

22ND AUGUST, 1912.

**PRESENT:—**

HIS EXCELLENCY THE GOVERNOR, SIR F. H. MAY, K.C.M.G.

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS, COLONEL C. W. ST. JOHN.

HON. MR. CLAUD SEVERN (Colonial Secretary).

HON. MR. J. A. S. BUCKNILL (Attorney-General).

HON. MR. A. M. THOMSON (Colonial Treasurer).

HON. MR. W. CHATHAM, C.M.G. (Director of Public Works).

HON. MR. E. R. HALLIFAX (Registrar-General).

HON. CAPTAIN F. J. BADELEY (Captain-Superintendent of Police).

HON. SIR KAI HO KAI, M.D., C.M.G.

HON. MR. H. E. POLLOCK, K.C.

HON. MR. E. OSBORNE.

HON. MR. C. H. ROSS.

HON. MR. MURRAY STEWART.

MR. R. H. CROFTON (Clerk of Councils).

**Minutes**

The minutes of the previous meeting were read and approved.

**New Members**

Colonel St. John and the Hon. Mr. J. A. S. Bucknill took the oath and assumed their seats as members of Council.

**Financial Minutes**

THE COLONIAL SECRETARY, by command of His Excellency the Officer Administering the Government, laid on the table Financial Minutes Nos. 32 to 38, and moved that they be referred

to the Finance Committee.

THE COLONIAL TREASURER seconded, and the motion was agreed to.

**Financial**

THE COLONIAL SECRETARY, by command of His Excellency the Officer Administering the Government, laid on the table the report of the Finance Committee (No. 8), and moved its adoption.

THE COLONIAL TREASURER seconded, and the motion was agreed to.

**Papers Laid**

The following Reports were laid on the table:

1. S.P. 9/1912 *re* Typhoon Refuge.
2. S.P. 10/1912 *re* Mongkoktsui Breakwater.
3. S.P. 11/1912 *re* Report on New Territories 1899-1912.
4. S.P. 12/1912 *re* Quarterly Return of Excesses on Sub-heads met by Savings under Heads of Expenditure.

*Annual Reports.*

5. Blue Book Report for 1911.
6. Assessment for 1912-1913.
7. Botanical and Forestry for 1911.
8. Land Registry for 1911.
9. Registrar-General for 1911.
10. New Territories for 1911.
11. Police and Fire Brigade for 1911.
12. Medical and Sanitary for 1911.
13. Harbour for 1911.
14. Education for 1911.
15. Post Office for 1911.
16. Railway for 1911.
17. Observatory for 1911.
18. Prison for 1911.
19. Supreme Court for 1911.

### **The Late King of Denmark**

THE COLONIAL SECRETARY—I wish to read a reply received from the Secretary of State acknowledging the vote of sympathy on the occasion of the death of the King of Denmark. It reads:—

Downing Street,  
May 24th, 1912.

I have the honour to acknowledge the receipt of your telegram of the 18th instant conveying an expression of sympathy with Her Majesty Queen Alexandra from the Legislative Council of Hongkong on the death of His Majesty the King of Denmark.

The message has been communicated to Queen Alexandra, and I am commanded to request you to convey to the Council an expression of Her Majesty's thanks for this kind message of sympathy.

### **Greater Powers for Magistrates**

1.—HON. MR. MURRAY STEWART asked the following questions:—

Will the Government, at an early date, take whatever steps may be necessary to confer upon the Magistrates greater punitive powers than they at present possess for dealing with cases of criminal assault on children?

THE COLONIAL SECRETARY replied:—A bill conferring greater powers on Magistrates dealing with cases of this description is to be brought before this Council to-day.

### **The State of the Harbour**

HON. MR. MURRAY STEWART further asked:—

In view of the apprehension caused by reports of the silting up of the harbour, at certain points, will the Government inform the Council whether any steps have been taken to ascertain the truth of the matter, and, if so, with what results?

THE COLONIAL SECRETARY replied:—The question of the silting up of the Harbour formed the subject of an exhaustive enquiry in 1904-6. The conclusion arrived at was that no material silting had occurred during the preceding period of 60 years. The waterway leading to the Kowloon Wharves has been recently sounded and the Harbour Master is

satisfied that there is actually more water than is charted. The central fairway is constantly sounded by the Harbour Department. The soundings agree with the chart. No further steps in connection with the matter have been taken beyond submitting to the Chamber of Commerce, in the early part of this year, a proposal to deepen a portion of the harbour which would form a continuation of Sulphur Channel and so improve the western entrance for vessels of deep draught. The proposal referred to was estimated to cost about \$330,000. The Chamber of Commerce replied to the effect that, having regard to the expense involved, they were not in favour of carrying out such a proposal.

### **The Burglary Epidemic**

HON. MR. MURRAY STEWART asked:—

How many cases of burglary have been reported to the Police since the 1st June; in how many cases have arrests been made; how many convictions have been obtained; in how many instances has the property stolen been recovered; what is the total estimated value of the property lost; and how do the facts compare with last year's records of burglary during the same period?

THE COLONIAL SECRETARY replied:—Since the 1st of June thirty cases of burglary have been reported to the police as against twenty-four for the same period in 1911; arrests were made in three cases as against six; there were five convictions as against seven; property was recovered in three cases as against eight; the value of property stolen is \$5,204.61 as against \$1,240.43 and \$1,347 worth of property has been recovered as against \$397 recovered in 1911.

### **Wireless Telegraphy**

THE HON. MR. H. E. POLLOCK, K.C., asked:—

Can the Government give any information to the Council with reference to the promised establishment of a wireless telegraphy station in this Colony?

THE COLONIAL SECRETARY replied:—The Government is not yet in a

position to give any information on the subject, which is still under consideration.

### The Typhoon Refuge

THE HON. MR. OSBORNE asked:—

Will the Government state whether the progress made on the new Typhoon Refuge up to the 30th June last is consistent with completion of the work by contract date?

THE HON. DIRECTOR OF PUBLIC WORKS said:—The reply to the honourable member is in the affirmative.

### Alleged Overcrowding of the Gaol

THE HON. MR. OSBORNE asked:—

Will the Government state whether any prisoners have been released from gaol this year before the expiry of their sentences and, if so, how many have been released, and for what reasons?

THE COLONIAL SECRETARY replied:—Last month the Superintendent reported that the gaol was very overcrowded. There were 736 prisoners with only accommodation in cells for 626, and it had become necessary to put three prisoners in many of the cells designed for one. Such an arrangement was most unsatisfactory, and the alternative of allowing prisoners to sleep in the corridors did not appear conducive to the proper discipline of the gaol. It was, therefore, decided to liberate a certain number of prisoners before the expiration of their sentences, selecting in the first place those imprisoned in default of payment of fine and short sentence prisoners. Up-to-date 409 prisoners have been released and the reduction of the sentences has been as follows:—

10 days and under before	
Expiration.....	209
Between 10 and 20 days.....	74
" 20 and 30 days .....	42
" 30 and 40 days .....	38
" 40 and 50 days .....	12
" 50 and 60 days .....	10
" 60 and 70 days .....	5
" 70 and 80 days .....	3
" 80 and 90 days .....	6
" 90 and 100 days .....	7
" 100 and 110 days .....	3
Total.....	409

### The Railway Terminus

THE HON. MR. OSBORNE asked:—

When the designs for the new Railway Terminus at Kowloon are completed and before they are finally accepted, will the Government afford the public an opportunity for examining them?

THE COLONIAL SECRETARY replied:—When the designs for the Railway Station and Offices at Kowloon shall have been received they will be open to the inspection of the members of the Legislative Council.

### Craigmin Road

HON. MR. MURRAY STEWART asked:—

In view of the answer made by the Honourable Director of Public Works to a question put in this Council on the 13th of June, and to the assurance therein given that, weather permitting, the work on Craigmin Road would be finished in ten days, what is the explanation of the work being unfinished two months later? Is it not the fact that the month of July established a record for sunshine?

THE HON. DIRECTOR OF PUBLIC WORKS replied:—The hon. member, in his question of the 13th June last, enquired whether the Government would take steps to expedite the work which had, for several months past, rendered Craigmin Road impassable for chair traffic and dangerous to pedestrians. In my reply, I informed him that the whole of the road would be restored for traffic within 10 days, if the weather were favourable. The road was so restored, substantially within the time stated, notwithstanding the fact that rain fell on 15 out of the remaining 17 days in June.

In the question now put, my reply of the 13th June has been misquoted. I did not state that the work on Craigmin Road would be finished in 10 days. There are two respects in which the work remains unfinished:—(a) A portion of the surfacing of the road has not been restored; (b) One small opening remains where a branch drain is being connected with the newly-laid main sewer. The completion of item (a) has been delayed owing to the fact that the month of July

established a record for sunshine. Heavy rains were wanted to consolidate the material with which the trench had been refilled, but the rainfall of July was far below the average. The completion of item (b) has been delayed because it was the last piece of work to be undertaken under the present scheme. As all the other connections and branch drains join the main sewer at lower points, they were, in accordance with usual practice, undertaken first.

It is a fact that the month of July established a record for sunshine.

### Sanitary Board Bye-Laws

THE COLONIAL SECRETARY moved that the bye-laws made under section 16 of the Public Health and Buildings Ordinances 1903-1909 be approved by the Legislative Council.

THE DIRECTOR OF PUBLIC WORKS seconded.

HON. MR. MURRAY STEWART — Your Excellency, it appears to me that the first bye-law confers far too extensive powers upon the Sanitary Board. It seems to me that the interests at stake are sufficiently great to demand that the problems presented should be dealt with by the highest executive body in the Colony, and I move that in line 3 after the word "Board" there be inserted the words "subject to the approval of the Governor-in-Council."

HON. MR. OSBORNE—I beg to second that.

HIS EXCELLENCY reminded the members that it is not competent to the Council to amend the bye-laws.

HON. SIR KAI HO KAI—The motion should be that they be referred back to the Sanitary Board for amendment. In connection with these bye-laws, I think there are some words which should be omitted. I have made objection to these before. I refer to the words which declare that "no compensation shall be given if it can be proved that the erection has been illegally erected or maintained." Now, I think the latter part should be struck out. If that were the case, as I instanced before, then at any time the Sanitary Board could issue a notice that a certain structure was illegal, and of course it would be

illegal to maintain it, according to this bye-law, and no compensation need be given, but if it be a legal structure and is illegally maintained because of some later declaration by the Board then compensation ought to be paid. I object to the words "or maintained" in line 5. It is perfectly just to say that in the case of a structure illegally erected no compensation should be paid, but because of subsequent regulations made by the Sanitary Board rendering a structure legally erected to be illegally maintained that is no reason why the owner should not be compensated.

HON. MR. MURRAY STEWART — My motion being ruled out of order, might I suggest that right through these bye-laws the powers exercised should be made subject to the approval of the Governor-in-Council?

HIS EXCELLENCY—I will take the first suggestion made by the hon. member who represents the Chamber of Commerce (Hon. Mr. Murray Stewart). Is the Council of the opinion that the bye-laws ought to be amended in the sense he suggests?

This was agreed to.

HIS EXCELLENCY — It is proposed in referring the bye-laws back to the Board to inform the Board that the Government consider that this particular bye-law ought to be amended in that sense. With regard to the second suggestion, I want to satisfy myself as to what the existing state of the law is.

HON. MR. POLLOCK—As my hon. and learned colleague has pointed out, the wording of this is open to some objection. In the first place it is vague. What do the words "erected or maintained" mean? It may mean something which was originally legal and has since been made illegal. Whatever language is used should be plain and clear, and it cannot be contended that this is plain and clear.

HIS EXCELLENCY—Is it agreed that this bye-law be referred back also?

HON. MR. MURRAY STEWART—I would suggest also that the Governor-in-Council should be the final court of appeal in the matter of compensation.

HIS EXCELLENCY—I think that might be left to the Board. I know the officers of the Board have extraordinary difficulty in keeping these illegal erections from being re-erected. There is a constant struggle of this nature. You might get them removed and a month later find them put up again.

HON. MR. OSBORNE—In the vast majority of cases the amount involved is, I think, too trivial to bring before the Governor-in-Council. It is only in cases of large blocks of houses like Queen's Buildings and Hotels that the Sanitary Board should refer such compensation to the Governor-in-Council. That would meet the case.

HIS EXCELLENCY—You can't very well make distinctions like that.

HON. SIR KAI HO KAI—How would it do to make an appeal lie to the Governor-in-Council? All trivial cases would be decided by the Sanitary Board. In important cases involving large amounts for compensation they might be referred to the Governor-in-Council as the ultimate tribunal. We can assume that the Board will not pay too large a sum.

HIS EXCELLENCY—If in any particular case the sum involved is above a certain sum.

HON. MR. MURRAY STEWART—Yes, that might meet the case.

HIS EXCELLENCY—Say, \$200.

HON. MR. OSBORNE—\$250.

HIS EXCELLENCY—Very well, in any particular case where the sum exceeds \$250 an appeal will lie to the Governor-in-Council.

HON. MR. POLLOCK—Is that the amount of the claim or the amount the Board is disposed to give?

HON. MR. OSBORNE—The amount of the claim.

This was agreed to.

#### **Larceny Amendment Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Larceny Ordinance, 1865." In doing

so he said—The object of the Ordinance is explained in the objects and reason printed at the bottom of the Bill. They are simply to provide for the modern form of larceny which is carried out by the scheme, if I may so call it, of stealing electricity.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

The Objects and Reasons attached to the Bill state:—The new section 28A added to the Larceny Ordinance, 1865, by this Bill is copied from section 23 of the Electric Lighting Act, 1882. The punishment for simple larceny is provided by section 5 of the Principal Ordinance.

#### **Innkeepers Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance for the further relief of Innkeepers." In doing so he said—The object of the Bill is to give innkeepers the right to sell and dispose of property by public auction over which they have a lien, that is to say, over which they have got a claim for sums of money which may be owed to them by any person who is lodging at or utilising their premises. It is not part of the law at present, and it seems desirable that it should be.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

The Objects and Reasons are:—This Bill introduces into the Colony, with some modifications and additions, notably the immediate right of sale in the case of perishable goods, the provisions of the Innkeepers Act, 1878, which gave an Innkeeper a right of selling, under certain conditions, goods which had become the subject of his common law right of lien.

#### **Magistrates Further Amendment Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance further to amend the Magistrates Ordinance, 1890." In doing so he said—This bill deals with the matter which was the subject of the first question this afternoon, and as will be seen from the printed

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at the bottom of the Bill it gives power to the Magistrates to flog in cases of various criminal assaults. I do not think there is anything further that need be said now on the Bill. It seems desirable that Magistrates should have the power, additional to what they already possess, of inflicting the only form of punishment which will really have any effect in such cases. (Hear, hear.)

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

The Objects and Reasons are as follows:—The Magistrates can already under section 85 of Ordinance No. 3 of 1890 punish with flogging those who steal ornaments and other chattels from the person of any woman or child. They cannot, however, award this form of punishment in the case of indecent assault, although under Ordinance No. 3 of 1903 the Supreme Court can do so. Indecent assault is an indictable offence; but in many cases, in fact, in most cases, where the sufferer is a child, the parents ask for the case to be dealt with summarily in order that the greater publicity of the Assize Court may be avoided. Where the Magistrate assents to this course being adopted it is perhaps proper that the term of imprisonment should be less than that which the Supreme Court would award, but there does not seem to be as much reason for saving the offender from the corporal punishment which the Legislature in passing the Flogging Ordinance clearly considered fitting for this particularly atrocious offence.

#### **Liquors Consolidation Ordinance Amendment Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance further to amend the Liquors Consolidation Ordinance, 1911." In doing so he said—I am not quite sure that everything in this Bill as it stands strictly belong to a consolidating liquors Ordinance. The object of the Bill is to give revenue officers certain powers of detention in the case of offenders against certain laws, part of which have to do with purely revenue matters and part not.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

The Objects and Reasons are:—Revenue Officers in the regular course of their employment often discover offenders against the Ordinances enumerated in the Amending Bill and it is considered desirable that they should be given power to arrest them without warrants.

#### **Post Office Amendment Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Post Office Ordinance, 1900." In doing so he said—The object of the Bill is simply to introduce an amendment to the present law which was accidentally omitted, I understand, when the amending law was passed last year. It is impossible to pay gratuities on mails in transit, and there seems no reason why such gratuities should be paid.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

The Objects and Reasons are:—This Bill inserts in section 26 of the Post Office Ordinance, 1900, words which were inadvertently omitted in the Amending Ordinance passed last year. It is impracticable to pay a gratuity on mails in transit.

#### **Final Revision Ordinance, 1912**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance for effecting the final revision and amendment of the Ordinances of the Colony from 1844 to 1912 inclusive before incorporating them in the New Revised Edition of the Laws of the Colony." In doing so he said—Sir, I am sorry to say I have not yet personally been able to make myself acquainted with all the revision which is going on, but I have been able to make myself acquainted with the fact that at present the laws appear to be in a state of confusion, and it is only when this revision is completed that we shall be able to put our hands readily on any law. I understand that the Bill has the object of finally bringing the Revision of the Ordinances up to date, and that it is being done at the present time.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

### Full Court Ordinance

THE ATTORNEY-GENERAL moved that the Council go into Committee on the Bill entitled, "An Ordinance to make provision for the reconstitution of the Full Court."

THE COLONIAL SECRETARY seconded.

THE ATTORNEY - GENERAL — I should draw your attention to the fact that the result of the Committee which sat on the Bill was to refer it to the Council in a form which was very substantially, in fact, entirely, different to that in which it had been referred to the Committee. Circumstances have altered since the Bill was sent to Committee, because I understand that instructions have been received that the arrangement which had been previously placed before this Council as to the coming here at various convenient times of another judge as a temporary measure from the Shanghai Court is to be carried out. The arrangements were made, and cannot, I think, be departed from now. His Excellency has received a despatch in which it is stated that as a temporary measure the Bill practically as it was introduced ought to be passed in order that the arrangement which had been made should be carried out. It does not follow necessarily that the Bill is bound to be a permanent one. On the contrary, if circumstances arise in which it is found that it should be altered it is possible that it could be altered. At any rate, at present, it seems necessary and desirable that the Bill should be passed as it was originally introduced in the Council.

The Bill was then considered clause by clause, and one or two verbal alterations were made.

On Council resuming,

THE ATTORNEY-GENERAL moved that the Bill be read a third time.

THE COLONIAL SECRETARY seconded.

THE HON. MR. OSBORNE—Sir, the unofficial members of this Council opposed this Bill on a previous occasion and they have not changed their mind. We do not oppose the third reading, for the reason given that instructions have been sent from Home which cannot be overruled. At the same time I suggest that the unofficial

members place on record their protest against the Bill.

HON. MR. MURRAY STEWART—I associate myself with the remarks which have fallen from the hon. member who has just spoken.

HON. MR. POLLOCK—Your Excellency, I shall abstain from voting on the division regarding the third reading. On the one hand, I am not prepared to vote in favour of it, because, according to my view, the appointment of a permanent third judge is the better solution. On the other hand, I am not prepared to vote against the third reading, because I conceive it to be the duty of the members of the legal profession to do their best to make the new system of appeals a success, and any adverse vote of mine might tend to create a different and, therefore, an erroneous impression.

HON. MR. ROSS—I should like to associate myself with the remarks of the hon. member opposite (Hon. Mr. Osborne). There is one point which has to be borne in mind. The Shanghai Court is just as hard pressed with work as the Hongkong Court, and I understand it will be very difficult for the Shanghai judge to get away. I have recently been in Shanghai myself and I discussed this question with several members of the legal fraternity there and they said that it was practically impossible for the Shanghai judge to get away.

HIS EXCELLENCY—Gentlemen, I am very pleased to hear the words which fell from the hon. member representing the Justices of the Peace. The history of this question is a very long one. There would have been no difficulty in appointing a third judge if the Government had been convinced that there was work for three judges to do outside the Appeal Court. The Government was not satisfied that there was, and I myself am not satisfied at the present moment that there is. I think that when the Government goes to a Department of State like the Foreign Office and after lengthy negotiations makes an arrangement of this nature, and when it approaches a judge of the position of the Judge of the Shanghai Court such an arrangement cannot

be lightly upset. It would be a very ungracious thing to do, and I do not think that it would be a dignified course for this Government to adopt. Therefore, I hope everybody connected with the Courts will give these arrangements a fair trial. It may work better than some of us think. One consolation about it is that it will be economical.

A division was taken, and there voted against the Bill:—Hon. Mr. Ross, Hon. Mr. Osborne, and Hon. Mr. Murray Stewart—3. The Hon. Mr. Pollock and the Hon. Sir Kai Ho Kai abstained from voting. The official members numbering 7 voted for the Bill, which was therefore passed.

HIS EXCELLENCY—Council will adjourn *sine die*.

#### FINANCE COMMITTEE.

##### Public Works

The Officer Administering the Government recommended the Council to vote a sum of Thirteen thousand Dollars (\$13,000) in aid of the vote Public Works, Extraordinary, Miscellaneous, Miscellaneous Works.

The Officer Administering the Government recommended the Council to vote a sum of Three thousand two hundred and fifty Dollars (\$3,250) in aid of the vote Public Works, Extraordinary, Buildings, Maternity Hospital.

The Governor recommended the Council to vote a sum of Twenty-three thousand six hundred Dollars (\$23,600) in aid of the vote Public Works, Extraordinary, Buildings, Post Office.

##### Disinfection Damages

The Governor recommended the Council to vote a sum of Ten thousand Dollars (\$10,000) in aid of the vote Sanitary Department, Other Charges, Compensation for damages by disinfection.

##### Public Works Extraordinary

The Governor recommended the Council to vote a sum of Seven thousand Dollars (\$7,000) in aid of the vote Public Works, Extraordinary, for the following items:—

##### Communications.

Hongkong Roads and Streets:—	
(e.) General Works,.....	\$2,400
<i>Drainage.</i>	
Training Nullahs:—	
(e.) General Works,.....	4,100
Miscellaneous Drainage Works:—	
(g.) General Works,.....	500
	\$7,000

The Governor recommended the Council to vote a sum of Two thousand six hundred Dollars (\$2,600) in aid of the vote Observatory, Special Expenditure, Instruments, etc.

The Governor recommended the Council to vote a sum of Two thousand nine hundred and fifty Dollars (\$2,950) in aid of the vote Public Works, Extraordinary, Buildings, Yaumati English School,—Additional Storey.

##### The Post Office Buildings Vote

THE CHAIRMAN explained that this represented a claim by the contractor Sang Lee, who after a considerable amount of negotiation finally agreed to accept the sum of \$23,000.

HON. MR. MURRAY STEWART—On what ground did the contractor claim?

THE CHAIRMAN—Various additions to the works. The amount claimed was very much greater.

HON. MR. MURRAY STEWART—Additional work done?

THE CHAIRMAN—I think the hon. member has been on the Committee.

HON. SIR KAI HO KAI—Cannot the Director of Public Works give us some explanation?

THE DIRECTOR OF PUBLIC WORKS—The claim was more in the nature of a delay in payments.

HON. MR. MURRAY STEWART—I ask, sir, for information because my recollection does not coincide with yours. It was understood to be interest on belated payments.



THE DIRECTOR OF PUBLIC WORKS read the particulars of the claim, from which it appeared that the amount was made up of wages, interest on title deeds, interest on detention of money, and interest on the value of work not measured for 27 months.

HON. MR. MURRAY STEWART—Do I understand the Director of Public Works to say that the work was not measured up for 27 months after it had been completed?

THE DIRECTOR OF PUBLIC WORKS—There was a total estimated shortage of payments amounting to \$100,000 for 27 months, on which one per cent. interest per month was charged.

HON. MR. MURRAY STEWART—That is to say, if it had been measured up at the time the claim would have been less by this amount of interest?

THE DIRECTOR OF PUBLIC WORKS—That is so.

HON. MR. MURRAY STEWART—Is there any reason why it should not have been measured up at the time?

HON. MR. OSBORNE—May I ask if the Post Office committee report will be ready shortly?

THE CHAIRMAN stated that the report had been received.

HON. MR. POLLOCK—Is it intended to make it public?

THE CHAIRMAN I cannot say at present. This money has been paid.

HON. MR. MURRAY STEWART—And we have no remedy?

HON. MR. OSBORNE—I think we ought not to pass the vote.

THE CHAIRMAN—It was after very considerable negotiations that this sum was

fixed. The contractor made considerable concessions.

HON. MR. OSBORNE—I don't see why the Government should pay six per cent. on title deeds.

THE CHAIRMAN stated that the original claim included a number of additional items which were not accepted.

HON. MR. MURRAY STEWART—If items of expenditure are only referred to the Finance Committee after they are paid and we are told they are finished and done with discussion is idle.

THE CHAIRMAN—They are not as a rule, but in this particular case the contractor agreed to reduce his claim on the condition that it should be paid at once, and we agreed to do so.

HON. MR. MURRAY STEWART—I should like it recorded on the minutes that I regard this as preventable expense and I object to the vote.

THE CHAIRMAN put the question to the vote, and the vote was passed by eight votes to four. The Hon. Mr. Osborne, Hon. Mr. Murray Stewart, Hon. Mr. Pollock and the Hon. Sir Kai Ho Kai voted against the motion.

#### **New Instruments for the Observatory**

On the vote for \$2,600 for instruments, etc., for the Observatory,

HON. MR. ROSS asked if Mr. Claxton was satisfied with the instruments he has now.

THE CHAIRMAN—Not all. This vote is for instruments which are urgently needed.

HON. SIR KAI HO KAI—What is the total amount of the requisition?

THE CHAIRMAN—£1,464. That is for all kinds of things, and has nothing to do with this particular vote. This is an urgent vote of which Sir Frederick Lugard approved. It is chiefly in connection with the time-ball.