

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONGKONG.

No. 3 OF 1872.

FRIDAY, 5TH APRIL, 1872.

PRESENT:

His Excellency Governor SIR RICHARD GRAVES MACDONNELL, K.C.M.G., & C.B.

The Honorable the Acting Chief Justice (HENRY JOHN BALL).

The Honorable the Acting Colonial Secretary (CECIL CLEMENTI SMITH).

The Honorable the Acting Attorney General (THOMAS CHILD HAYLLAR).

The Honorable the Acting Treasurer (CHARLES MAY).

The Honorable PHINEAS RYRIE.

The Honorable WILLIAM KESWICK.

The Honorable HENRY LOWCOCK.

The Honorable JAMES GREIG.

The Council meets this day at 3 P.M., pursuant to adjournment.

The Minutes of the Council held on the 25th March, are read and confirmed.

His Excellency refers to the Correspondence which had passed with the Secretary of State in reference to the increase of Salary to the Crown Solicitor, Mr. EDMUND SHARP, which, by Despatch No. 131 of the 27th October, 1871, His Lordship had sanctioned, and which was authorized to take effect from the date of Mr. SHARP's appointment to the Office on the 25th January, 1871. The Governor then states that in compliance with the Secretary of State's instructions, Mr. SHARP had been paid the arrears due to him from the above date to the 31st December, 1871; and that he has since received Salary at the increased rate of Pay (£500 per annum) to the 31st March, 1872. But when His Excellency allowed the increase thus sanctioned to be paid to Mr. SHARP, no information whatever was placed before him to show that such increase had been originally placed on the Estimates for 1872, and rejected by the Council. This circumstance was only known to His Excellency at the last Meeting, and he now finds that no Report whatever of such rejection (which might have been transmitted at the time by Telegraph) had been made to the Secretary of State.

Discussion follows,—

After which, it is moved by the Honorable the Acting Chief Justice, and seconded by the Honorable the Acting Attorney General, that the increase of the Crown Solicitor's Salary as sanctioned by the Secretary of State, be placed on the Supplementary Estimates for 1872.

Debate ensues.

Council divides.

Ayes (3).
ACTING TREASURER.
ACTING ATTORNEY GENERAL.
ACTING CHIEF JUSTICE.

Noes (5).
Mr. GREIG.
Mr. LOWCOCK.
Mr. KESWICK.
Mr. RYRIE.
ACTING COLONIAL SECRETARY.

Question put and negatived.

Whereupon, it is moved by the Honorable the Acting Colonial Secretary and seconded by the Honorable WILLIAM KESWICK, that Mr. SHARP be allowed to retain the sum of \$1,422.58, which he had received as an increase to his Salary, from the 25th January, 1871, to the 31st March, 1872.

Question put and carried.

His Excellency lays on the Table the following Despatch from the Secretary of State:—

"HONG KONG.

"*No.* 20.

"DOWNING STREET, 8th February, 1872."

"Sir,—I have informed you by a Telegram sent this day, that it is "expected that SIR ARTHUR KENNEDY, who succeeds you in the Government "of Hongkong, would leave Southampton on the 28th instant to relieve you.

"I am glad to have been thus enabled to meet your wishes as to your "departure from the Colony.

"I avail myself with pleasure of this opportunity of recognizing the "vigour and ability with which you have administered the Government of the "Colony.—I have the honour to be, Sir, your most obedient humble Servant,

"KIMBERLEY."

"*Governor*

"SIR R. G. MACDONNELL, K.C.M.G., C.B.,"

"&c., &c., &c.,"

His Excellency states that since the last Meeting of the Council he had received a Telegraphic Despatch from the Secretary of State, of the 2nd instant, directing postponement of Legislation on the Reconstruction of the Courts and Procedure, until the return of Mr. PAUNCEFOTE, who was at work on the subject. Accordingly, the two Bills providing for such Legislation, (which were read a first time at the last Meeting of the Council on the 25th March last) are postponed.

The Bill *for the more effectual Prevention of Crime* is brought forward for the second reading.

The Honorable the Acting Chief Justice, by request of His Excellency, explains the provisions of the Bill.

Debate ensues.

After which, the Bill is read a second time.

On going into Committee upon the Clauses of the Bill, it is moved by

the Honorable WILLIAM KESWICK, and unanimously agreed to,—that consideration of the Bill be postponed till the Police Commission, which is now taking evidence upon many points connected with the subject of the Bill, shall have sent in their Report.

Read a first time a Bill *to give to the Hongkong and Shanghai Banking Company certain extended Powers.*

His Excellency explains the provisions of the Bill.

Whereupon, it is moved by the Honorable the Acting Colonial Secretary, seconded by the Honorable the Acting Chief Justice, and unanimously agree,—that, as there are no amendments whatever, the Standing Orders be suspended, and the Bill be carried through its several stages at the present sitting of the Council.

The Bill is then read a second time, committed and passed,—bearing the Title of "*An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to amend Ordinance No. 5 of 1866, and to give to the Hongkong and Shanghai Banking Company certain extended Powers,*"—being "*No. 1 of 1872.*"

The Bill *to prevent certain Nuisances* is read a second time, and the Council goes into Committee upon the Clauses of the Bill, which are discussed Clause by Clause, and amended.

In the course of revision it is moved by the Honorable PHINEAS RYRIE, and seconded by the Honorable the Acting Chief Justice, that Section III,—which had been renumbered and made Section V,—be struck out.

Question put and negatived.

At the suggestion of the Honorable the Acting Chief Justice a new Clause is introduced providing for Appeals in certain cases, which is agreed to, and ordered to stand as Section VI.

The Bill having gone through Committee, is adopted by the Council and passed,—bearing the Title of "*An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to prevent certain Nuisances,*"—being "*No. 2 of 1872.*"

The Bill *for the Oral Examination of Prisoners* is read a second time.

The Honorable the Acting Attorney General, by His Excellency's request, explains the provisions of the Bill.

The Bill is then discussed in Committee, amended and passes,—bearing the Title of "*An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to provide for the Oral Examination of Prisoners,*"—being "*No. 3 of 1872.*"

The Bill *to provide for the Trial and Punishment of Offenders found at large within the Colony, in violation of any Conditional Pardon*, (which was read a first time at the last Meeting of the Council), is withdrawn by His Excellency's Command, on the ground that sufficient powers already exist by Ordinance to deal with such Offences.

The Bill *for the Branding and Punishment of Criminals in certain cases* is brought forward for the second reading, and its general merits and principle are

discussed.

The Bill is then read a second time, and committed.

The Honorable the Acting Chief Justice moves that Section I be struck out.

The motion not being seconded, Section I, and the Sections following, are discussed and agree to.

The Bill having gone through Committee, is adopted by the Council and passed,—bearing the Title of "*An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to make Provision for the Branding and Punishment of Criminals in certain Cases,*"—being "No. 4 of 1872."

His Excellency lays on the Table a Bill *for the better Registration of Domestic Servants*, and the same is read a first time.

His Excellency having remarked that there is no further business before the Council,—

The Honorable PHINEAS RYRIE rises to call attention to the present Meeting of the Council being the last at which His Excellency would preside. On behalf of the Non-official Members he begged to express their thanks to His Excellency for the manner in which he had always listened to such observations as they had to make on matters of Public interest, and for the way in which the business of the Council had been in general conducted. They much regretted that His Excellency was leaving them, and hoped that on his arrival at home his health would be fully restored. With these few words he and his fellow-Members wished to bid His Excellency adieu and a pleasant passage homeward.

His Excellency the Governor in reply stated that it was impossible to take leave of the Council without regret. He was much obliged to Mr. RYRIE and the Non-official Members for their expressions of cordial feeling. It was a great satisfaction to him to leaving to remember that in the conduct of the administration, and in presiding over the Council, he had had such support from the Non-official Members.

Whatever might be said regarding his administration, it had enjoyed the sanction of those who were perhaps best entitled to represent the Community. He hoped the Council would continue to work well. Of the individual Members he should cherish an agreeable recollection, and trusted to meet them again, not here, but elsewhere. He now bade them Good-bye, and wished prosperity to the Colony, which he should long remember with deep interest.

His Excellency then adjourns the Council at a quarter to 7 o'clock.

HENRY WASE WHITEFIELD,
Major-General, and Lieutenant-Governor.

Read and confirmed, this 16th Day of April, 1872.

L. D'ALMADA E CASTRO,
Clerk of Councils.