

21ST NOVEMBER, 1912.

PRESENT:—

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

THE HON. THE 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. C. McI. MESSER (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. WEI YUK.

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

HON. MR. C. H. ROSS.

HON. MR. J. W. BONNAR.

HON. MR. E. OSBORNE.

MR. A. G. M. FLETCHER (Clerk of Councils).

Minutes

The minutes of the previous meeting were read and approved.

Financial Minutes

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes Nos. 57 to 60, and moved that they be referred to the Finance Committee.

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

Financial

THE COLONIAL SECRETARY laid on the table the report of the Finance Committee (No. 12), and moved its adoption.

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

**Scavenging and Conservancy
Bye-Laws**

THE COLONIAL SECRETARY moved that the Council approve of the Scavenging and Conservancy Bye-laws made under section 16 of the Public Health and Buildings Ordinance.

THE DIRECTOR OF PUBLIC WORKS seconded, and the motion was agreed to.

Full Court Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Full Court Ordinance, 1912." In doing so he said—This Bill, Sir, is really a formality. The Bill is introduced for the purpose of removing the impression that there is some doubt in the earlier Ordinance as to whether a pending appeal would come before the Full Court as constituted in the Full Court Ordinance or whether it would come before the Court as it existed before, or whether as a third alternative appeals which were pending might not be able to come before any Court at all. Personally, Sir, I do not think that there would have been any very great chance that appeals which were pending would have actually failed. But still if that was the view of some persons who might be interested there is no reason why it should be possible that any members of the public should be put in such a position. The other part of the Bill only deals with a formality which I will refer to at a later stage.

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

The Objects and Reasons attached to the Bill state:—This Ordinance is designed to remove any doubts which might by any possibility arise as to whether Ordinance No. 27 of 1912 is sufficient in its terms to enable pending appeals and motions for a new trial or to set aside a verdict, finding or judgment to be heard before

the Full Court as constituted by that Ordinance. It further removes an ambiguity in the language of section 5 of the Principal Ordinance.

THE ATTORNEY-GENERAL moved the suspension of the Standing Rules in order that the Bill might be read a second time.

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

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

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

Council then went into committee to consider the Bill clause by clause.

On Clause 3,

THE ATTORNEY-GENERAL — I may explain, if I may, Sir, that this Section is put in for the purpose of removing the little ambiguity that there was in Section 5 of the old Ordinance. It was not clear, but it was intended originally, I believe, that the notification which your Excellency would make in case it was desired that there should be another Judge should be alternative to the first arrangement which existed in the original clause, but now it is proposed to make it clear that even supposing there were three Judges in the permanent service of the Colony it should be possible that if they were not in fact available the provisions of the Full Court Ordinance may still be applied if and whenever His Excellency thought necessary. This clause was inserted really at the suggestion of Sir Havilland de Sausmarez, who thought it might be possible that even when there were three judges in the Colony one might not be available and that either a judge from China or that a barrister of seven years' standing should be appointed as an additional judge to make up the necessary three.

Council then resumed.

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

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

Chinese Marriage Preservation Ordinance, 1912

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to provide punishment for certain persons found

guilty of adultery or harbouring Chinese Married Women. In doing so he said—I do not propose, Sir, at this stage to say much with regard to the Bill. It is a Bill which requires very careful consideration. It deals with two things. At present there is no remedy at all for a man whose wife is married to him properly under Chinese law, if she behaves improperly with another person. The existing law does touch just the fringe of the question by dealing in a penal fashion with men who harbour wives who have improperly fled from their husbands. The present Bill re-enacts all that part of the existing law, but goes further and lays down punishment for adulterers and compensation for husbands whose wives run away from them and it also provides punishment for women who are guilty of adultery.

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

The Objects and Reasons attached to the Bill state:—The object of this Bill is to provide some penalty for (and, by providing a penalty, to prevent as far as may be) cases in which a Chinese married woman is guilty of deliberate adultery with a paramour. Such a practice is unfortunately not unknown and there exist at present no regular means either for the husband to obtain redress or for the punishing of the adulterous parties. The Bill prescribes punishment for both the erring wife and her paramour and provides for the payment of compensation by the paramour to the wronged husband, with whom alone, however, lies the right and power of taking proceedings in connection with the injury done to him. With the Bill are conveniently welded the provisions of the two existing Ordinances which already touched the fringe of this question by making it illegal to harbour or receive a Chinese married woman who had left her husband for no proper cause.

Vehicles and Traffic Regulation Ordinance

THE ATTORNEY-GENERAL moved that the Council go into Committee on the Bill entitled, "An Ordinance to consolidate and amend the law with respect to vehicles and traffic."

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee with some small amendments, and moved that it be read a third time.

THE COLONIAL SECRETARY seconded, and the Bill was read third time and passed.

HIS EXCELLENCY — The Council will adjourn *sine die*.

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FINANCE COMMITTEE.
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A meeting of the Finance Committee was held afterwards — the Colonial Secretary presiding. The following votes were passed:—

More Bullocks Wanted

The Governor recommended the Council to vote a sum of \$1,200 in aid of the vote Sanitary Department, Special Expenditure, Purchase of Bullocks.

THE CHAIRMAN—In connection with the taking over of the scavenging by the Sanitary Department a number of bullocks has to be bought and the money available is not enough. The Head of the Sanitary Department asks for a further sum to enable them to purchase bullocks when a favourable opportunity offers.

Market Reconstruction

The Governor recommended the Council to vote a sum of \$17,000 in aid of the vote Public

Works, Extraordinary, Buildings, Old Western Market, Reconstruction.

THE CHAIRMAN—The work on the new market has gone on faster than was expected, and a further sum is required for this year.

School Extension

The Governor recommended the Council to vote a sum of \$4,000 in aid of the vote Public Works, Extraordinary, Buildings, Belilios Public School, Extension.

THE DIRECTOR OF PUBLIC WORKS—Provision was made this year for a limited extent, and that has been advanced more quickly than was anticipated.

Communications

The Governor recommended the Council to vote a sum of \$1,500 in aid of the vote Public Works, Recurrent, Communications, Maintenance of Telegraphs and Telephones.

THE DIRECTOR OF PUBLIC WORKS—The principal item causing the excess has been the trouble over Waglan lighthouse cable. It was found necessary to splice a new end, 400 feet in length, and after doing so a new landing place was selected, where it is hoped the cable will be less subject to the wear and tear from the waves. The cost of that item was \$1,066.59.