

4TH MARCH, 1915.

PRESENT:—

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

HIS EXCELLENCY MAJOR-GENERAL F. H. KELLY, C.B. (General Officer Commanding Troops).

HON. MR. CLAUD SEVERN (Colonial Secretary).

HON. MR. J. H. KEMP (Attorney-General).

HON. MR. E. D. C. WOLFE (Colonial Treasurer).

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

HON. MR. S. B. C. ROSS (Secretary for Chinese Affairs).

HON. MR. C. McI. MESSER (Captain Superintendent of Police).

HON. MR. WEI YUK, C.M.G.

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

HON. MR. E. A. HEWETT, C.M.G.

HON. MR. D. LANDALE.

HON. MR. E. SHELLIM.

HON. MR. LAU CHU PAK.

MR. M. J. BREEN (Clerk of Councils).

Minutes

The minutes of the previous meeting were confirmed.

Financial Minutes

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minute No. 3, and moved that it be referred to the Finance Committee.

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

Papers

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the

table the Jury Lists for 1915, and also the report of the Finance Committee held on the 26th February, and moved that they be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

War and Finance

HIS EXCELLENCY — Before proceeding with the orders of the day, gentlemen, I should like to read a paragraph from a despatch from the Secretary of State approving the estimates for the year. The correspondence will be published in due course, as soon as I get the reply of the Secretary of State to a despatch from me to the despatch which I am now reading. The paragraph reads as follows:—

"I note that, on the assumption that revenue will fulfil your expectations, no less a sum than \$1,079,139 would be required to balance revenue and expenditure. It should be remembered that during the continuance of war it will not be possible for the Crown Agents for the Colonies either to issue a loan on behalf of the Colony, or to make advances to your Government from the surplus assets of other Colonies, and the surplus balances of the Colony itself must, at present, be regarded as being to a large extent non-liquid. In these circumstances, it seems to me necessary that expenditure should be reduced as far as possible, and, so far as I can see, reduction must be made in the programme of Public Works Extraordinary. I accordingly request that the programme may be modified so as to bring expenditure within the estimated revenue, or as nearly as may be."

I have pointed out that it will be impossible to make this large economy of over a million dollars from Public Works Extraordinary, and I have indicated a sum, which is just short of \$500,000, which I think might be saved, and in these circumstances I propose that the expenditure of \$250,000 on the acquisition of private moorings in the Colony shall not be undertaken in the present year. That, you will note, only makes a n

economy of \$750,000 against the million which the Secretary of State says should be made. It is obvious, however, that, even if my proposals are approved, the strictest economy must be exercised, and I have already instructed the heads of departments that those inconvenient little items embodied in the financial minutes, which are termed "Supplementary Votes," will be ruthlessly barred unless there is absolute necessity for them. It is also necessary to remind hon. unofficial members—because they sometimes have recommendations involving expenditure to make—that the strictest economy in every direction must be exercised. I need hardly add that my despatch, indicating the works which I have recommended might be suspended, will be published in due course.

Private Bills

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to provide for the payment of fees in respect of Private Bills." In doing so he said—Sir, the object of this Bill is to provide for a fee to be paid for private Bills. These private Bills involve a certain amount of work, and sometimes a considerable amount of work, and it seems not unreasonable that the people for whom these private Bills are passed should contribute to the revenue: especially as in most cases they result in a saving of conveyancing fees and other expenditure. In the United Kingdom a great number of fees are payable in respect of private Bills: there are fees on the first reading, on the second reading, on the third reading, the Committee stage and so on, and the simplest possible Bill would produce a very much higher total in fees than what is proposed by this Bill. I beg to move the second reading.

THE COLONIAL SECRETARY seconded.

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

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee without amendment, and moved that it be read a third time.

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

Seditious Publications

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to amend the law relating to Seditious Publications." In doing so he said—Sir, this is a Bill which is supplementary to the Seditious Publications Ordinance which was passed last year. That Ordinance defined seditious publications, making it an offence to publish or circulate them. It also gave power to search for the publications, and to seize them on their entry into the Colony, but it did not provide that the possession of such publications would be an offence, and that omission is now provided for in the present Bill. It was thought better to give a fuller and more exactly defined power of search, and as that is proposed to be given by the fourth clause of the present Bill, clause 3 of the principal Ordinance is amended by the omission in it of that portion relating to search warrants. This Bill also provides that once it is proved by the prosecution that the defendant had seditious publications in his possession knowingly, the onus will lie on him to prove that he had them with some lawful authority or excuse, and the burden will also lie upon him of proving absence of knowledge that the publication in question was seditious, if in fact it was seditious.

THE COLONIAL SECRETARY seconded.

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

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee without amendment, and he moved that it be read a third time.

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

Publication of By-Laws, Etc

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled. "An Ordinance to authorise the publication of an edition of the regulations, rules and by-laws in force in the Colony on the 31st December, 1914." In doing so he said— Sir, an edition of
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and by-laws in force in this Colony was prepared by Mr. Bowley in 1909 and 1910, and that volume contained regulations in force up to, I think, March, 1910. Before that time they were scattered over a great number of annual volumes, and volumes of the *Gazette*. That was the first time an edition had been prepared. That edition, however, has now become out-of-date by the lapse of time, and the inconvenience which existed before the publication of the edition is now felt again. A great number of regulations and rules have been passed since, and it is necessary to refer to a great number of large volumes to ascertain the law in force. It is now proposed to authorise a new edition to contain all the regulations in force in the Colony up to December 31st last year. It is also proposed to make the edition an authoritative edition of the regulations in force, and to provide that any regulations not in that edition shall be deemed to have been repealed, and any differences between that volume and the regulations originally made will be deemed to have the effect of repealing the previous regulations in so far as differences appear. The Bill also provides, Sir, that this new edition, properly authenticated, and with the seal of the Colony impressed on each volume, under your order, shall be evidence of the regulations, which may, therefore, be proved by mere production of the copy of this edition instead of being required to be proved by the production of the *Gazette*. I beg to move, Sir, the second reading.

THE COLONIAL SECRETARY seconded.

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

On clause 5,

THE ATTORNEY-GENERAL — I beg to move, Sir, the addition of the marginal note, "Mode of Proof."

THE COLONIAL SECRETARY seconded.

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee with slight amendment, and he moved that it be read a third time.

THE COLONIAL SECRETARY seconded,

and the Bill was then read a third time and passed.

Import Manifests

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to provide for certificates of origin in respect of goods, wares and merchandise sought to be imported from certain places, and to provide for the furnishing of import manifests." In doing so he said—Sir, the object of this Bill is to prevent the importation into the Colony of goods produced or manufactured in enemy territory. Its provisions are based on the Board of Trade regulations which are in force in the United Kingdom in respect of goods imported into the United Kingdom from foreign countries. The differences between this Bill and those regulations arise from the fact that there is no general Customs House organisation here similar to that which is to be found in the United Kingdom. As a result, the Bill has had to be drafted in a somewhat different form from the Board of Trade regulations. Those take the form of empowering and giving authority to the Customs House authorities to refuse to deliver any goods unprovided with a certificate of origin. This Bill, on the other hand, is in the form of a general prohibition against the importation into the Colony of any goods not provided with a certificate. In order to make this effective, it is provided, also, that shipowners must furnish import manifests to the Superintendent of Imports and Exports, and it is also provided that such import manifests shall be evidence, *prima facie* evidence, that the goods described on them were imported by the ship to which the manifest relates. As the Bill takes the form of prohibition against importation, it was realised that shipowners might find themselves within the penalty clause of the Bill without any fault on their part. Of course, it is the owners of the cargo who have to provide the certificates of origin, shipowners not being in a position to do so, and the Bill accordingly provides that shipowners who are, in respect of the goods, only carriers, shall not be deemed to import the goods into the Colony unless they allow their discharge from the ship, and power is also given to the Superintendent of Imports and Exports to allow shipowners to l a n d t h e g o o d s i n t o

held subject to his directions. That seems to sufficiently safeguard the position of shipowners in this matter. The First Schedule of the Bill gives a list of the places in respect of imports from which certificates of origin will be required: it includes every place in Norway, Sweden, Denmark, Holland, Switzerland and Italy. That, Sir, is the same as the list which appears in the Board of Trade regulations in force in the United Kingdom. The form of the certificate appears in the Second Schedule. That form is exactly the same as the form required for imports into the United Kingdom. Under the Ordinance, when passed, an Order-in-Council is proposed to be made which will exempt from the operation of the Ordinance certain goods, and it is proposed that the goods to be exempted shall be the same as the goods exempted from the Board of Trade regulations in the United Kingdom. The whole procedure, therefore, in respect to exports to Hongkong, will be the same as the procedure for exports to the United Kingdom, so no confusion can result in consequence. It is hoped, also, that if any changes are made in the procedure with regard to exports to the United Kingdom from those countries in the First Schedule, when it is possible and suitable to this Colony similar changes will be made in respect to the procedure in regard to exports to Hongkong. I beg to move the second reading.

HON. MR. HEWETT — The Attorney-General, Sir, has very carefully explained the meaning of this Bill, but there should be no possible dispute. If I understand his remarks, then any ship arriving here has got to make a complete manifest of every vestige of cargo brought into this port, no matter where it comes from—local cargo or Home cargo—but certificates of origin are only required from the goods shipped from the six countries mentioned in the First Schedule. That is the idea, I take it?

THE ATTORNEY-GENERAL—That is so, Sir.

HON. MR. HEWETT—It is necessary that ample notice should be given; that is the chief thing. Of course, no possible objection can be raised.

HIS EXCELLENCY — You mentioned

something about ample notice.

HON. MR. HEWETT—We shall have to communicate with the people at Home, Sir.

HIS EXCELLENCY—I am afraid you will not be able to do it except by telegram. The authorised time is March 15th. The order is that it shall be put in force on March 15th, which is a little earlier than we anticipated.

HON. MR. HEWETT—Of course, it would not apply to cargoes *en route*, Sir? We shall have to send off telegrams at once giving directions for the arrangement of the documents of ships leaving after this month.

THE ATTORNEY-GENERAL—It will not apply to shipments, before a certain date, or to cargoes *en route*, and, in any case, there is power to allow the goods to be landed and delivered to the importer upon a bond or deposit being given, which will be returned when the necessary certificate is given later.

THE COLONIAL SECRETARY seconded.

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

On clause 11,

THE ATTORNEY-GENERAL—I beg to move, Sir, the addition of the words "upon conviction summarily or on indictment" after the word "liable," in the third line. That is the penalty provided in the Trading with the Enemy Ordinance and in the Alien Enemies (Winding Up) Ordinance. In both these Ordinances the penalty is recoverable on indictment or on conviction summarily.

THE COLONIAL SECRETARY seconded.

On clause 12,

THE ATTORNEY-GENERAL—I beg to move, Sir, the deletion of the words "1st day of April," and the insertion of the words "15th day of March."

THE COLONIAL SECRETARY seconded.

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee with slight amendment, and he moved that it be read a third time.

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

**Alien Enemies (Winding-Up)
Ordinance, 1914**

HIS EXCELLENCY—We do not propose to proceed with the Alien Enemies (Winding Up) Ordinance committee stage to-day. We have several amendments to bring forward. Council stands adjourned *sine die*, but I might mention that we shall have a meeting next Thursday if we possibly can. I will not fix it now, but I warn members that there may be orders sent out on Tuesday.

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FINANCE COMMITTEE.

—
A meeting of the Finance Committee followed, the COLONIAL SECRETARY presiding.

Judicial and Legal

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The Governor recommended the Council to vote a sum of three hundred and seventy-eight dollars (\$378) in aid of the following votes:—

Judicial and Legal Departments

B.—Magistracy.

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| Personal Emoluments, 2 Chinese constables | \$300 |
| Other Charges, Uniform for constables | 78 |
| Total | \$378 |

THE CHAIRMAN — It has been found impossible to spare two constables permanently from the force. Two will be required at the new buildings; one to take charge of the dock in the second court, and the other will be on duty in the basement disposing of prisoners before and after trial. No money has been provided, but a report will be obtained later on in the year, in time for next year's estimates, as to whether this vote is necessary.

The vote was agreed to.