

22ND JULY, 1896.

PRESENT:—

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

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

Hon. H. E. POLLOCK, Acting Attorney-General.

Hon. A. M. THOMSON, Acting Colonial Treasurer.

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

Hon. R. MURRAY RUMSEY, Harbour Master,

Hon. COMMANDER W. C. H. HASTINGS, Acting Police Magistrate.

Hon. C. P. CHATER.

Hon. HO KAI.

Hon. T. H. WHITEHEAD.

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

Hon. J. J. BELL-IRVING.

Mr. F. J. BADELEY, Acting Clerk of Councils.

MINUTES.

The minutes of the previous meeting were read and confirmed.

PAPERS.

The COLONIAL SECRETARY laid the following papers upon the table:—His Excellency the Governor's despatch on the plague in 1896, despatches on the military contribution, and the report of the Street Lighting Committee.

FINANCIAL MINUTES.

On the motion of the Colonial Secretary Financial Minutes Nos. 4, 5, and 6 were referred to the Finance Committee.

PUBLIC WORKS COMMITTEE'S REPORT.

The DIRECTOR OF PUBLIC WORKS laid on the table the report of the proceedings of the Public Works Committee at a meeting held on the 8th July and moved its adoption.

The ACTING COLONIAL TREASURER seconded.

Carried.

FIRE SIGNALS.

Hon. E. R. BELLIOS—Is there, as if I mistake not was the case on the old police hulk, a lookout for signals for aid afloat maintained at Tsimsatsui Police Station. If not, why has the system been abandoned?

The COLONIAL SECRETARY—The answer to the former part of the hon. member's question is yes; therefore it is not necessary to answer the latter part.

THE CONSTITUTION OF THE LEGISLATIVE COUNCIL.

Hon. T. H. WHITEHEAD—With reference to the papers on the subject of a Petition addressed to the House of Commons praying for an amendment of the constitution laid before the Council on Wednesday, 8th inst., will the Government state for the information of the Council if there is any correspondence in existence from the Colonial Officials to the Home Authorities and *vice versa* between the 23rd August, 1894, the date of Lord Ripon's despatch, and the 29th May, 1896, the date of the Right Honourable Mr. Chamberlain's despatch on the subject, and if so will the Government lay it upon the table; if not, why not?

The COLONIAL SECRETARY—In reply to the hon. member I have the honour to state that the Government has no further correspondence to lay upon the table, all public correspondence having already been laid.

THE WATER SUPPLY.

Hon. C. P. CHATER—I beg to ask the following question, of which due notice has been given. With regard to the report of the Director of Public Works of the 9th May on the Water Supply of the colony, is it the intention of the Government to take steps to increase the present supply, and if so, how soon will the necessary operations be commenced?

The COLONIAL SECRETARY—Subject to the approval of the Secretary of State it is the intention of the Government to take steps to increase the water supply. The Secretary of State has been requested to send his approval by telegram, and it is anticipated that the works will be commenced early in September. (Applause.)

WIDOWS' AND ORPHANS' PENSIONS
ORDINANCE.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled an Ordinance to further amend the law relating to Widows' and Orphans' Pensions.

The COLONIAL SECRETARY seconded.

Council went into Committee on the Bill.

Council resumed, and the Bill was read a third time and passed.

SUPPLEMENTARY APPROPRIATION BILL.

The ACTING COLONIAL TREASURER—I beg to move the second reading of the Bill entitled an Ordinance to authorise the appropriation of a supplementary sum of \$1,002,275.07 to defray the charges of the year 1895. The total expenditure for 1895 amounted to \$3,159,343, while the estimate was only \$2,386,201, leaving an excess of \$773,142, but owing to the fact that votes for public works are kept distinct the total excess to be sanctioned is \$1,002,275. This sum is made up chiefly by the following unforeseen items—Resumption of Taipingshan, \$820,000; Public Works Recurrent, extra, \$17,000; Plague Expenses \$30,000; and exchange compensation paid on account of 1894, \$40,000. Supplementary votes amounting in all to \$950,000 were sanctioned by the Council from time to time during the year. The ordinary expenditure exceeded the estimate by only \$90,000, which is made up largely by the last three items before mentioned. On the other hand the revenue collected came very near to \$2,500,000, and if appropriations in aid be added it amounted to \$2,535,000 as compared with \$2,278,000 during the previous year. The excess of expenses, excluding loan works, over revenue in 1895 was about \$490,000, but if the extraordinary expenditure on Taipingshan be deducted from the former there would be a surplus of over \$330,000. In spite, however, of the large expenditure the amount of liabilities over assets on 31st December was only \$175,000, which it is hoped will be wiped off by December next. If any further explanations are required I shall be glad to give them. With these remarks I beg to move the second reading of the bill.

The COLONIAL SECRETARY seconded.

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

THE SALE OF FOODS AND DRUGS ORDINANCE.

The ACTING ATTORNEY-GENERAL—With regard to the next item on the orders of the day, the Sale of Foods and Drugs Ordinance, I do not propose to proceed with it to-day. I may mention that this Ordinance has recently been referred to the Sanitary Board and they have suggested certain amendments for my consideration. I have not yet had time to fully

consider those suggested amendments, and I do not propose to proceed with the Bill to-day.

The COLONIAL SECRETARY—I beg to second the motion that this order be discharged.

Order discharged.

THE MARRIAGE AMENDMENT ORDINANCE.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled an Ordinance to amend the Marriage Ordinance, 1875. The object of the Bill is to enable all parties who desire to do so to enter into a valid civil marriage before the Registrar-General, even though neither of such parties professes the Christian religion.

The COLONIAL SECRETARY—I beg to second.

Bill read the second time.

Council went into Committee.

Bill read a third time and passed.

THE TITLES OF PRISONS OFFICERS.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled an Ordinance to alter the titles of prison officers employed in this colony. The object of this Ordinance is to amend the present designations of the existing officers of the gaol so as to make their titles correspond as nearly as possible with those in use in English prisons.

The COLONIAL SECRETARY seconded.

Bill read the second time.

Council went into Committee, and the Bill was reported without amendment.

Council resumed, and the Bill was read a third time and passed.

THE REGISTRATION OF BIRTHS AND DEATHS.

The ACTING ATTORNEY-GENERAL—I beg to move the third reading of the Bill entitled an Ordinance to amend and consolidate the law relating to the registration of births and deaths.

The COLONIAL SECRETARY seconded.

Bill read the third time and passed.

THE REGULATION OF ADMIRALTY PROCEDURE.

The ACTING ATTORNEY-GENERAL—I beg, Sir, to move the second reading of the Bill entitled an Ordinance to regulate the Admiralty Procedure of the Supreme Court. I may mention, Sir, that this Bill and the rules in the schedule were drafted by our recent Chief Justice, Sir Fielding Clarke, and that they were sent home and submitted for the approval of the right hon. the Secretary of State for the Colonies, as was required under section 4 of the Colonial Courts of Admiralty Act, 1890. These new rules in the schedule of the Bill are founded mainly on the existing Vice-Admiralty Court rules, but there are a few important alterations to which I think I ought to draw the attention of the Council. In the first place, under the existing rules there are fees which are declared to be payable to the Judge, and the Registrar, and the Marshal of the Vice-Admiralty Court. As a matter of

fact for the last few years these fees have not been paid to those officers, but have been paid into the Treasury of this colony. Sir Fielding Clarke pointed out that one result of collecting those fees was that a special tax was imposed upon persons taking Admiralty proceedings, and Sir Fielding Clarke accordingly recommended that these fees should be abolished, and the Secretary of State has approved of that recommendation. Another point is that these rules abolish altogether the office of marshal and direct that the duties heretofore performed by the marshal shall in future be carried out by the bailiff of the Supreme Court. Another change brought about by these new rules is in regard to the costs of bar-fitters and solicitors. Under the present rules of the Vice-Admiralty Court the fees made payable to barristers and solicitors are in sterling, which is found to be very inconvenient in practice, and therefore that is altered under the new rules, by which barristers and solicitors are to receive fees on the same scale as they are payable in the Original Jurisdiction, except in cases where the matter in dispute is less the \$1,000, when only half costs are to be allowed. The only other point I ought to mention is that in the existing Vice-Admiralty Rules a special procedure is laid down with respect to discovery, interrogatories, admission of documents of facts, evidence, and the forms of affidavits and oaths. It is considered desirable that the special Admiralty procedure in these matters should be abolished, and therefore it is provided that the ordinary law on these matters shall be followed in Admiralty proceedings. With these observations, Sir, I beg to move the second reading of this Bill.

The COLONIAL SECRETARY—I beg to second.

Bill read the second time.

Council went into Committee.

Bill read clause by clause and reported without amendment.

Council resumed.

Bill read a third time and passed.

ADJOURNMENT.

His EXCELLENCY—The Council stands adjourned to this day fortnight, at three o'clock.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately after the meeting of Council. Hon. J. H. Stewart Lockhart (Colonial Secretary) presided, and all the members were present.

THE QUEEN'S STATUE.

The CHAIRMAN—The first minute is one in which the Governor recommends the Council to vote a sum of \$1,059.60 for expenses incurred in connection with the erection of the statue of Her Majesty the Queen, being difference between the amount spent (\$9,559.60) and the amount voted (\$8,500).

The vote was recommended

KENNEDYTOWN SHEEP AND SWINE DEPOTS.

The CHAIRMAN—The next minute is one in which the Governor recommends the Council to vote a sum of \$10,000 for the erection of a landing-stage at Kennedytown, in connection with the sheep and swine depôts.

Vote recommended.

THE IMPROVEMENT OF STREET LIGHTING.

The CHAIRMAN—The next minute is one in which the Governor recommends the Council to vote a sum of \$10,000 for the improvement of street lighting. The reports on the subject were laid on the table at the meeting of the Legislative Council which has just been held. I do not know whether hon. members would care to have more time to consider this subject or whether they are prepared to recommend the vote now. It is not likely that the whole of the \$10,000 will be spent this year, but it is thought advisable to take a vote for that amount, and if it is not all expended an application will be made to the Finance Committee for a re-vote.

The DIRECTOR OF PUBLIC WORKS—\$5,000 will be spent this year and the balance will be entered on the estimates for next year.

The COLONIAL SECRETARY—That amounts to exactly the same thing.

Vote recommended.

THE SUPPLEMENTARY COLONIAL ESTIMATES.

The Committee then considered the Supplementary Appropriation Bill, and the items were taken one by one.

On the first item (Pensions, \$18,776.97) being read, Hon. T. H. WHITEHEAD said—In regard to this item, was it not possible to have formed a more accurate estimate as to what the pensions would really amount to?

The CHAIRMAN—It is rather difficult to form an accurate estimate, because it is impossible to anticipate who are about to retire on pension; exchange also varies during the year.

Hon. T. H. WHITEHEAD—It seems to me to be a very large difference, and that it should be possible to estimate more accurately.

The CHAIRMAN—The sum is large, but you will observe that the total estimated is a pretty large one—\$94,000. As the hon. member is aware, exchange fluctuates a good deal; new pensioners have to be provided for and old pensioners die. Every attempt is made to make the estimate as accurate as possible. Considering the fluctuations in exchange and the uncertainty as to who intend to take pensions, I do not think that \$18,000 is really very much out of the way in a total of nearly a lakh of dollars.

Hon. T. H. WHITEHEAD—In the matter of exchange the fluctuations have been infinitesimal for some considerable time.

The CHAIRMAN—During 1895? This applies to the year 1895. Of course the hon.

member is much better acquainted with the question of exchange than myself, but I was under the impression that 1895 was not a very steady year in the matter of exchange. However, the point will be noted, and if it is possible the estimate will be made still more accurate.

Item recommended.

On the next item. Governor and Legislature, \$2,714.36, Hon. T. H. WHITEHEAD said—I am in favour of this item, but at the same time I quite fail to see why the rent of Craigieburn should not have been known and included at the time the estimates were formed. It must have been within—

The ACTING COLONIAL TREASURER—It was known. It used to be debited to miscellaneous services, but the Secretary of State ordered it to be debited to Governor and Legislature, and in order to carry out that instruction it was necessary to take a separate vote.

The CHAIRMAN—It is merely a transfer from one head to another.

Item recommended.

The next item on which there was discussion was Sanitary Department, \$9,406.10.

Hon. T. H. WHITEHEAD—In regard to this item I desire to refer to the resolution I moved at the last meeting of the Council asking for certain papers in connection with the proposed reconstruction of the Sanitary Board. The Governor then stated that all the papers would be laid on the table after the decision of the Secretary of State was received.

The COLONIAL SECRETARY—Excuse me, the Governor said he did not propose to lay any papers upon the table until the Secretary of State's decision had been received.

Hon. T. H. WHITEHEAD—I may mention now that it would be well if the Government changed their policy of concealment in regard to papers of public importance, and gave them now in order that we may have the opportunity of studying the correspondence, and if matters have not been fully represented we would then have an opportunity of putting things right. It will be of very little service—in fact no service at all—to have the papers after the decision has been arrived at, because the Secretary of State's order will have been issued without our having the opportunity of considering the papers. If we have them now we will have that opportunity. I think the Council has a right to them and should have the opportunity of considering the papers now and to have the chance of referring matters home through the Government. There can be nothing which has been said or written that will not bear the light

of day, and I can scarcely realise any reason which can justify the Government in withholding the papers any longer.

The CHAIRMAN—The hon. member had the fullest opportunity of stating his views at the last meeting of the Council. Why he did not avail himself of that opportunity I cannot quite understand. My impression is that the reason was that he was not supported by his unofficial colleagues, who were quite satisfied to wait until the decision of the Secretary of State arrived. Of course I may be wrong, but the hon. member's colleagues will correct me if I am, (After a pause.) No contradiction.

Hon. T. H. WHITEHEAD—Before the vote is passed I would really urge on the Government again the desirability of confiding in us to the extent of giving us the papers bearing on the subject. I think there is every reason why we should have them. My unofficial colleagues voted unanimously with me when I asked for them in the month of December or January last. I then asked for the papers, and I was under the impression that certain members would have supported me when I asked for the papers at the last meeting of the Council.

The CHAIRMAN—However, you withdrew your motion.

Hon. T. H. WHITEHEAD—I withdrew my motion, but have not changed my mind.

The CHAIRMAN—You have changed your mind since then.

Hon. T. H. WHITEHEAD—I wanted nothing unreasonable when I asked for the papers.

The CHAIRMAN—Your change of mind will be noted in the minutes. It will be noted that you wish the papers to be published.

The ACTING COLONIAL TREASURER—I do not see that this is relevant.

The CHAIRMAN—It is not really relevant; but with the object of not allowing it to appear that there is any desire to prevent the hon. member from expressing his views, I have permitted him to proceed, although he had ample opportunity of expressing his opinions at the meeting of Council.

The item was then recommended, and the remaining items were recommended without discussion.

The CHAIRMAN—The items, gentlemen, have all been recommended by the Finance Committee, and the report of the Committee will be brought up at the next meeting of the Council. There is no other business.

ADJOURNMENT.

The Committee then adjourned.