Government subscribes a considerable sum per annum for the supply to the heads of the various public departments of all telegrams received. It is a condition imposed on subscribers that they shall not make public, at least in the newspaper press, the intelligence so received for at least twenty-four hours after receipt, and this condition was also imposed on all the newspapers in the Colony as the condition on which they were supplied with the Chamber's telegrams. For some time this arrangement worked well, and subscribers possessed the advantage of having whatever news there was twenty-four hours at least in advance of the public press and of the community generally. Latterly, as the result, probably, of competition, the newspapers began to disregard the limit imposed, with the result that the intelligence brought into the Colony at considerable expense by the Chamber has been made public in the shortest possible interval and the subscribers have got little or nothing for their money. They have consequently partly ceased to support the Chamber and have in proportion discontinued their subscriptions, and the Chamber is not now covered for its expenditure. If this continues the Chamber may have to give up the work and the Colony will be left without news, political and general, often of great importance to its welfare, for the existing newspapers are not supported, I fear, enough, nor have they a sufficiently large circulation, to enable them to keep up the supply of news by wire. The direct and immediate object of the Bill then is to obtain protection for the rights of p r o p e r t y w h i c h t h e

Chamber of Commerce has in the news it provides and pays for, and to enable it to safeguard those rights; but the Bill has been, as I said, so framed as to protect not merely the Chamber, but all persons, newspapers, and associations who obtain or may hereafter obtain telegraphic news for sale to customers, as a matter of business. The protection is limited to a period of 48 hours from the date of the first publication of the telegrams provided that that first publication is within 24 hours after the receipt in the colony of the message; and section 4 provides that every telegram, to entitle it to protection, shall state on the face of it the time of its receipt in the colony and of its first publication. Since the Bill was read a first time, I have had the privilege of the advice of the honourable and learned Attorney-General, and he has suggested certain amendments and he has suggested certain amendments and improvements with the advisability of which I fully concur. They do not, however, interfere with the principle of the Bill, which is simply to protect the rights of property in telegrams, and these amendments may be discussed and considered in Committee. I have caused the Bill to be reprinted with the amendments to be proposed printed in a different type, and I hope honourable members will find it convenient and intelligible. I now ask them simply to affirm the principle of this Bill and as read a first time grant it a second reading.

Hon. J. J. KESWICK seconded.

Bill read a second time.

The Council went into committee on the Bill.

Hon. A. McCONACHIE moved that in clause one, giving the short title as "The Telegraphic Messages Copyright Ordinance" the word "copyright" be deleted.

The ATTORNEY-GENERAL seconded.

Carried.

Hon. A. McCONACHIE moved the insertion, in clause 2, of the words "in any newspaper or in any letter or circular, or other printed or written communication."

The ATTORNEY-GENERAL seconded.

Carried.

Hon. HO KAI proposed an amendment limiting the time of protection to twenty-four hours after the first publication of the telegram or forty-eight hours after its receipt, instead of forty-eight hours and seventy-two hours respectively. He said—I refrained from opposing the second reading of this Bill because I think the hon. member who proposed it has made out a good case, showing at all events that the Chamber of Commerce, having paid for its telegrams, should have a right to publish those telegrams some hours before any newspaper or other person in the Colony, but I doubt very much whether, beyond the protection of the interest of the Chamber, it will serve any public good at all. It seems to me, on the contrary, that it will prevent the public getting hold of news, sometimes very interesting and important news, those who cannot afford to subscribe \$6 a month to the Chamber of Commerce will be left

without news for a very long time. I think it would answer the purpose of the Chamber of Commerce if the time were limited to twenty-four hours after the publication of the news by the Chamber and forty-eight hours after the arrival of the telegram in the Colony. I am sure the general public would be pleased to have news of the outside world as soon as possible.

Hon. A. McCONACHIE—I think twenty-four hours is rather short. I would be willing to accept thirty-six hours and forty-eight hours. The telegrams are received sometimes at night and the next night, if the hon. member's suggestion were adopted, the papers would publish them. I think thirty-six hours and forty-eight hours would meet the case.

Hon. HO KAI accepted the Hon. A. McConachie's suggestion.

The clause was amended accordingly, thirty-six hours and forty-eight hours being substituted for forty-eight hours and seventy-two hours.

Hon. A. McCONACHIE moved an amendment in clause 3, making it read as follows:—

"If any person print or publish or cause to be printed or published any matter contrary to the provisions of this Ordinance he shall, upon conviction before a Magistrate, be liable to a penalty not exceeding \$100 for the first offence and to a penalty not exceeding \$200 for the second and every subsequent offence."

Carried.

In reference to clause 4, which provides that every telegraphic message published under the protection of the Ordinance shall be printed with the heading "By Telegraph," and shall state the date and hour of its receipt in the Colony and of its publication, His EXCELLENCY asked if this was intended to impose a duty on the Press.

The ATTORNEY-GENERAL—No, it applies to cases where the telegram claims the protection of the Ordinance and is not published to the public at large. The telegram must show by the words "By telegraph" and the statement of the time of its receipt the extent of its protection—not that the newspapers have to put anything in, but that a telegram received for instance by the Chamber of Commerce from Reuter when it is published to subscribers will bear on it the words "By telegraph" and the date and hour of its receipt and publication.

The clause was passed.

Section 6, providing imprisonment as an alternative penalty, was passed without discussion.

Hon. A. McCONACHIE moved the addition of a new section providing a penalty of \$100, or imprisonment not exceeding twelve months, for the forgery of a telegram, and a penalty of \$200 on summary conviction or \$2,000 or one year's hard labour on conviction on indictment, for any person in the employment of a Telegraph Com-

pany improperly divulging the purport of any telegram. He said the section had been added on the advice of the Attorney-General and he fully concurred in it.

The ATTORNEY-GENERAL—This section is simply a reprint of the actual law in England, which has been in force for many years. The other day I received a letter from a gentleman asking me whether there was any law in force in this colony protecting telegrams or punishing persons who forge telegrams or persons in the employ of the Telegraph Companies who improperly divulge the contents of telegrams. I was exceptionally busy at the time and unable to answer just then, but I looked up the matter later and I found the English law was not in force in this Colony. As the matter was now being dealt with I thought it would be a good time to make the law the same as in England. As I say, this section is simply a reprint of the law of England at the present time, and is taken from the Imperial Act.—Referring to section 4, which had been passed, and to a technical point raised by the Colonial Treasurer as to its wording, the hon. member said he would look into the matter before the next meeting and if necessary move that the Bill be recommitted. In reply to the remarks of the Hon. Ho Kai as to the duration of the period of protection, he said that while he was desirous the public at large should have important news at as early a stage as possible, still he could not help feeling that if a certain number of persons subscribed a certain sum to procure telegrams and outsiders by looking in the evening papers the same day could get the same news there would be no inducement to subscribe for the telegrams, and if there should be no subscribers the public would be the losers instead of gainers.

Hon. Ho Kai said he thought the penalty provided in section 7 for divulging the contents of a telegram was too high.

The ATTORNEY-GENERAL said the penalty was the same as in England. It did not apply to any person, but only to persons in the employ of the Telegraph Companies. A firm might have important news transmitted to it by telegraph and it might be a matter of great importance if it were improperly divulged. To do so would be a grave breach of trust.

Hon. Ho Kai said \$2,000 was a very heavy penalty for telegraph clerks, who were mostly Chinamen.

Hon. A. McConachie said that in the English Act the penalty was £10 and £200, and the equivalent amounts in dollars had been inserted here.

The ATTORNEY-GENERAL said that so far as he was concerned he was prepared to give the benefit of exchange in this case and assume that \$5 was £1.

Hon. Ho Kai said a telegraph clerk would probably be unable to pay the fine and might be imprisoned.

The ATTORNEY-GENERAL said that if a man committed such a breach of trust as to divulge a telegram he would like to see him imprisoned. There were two punishments: a Magistrate could only give up to \$200, but if he considered it a case of such grave importance that it should be sent to

the Supreme Court, the Supreme Court could inflict a heavier penalty.

The clause was then passed, the fines being reduced to \$100 and \$1,000 respectively.

The title was altered to read as follows:—"An Ordinance to secure, in certain cases, the rights of property in telegraphic messages, and to prevent the forgery and improper disclosure of telegrams."

The preamble was altered to read as follows, the latter part being an addition:—"Whereas it is expedient to secure, in certain cases, the rights of property in telegraphic messages, and to prevent the forgery and improper disclosure of telegrams."

The Bill was then reported.

ADJOURNMENT.

HIS EXCELLENCY adjourned the Council until Monday, the 17th inst.

FINANCE COMMITTEE.

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

DEFICIENCY IN A POSTAL AGENTS ACCOUNTS.

The CHAIRMAN—The first minute I have to lay before the Committee is one in which the Governor recommends the Council to vote the sum of \$940.05, the amount of deficiency in the accounts of the late postal agent at Ningpo, now deceased. I regret to say the late postal agent at Ningpo died some time ago and there was a deficiency in his accounts. I am glad, however, to be able to tell you a letter has been received from Mr. Playfair, the Consul at Ningpo, who has been taking very active steps on behalf of the Hongkong Government, informing this Government we may recover nearly the whole, if not the whole, of this amount, I hope therefore the full amount will not be required.

Hon. Ho Kai—Is not a postal agent secured?

The CHAIRMAN—I understand they are not secured in any way.

Hon. Ho Kai—But surely if they have large sums of money passing through their hands they ought to give some security; otherwise, what would prevent a repetition of this?

Hon. C. P. Chater—Are no steps being taken to prevent a recurrence of such deficiencies?

The CHAIRMAN—The question of the postal agencies at the treaty ports is now under the consideration of the Government, and when it has been decided I will inform you what steps have been taken. In the meantime I ask you to pass this vote.

The COLONIAL TREASURER seconded.

Carried.

THE APPROPRIATION BILL 1895.

The CHAIRMAN—We now come to the consideration of the Appropriation Bill for 1895. I propose in accordance with the precedents of former years to take each item of the Bill in succession, and if any hon. member has any question to ask or desires any information I will be very glad to supply it.

The Public Debt.

In connection with the vote of \$114,710, charge on account of public debt, the CHAIRMAN said that if they referred to page 7 of the estimates they would see "Sinking Fund." The Treasurer had suggested that instead of "Sinking Fund" it should be termed "Expenses in connection with payment of interest." If hon. members had no objection it was proposed to make that change.

Agreed.

Public Works Department.

The vote under the head of Public Works Department was increased by \$1,200, the salary of a clerk which had been accidentally omitted. The salary of the correspondence clerk was formerly \$2,400, but a vacancy having occurred it was proposed to fill it at a salary of \$1,200.

Postal Transit Charges.

The CHAIRMAN said, in connection with the Post Office vote, it had been suggested that the item "Refund of postage to London, France, Italy, and other countries" should be altered to "Transit charges, etc.," which explained better what the money was really spent on.

Carried.

The Military Contribution.

The amount asked for under the head of Military Expenditure was \$396,000.

Hon. C. P. CHATER—I should like to have a little information on this subject. I think the matter was brought before the Council about this time last year by the hon. member opposite (Hon. J. J. Keswick) and afterwards by myself, and I think it was then suggested the Governor should write and suggest to the Secretary of State a reconsideration of the amount of the Military Contribution. The amount was increased from £20,000 to £40,000, and owing to the depreciation of exchange the amount in dollars has steadily grown; and now I see another increase of \$64,000 for 1895. I should like to know what has been done in the matter. I think we were informed that His Excellency had written a despatch on the subject, but I do not recollect having heard of any answer being received, or at any rate given to us. That being the case, unless we are assured the matter is having the consideration of the Secretary of State, I for one am not prepared to vote this sum.

The ACTING COLONIAL SECRETARY—His Excellency has, I know, made more than one representation to the Secretary of State on this subject, but no definite answer has yet been received. Whenever a definite answer is received I feel

certain His Excellency will communicate it to the Council.

Hon. C. P. CHATER—Under those circumstances I beg to move as an amendment to the Bill that this vote be not passed.

Hon. J. J. KESWICK seconded.

A division was taken, when there voted for the amendment the Hon. A. Mcconachie, Hon. E. R. Belilios, Hon. Ho Kai, Hon. J. J. Keswick, and Hon. C. P. Chater (5). Against—The Harbour Master, the Director of Public Works, the Colonial Treasurer, the Attorney-General, and the Chairman (5).

The CHAIRMAN—I give my casting vote against the amendment.

Hon. HO KAI—I think it has been decided before that the Chairman of the Finance Committee has not a casting vote.

The CHAIRMAN—I think a former Chairman on a previous occasion accepted the position that he had not a casting vote. I believe that I have a casting vote, and I have voted against the amendment. I am as much entitled to give my opinion on the subject as a previous Chairman. I may be wrong or he may be wrong. At any rate I give my casting vote against the amendment.

Hon. C. P. CHATER—For future guidance I think it would be well to decide definitely whether the Chairman has or has not a casting vote. As you say, a former Chairman decided that he had not and now you decide that you have, I think for the sake of uniformity it should be placed on record whether the Chairman has or has not a casting vote.

The CHAIRMAN—I quite agree with you that it would be better to have a definite ruling on the point, but as no definite ruling has been given I cannot see my way to accept the ruling of a previous Chairman. I think under the circumstances you will feel I am fully justified.

Hon. C. P. CHATER—The amendment having been lost by the casting vote of the Chairman I would request you to bring the matter to the notice of His Excellency the Governor and suggest that it would be well once more to represent to the Secretary of State that although this item is passed it is passed only by the official majority and only with the casting vote of the Chairman, and that as far as the unofficials are concerned they are anxiously awaiting a readjustment of this matter.

The CHAIRMAN—When bringing up the report of the Finance Committee I will make a point of informing His Excellency of what has taken place, and you might do so yourself. It will be placed on record, and of course you will have an opportunity of again expressing your views when the Council goes into Committee upon the Bill.

The Queen's Statue.

On the vote for Public Works Extraordinary the DIRECTOR OF PUBLIC WORKS pointed out that the cost of putting up the Queen's Statue had not been included.

The CHAIRMAN—We were unable to do so before, because the minutes of the last meeting of the Finance Committee, at which the vote was approved, had not been confirmed. I understand hon. members will have no objection to the addition of that sum.

Agreed.

Tytam Waterworks.

Hon. E. R. BELLIOS said the sum put down for the Tytam Waterworks extension was \$104,000, but he thought the vote that had been approved was \$60,000.

The DIRECTOR OF PUBLIC WORKS—This item was inserted—I cannot give you the exact date, but when I returned to the Colony I found the extension of the Tytam Waterworks had practically been decided on and the estimate was approximately \$60,000. I have no objection to the amount being reduced to that sum. No expenditure can take place unless the plans have been approved by the Public Works Committee.

Hon. E. R. BELLIOS moved that the vote be reduced to \$60,000.

Hon. HO KAI seconded.

Carried.

Extension of the Central Police Station.

A sum of \$17,000 was put down under the head of "Central Police Station, additional quarters, etc."

Hon. C. P. CHATER—I would like to have some information on this subject. What are these additional quarters? The matter has not been brought before the Public Works Committee yet.

The CHAIRMAN—The matter will of course be brought before the Public Works Committee in due course. The Director of Public Works will be able to explain what this vote is for.

The DIRECTOR OF PUBLIC WORKS—It is intended to erect sergeants' and constables' quarters on the vacant ground at the north-east of the present police compound that is, at the junction of Arbutnot Road and Hollywood Road.

Hon. C. P. CHATER—I understood that piece of ground, which was purchased by the Government twenty-five years ago, was reserved for the Magistracy.

The DIRECTOR OF PUBLIC WORKS—The question of removing the Magistracy there was

considered at the time of the Gaol extension. Mr. Chater was on the Committee and we were all of opinion it would not be practicable to remove the Magistracy there.

Vote passed.

A Change in Accounts.

The COLONIAL TREASURER—It should be publicly stated, I think, that appropriations-in-aid have been deducted from the expenditure of the different departments on this occasion. It is a new way of stating it.

The CHAIRMAN—If you look at page 5 of the estimates you will see certain items which this year, instead of being credited as revenue, are credited to the various departments as appropriations in aid. The result of this system, which has been suggested by the Comptroller and Auditor-General at home, is that our expenditure will appear less than before. For instance take the first item, "Contribution from the Imperial Post Office," that was formerly credited to revenue, but now it is credited to the Post Office and the expenditure of that department is less by the amount of the contribution. The result is that the revenue appears less and the expenditure less. The Treasurer was anxious that I should explain this, as it is a new departure this year.

The COLONIAL TREASURER—And because we are asking for a sum which we intend to exceed. Of course we shall have to expend the gross amount. I only wish to avoid any misunderstanding.

The Addition to the Sanitary Staff.

Hon. E. R. BELLIOS—I do not know whether I am in order in going back to the Public Works Department, \$87,496. Does that include the wages and salaries for the new Inspectors?

The CHAIRMAN—Are you referring to the Sanitary Department?

Hon. E. R. BELLIOS—Does not that come under the Public Works?

The CHAIRMAN—No. The vote for the Sanitary Department is \$74,676. That includes the additional staff. You will see in the estimates a note to the effect that the expenditure includes the extra staff which is to be appointed.

The other items of the Bill called forth no discussion, and the Committee agreed to recommend the Bill as amended.