

11TH MARCH, 1900.

PRESENT:—

His EXCELLENCY the ACTING GOVERNOR (Major-General GASCOIGNE, C.M.G., Officer Commanding the Troops).

The Hon. F. H. MAY, C.M.G. (ACTING Colonial Secretary).

Hon. W. MEIGH GOODMAN (Attorney-General).

Hon. A. M. THOMSON (Colonial Treasurer).

Hon. R. D. ORMSBY (Director of Public Works).

Hon. A. W. BREWIN.

Hon. H. C. NICOLLE.

Hon. C. P. CHATER, C.M.G.

Hon. Dr. HO KAI.

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

Hon. WEI A YUK.

Hon. J. J. KESWICK.

Mr. R. F. JOHNSTON (Acting Clerk of Councils).

TAKING THE OATH.

The ACTING COLONIAL SECRETARY and the Hon. A. W. Brewin took the oath.

FINANCIAL.

The ACTING COLONIAL SECRETARY brought out the report of the report of the Finance Committee, No 6, and moved its adoption.

The ACTING COLONIAL TREASURER seconded, and the motion was carried.

THE BELLIOS REFORMATORY.

The Hon. C. P. CHATER—In the absence of the honourable member for the Chamber of Commerce, I beg to ask the questions standing in his name. The questions are:—

(1.) Does the Government, in view of the fact that a large area of recently cut soil is exposed all round the building, consider it safe to send boys into the "Bellios Reformatory" at Causeway Bay at any time within the next two years?

(2.) Will the Government before sending any boys into the Reformatory obtain a detailed medical report as to the sanitary condition of the surroundings of the Reformatory?

The ACTING COLONIAL SECRETARY—In answer to the first point of the question, I have to state it is not the case that a large area of recently cut soil is exposed all round the building. The site on which the Reformatory stands was cut years ago and no soil has been cut to speak of within the last 18 months. In answer to the second part of the question, I have to state that undoubtedly the Government before placing boys in the Reformatory will obtain a medical report as to the fitness of the Institution for their reception. I would like to add, sir, that as far as can be humanly foreseen the site is not likely to be a feverish one, for the buildings

occupied by Europeans in the immediate vicinity are free from fever, and moreover I am informed by the architect that the workmen who have been engaged in erecting the building have not suffered from fever, which is a very hopeful sign. It has been generally found that when a building is going to be feverish the workmen engaged on it are subject to fever.

RECTIFYING A MISTAKE.

On the motion of the ATTORNEY-GENERAL seconded by the ACTING COLONIAL SECRETARY, the following Bill was read a first time:— A Bill entitled An Ordinance to validate and legalize the proceedings of the Legislative Council of this Colony during the time that Mr. Arthur Winbolt Brewin illegally sat as a member of such Council, under an invalid provisional appointment.

The ATTORNEY-GENERAL proposed the suspension of the standing orders. He considered that it would be a pity they should have to meet two or three times to pass this Bill, which had been rendered necessary by a technical mistake.

The ACTING COLONIAL SECRETARY seconded and the motion was carried.

The ATTORNEY-GENERAL then proposed the second reading of the Bill. He observed that he did not know that it was necessary to add anything to the "objects and reasons" at the foot of the Bill, which set out the history of the mistake which had rendered the Bill necessary. The "objects and reasons" were:—

"By the Royal Instructions in force in this colony. Her Majesty declared it to be Her pleasure that the Legislative Council of the colony should consist of the Governor, the Lieutenant-Governor (if any), the Senior Military Officer, for the time being in command of Her Majesty's Regular Troops within the colony, the persons for the time being lawfully discharging the functions of Colonial Secretary, Attorney-General, and Treasurer of the colony, and such other persons holding offices in the colony, and not exceeding three in number at any one time, as at the time of the receipt of such Instructions in the colony, were Official Members of the said Council or as Her Majesty might from time to time appoint by any Instructions or Warrants under Her Sign Manual and Signet, and that all such persons should be styled *Official Members* of the Legislative Council, and further of certain *Unofficial Members* not exceeding six in number as more particularly set forth in such Instructions.

"It was also further declared by such instructions that if any Member of the Legislative Council, not holding one of the offices above named, should die, or become

incapable, or be suspended or removed from his seat in the Council, or be absent from the colony, or if he should resign by writing under his hand, or if his seat should become vacant, the Governor might, by an instrument under the public seal of the colony appoint in his place a fit person, to be provisionally a Member of the said Council.

"In pursuance of Her Majesty's warrant, dated 11th May, 1895, Mr. May was in 1896 sworn and admitted to be an Official Member of the said Council for so long as he should hold his office of Captain Superintendent of Police of the Colony.

"Mr. Lockhart, the Colonial Secretary having left the colony on leave of absence, Mr. May was, on the 9th February, 1900, appointed Acting Colonial Secretary and, thereupon, as being "the person lawfully discharging the functions of Colonial Secretary" he became *ex officio* a Member of the Legislative Council. It seems to have been erroneously assumed that the seat he held in pursuance of the Queen's Warrant thereupon became vacant without any formal resignation thereof by Mr. May, and the Governor, accordingly, on the 9th February, 1900, provisionally appointed Mr. Brewin to be an Official Member of the Legislative Council to fill the supposed vacant seat.

"It now appears that the proper course would have been for Mr. May to have "resigned by writing under his hand" the seat he held in pursuance of Her Majesty's Warrant, and thus to have rendered the seat legally vacant. This course has now been adopted. It is, however, both expedient and necessary to validate and legalize all the proceedings of the Legislative Council while Mr. Brewin was illegally sitting under the invalid provisional appointment."

Continuing, the ATTORNEY-GENERAL said he was not consulted in the matter. It was supposed that the ordinary course had been taken, but a slip was made. When the mistake was discovered it was thought best to correct the matter by bringing in this Bill, which would prevent any one objecting to anything done by the Council while Mr. Brewin had been sitting. As far as he was aware, on no occasion during the period had any motion been carried or lost by one vote only. Therefore, whether Mr. Brewin had been sitting or not would have made no difference as to the results.

The ACTING COLONIAL SECRETARY seconded and the motion was carried.

The Bill then passed the committee stage and was subsequently read a third time and passed.

The Council adjourned *sine die*.