

22ND MAY, 1891.

PRESENT : —

HIS EXCELLENCY THE ACTING GOVERNOR.
Major-General G. DIGBY BARKER, C.B.*

Hon. W. M. DEANE, C.M.G., Acting Colonial Secretary.

Hon. W. M. GOODMAN, Attorney-General.

Hon. N. G. MITCHELL-INNES, Colonial Treasurer.

Hon. J. H. STEWART-LOCKHART, Registrar-General.

Hon. S. BROWN, Surveyor-General.

Hon. P. RYRIE.

Hon. HO KAI.

Hon. J. J. KESWICK.

Hon. T. H. WHITEHEAD.

Mr. A. M. THOMSON, Acting Clerk of Councils.

MINUTES.

The minutes of the last meeting were read and confirmed.

LODGING-HOUSE BY-LAWS.

The ACTING COLONIAL SECRETARY laid on the table the by-laws for licensing and regulating common lodging houses made by the Sanitary Board, and moved that the same be adopted.

The COLONIAL TREASURER seconded.

Carried.

FINANCE.

A number of financial minutes were laid on the table and referred to the Finance Committee.

THE SHARE TIME BARGAINS BILL.

Hon. T. H. WHITEHEAD—I beg to lay on the table a petition addressed to your Excellency and the members of the Legislative Council from the Stock and Share brokers' Association praying for the postponement of the second reading of the Bill entitled an Ordinance to amend the law in respect of the sale of Shares in Companies registered under the Companies Ordinances 1865 to 1886 and in other Joint Stock Companies. I can vouch that the petition is respectfully worded in every way and I ask your Excellency's permission that it may be read.

The CLERK of COUNCILS then read the following petition: —

Hongkong, 22nd May, 1891.

To the Hon. the President and members of the Legislative Council of Hongkong.

The humble petition of the Undersigned for and on behalf of themselves and other share-brokers and dealers in Hongkong,

Respectfully sheweth:

1.—Your petitioners are share-brokers doing business in Hongkong.

2.—A very extensive business is and for many years past has been carried on in Hongkong

* Sworn in on the 7th May.

in the stock and shares of local and other companies, both for cast and on time, and in the whole or the greater part of the dealings and transactions in these shares on time, it has not been possible or convenient to designate in writing, by numbers or otherwise, the precise shares or stock in respect of which contracts have been made.

3.—The Bill now before this Hon. Council, intituled 'An Ordinance to amend the law in respect of sales of shares in Companies registered under the Companies Ordinances 1865 to 1886 and in other Joint Stock Companies will, if passed into law in its present form, render null and void all contracts and agreements for the sale of stock or shares not precisely designated in writing, by numbers or otherwise, and will put an end to a very extensive and very valuable branch of the business done in the local share market.

4.—Your petitioners as share-brokers and dealers will suffer very considerably by the contraction in the volume of share business that must follow the passing of the Bill in question, and they are desirous of being heard at the table of this Honourable Council, by their Counsel, in opposition to the Bill, and in support of their interests so seriously threatened by the Bill.

5.—Your petitioners have been taken by surprise by the setting down of the Bill for second reading at so short a notice. They and the public generally were under the impression that the Bill read a first time in July last had been abandoned, and they have not had time to prepare petition and memorials against the Bill or to instruct Counsel to oppose it.

They, therefore, most humbly pray—

1.—That the second reading of the said Bill may be postponed for at least a month to enable them to take steps to memorialize the Government and this Honourable Council against the Bill.

2.—That when the Bill comes before this Honourable Council for the second reading they may be heard by their Counsel against the Bill.

And your petitioners, as in duty bound, will ever pray, &c., &c., &c.

For the Stockbrokers' Association of Hongkong.

J. Y. V. VERNON, Chairman.

WILLIAM LEGGE,

R. A. GUBBAY,

E. H. JOSEPH,

CHAS. C. COHEN,

ADAM LIND,

LOUIS MENDEL,

W. H. YOUNG,

E. JONES HUGHES,

} Sub-Committee,"

THE MILITARY CONTRIBUTION.

Hon. P. RYRIE presented the following protest, which was laid on the table: —

Whereas at a meeting of this Honourable Council held on the 26th day of March, 1890, past, a vote was taken for the payment out of the Colonial Treasury to the military chest of a sum of twenty thousand pounds sterling (£20,000) or its equivalent in dollars, as additional military contribution for and in respect of the year 1890;

And whereas no portion of the monies so voted was disbursed during the year ending the 31st December last;

And whereas for the payment out of such monies or any portion thereof after the said 31st day of December a vote or revote by this Council was requisite and His Excellency the Governor had no authority except perhaps in a case of extreme necessity to issue his warrant for or in any way authorise such payment without such revote;

And whereas at the meeting of Council held on the 30th day of April last His Excellency the Governor Sir George William des Voeux, in his peace in Council, stated in reply to a question that he had on the 21st February last on his own responsibility and without the authority of this Council by his warrant directed payment out of the Colonial Treasury of this said sum of twenty thousand pounds sterling, additional military contribution in respect of the year 1890;

And whereas it has not been shown to this Council that any adequate or any urgent necessity existed for the payment of the said monies on that date without the authority of this Council, and no sufficient reason has been assigned or explanation given for not calling together this Council and obtaining a revote of the money:

Now, therefore, we the undersigned unofficial members of Council in our places in Council as the representatives of the public interest and as the lawfully constituted guardians of the public purse, and for the preservation of the rights of this Honourable Council, solemnly protest against the action of His Excellency the Governor in issuing his warrant, without the authority of this Council, for the payment of the said sum of twenty thousand pounds sterling additional military contribution and against the payment of the said monies.

We have, further, most earnestly to protest against the action of his Excellency the Governor in concealing from this Council until its meeting on the 30th April last and until a question had been put on the subject the fact that this money had been paid, on his authority, on the 21st of February last; in laying on the Council table, on the 25th February last, a minute recommending the revote by the Council of this additional military contribution for 1890, the minute being silent as to the payment of the money; in permitting this Council to discuss, in Finance Committee on the 25th February,

and in full Council on the 5th and 19th March in his own presence, the question whether this money should or should not be revoted, the Council being deliberately kept in ignorance of the fact that the money had already, on the 21st February, been paid out of the Colonial Treasury and that it was beyond recall.

We pray that this our protest may be recorded on the minutes of this Council and may be forwarded to the Right Honourable the Secretary of State for the Colonies.

(Signed) "P. RYRIE.

"HO KAI.

"T. H. WHITEHEAD.

Legislative Council Chamber,
Hongkong, 7th May, 1891.

GOVERNOR DES VOEUX AND THE MILITARY
CONTRIBUTION.

Hon. T. H. WHITEHEAD gave notice that at the next meeting he would ask the following question: —"With reference to the explanation given by His Excellency Sir William des Voeux at the Council meeting held on the 30th April last in connection with the payment of the arrears of the Military Contribution for 1890 without the sanction of the Council, will the Government lay on the table a copy of the telegram or telegrams from the Secretary of State for the Colonies on the authority of which the money was paid."

THE INCREASE IN CIVIL SERVANTS' SALARIES.

Hon. T. H. WHITEHEAD gave notice of the following question: —"Will the Government lay on the table a copy of the despatches referred to in the Acting Colonial Secretary's letter of the 13th inst. to Hon. P. Ryrie, received from the Right Honourable the Secretary of State for the Colonies, containing his Lordship's views and instructions with regard to the increased salaries voted in the 1891 estimates and state the date on which the same were received; also a copy of Governor Sir William des Voeux's telegram dated 25th ultimo to the Secretary of State referred to in the said letter, together with a copy of the telegram received from the Secretary of State in reply?"

THE SHARE SALES BILL.

Hon. T. H. WHITEHEAD gave notice of the following question: —"Will the Government lay upon the table a copy of the despatch dated 2nd September last from the Officer then Administering the Government to the Right Honourable the Secretary of State for the Colonies in connection with the proposed Share Sales Regulation Bill and a copy of the Secretary of State's despatch in reply?"

ORDINANCES 18 AND 19 OF 1884 VALIDITY BILL.

The ATTORNEY-GENERAL moved the first reading of a Bill to give the same validity to Ordinances Nos. 18 and 19 of 1884 as if they had been proclaimed to come into force on the 23rd September, 1884.

The COLONIAL TREASURER seconded.

Bill read a first time.

THE FORTS' PROTECTION BILL.

The ATTORNEY-GENERAL moved the first reading of the Forts' Protection Bill.

The COLONIAL TREASURER seconded.

Bill read a first time.

THE PUBLIC LATRINES BILL.

The ATTORNEY-GENERAL moved the first reading of a Bill to provide against abuses connected with the erection of public latrines.

The COLONIAL TREASURER seconded.

Bill read a first time.

PUBLIC HEALTH ORDINANCE (AMENDMENT) BILL.

The ATTORNEY-GENERAL moved the first reading of a Bill to further amend the Public Health Ordinance, 1887.

The COLONIAL TREASURER seconded.

Bill read a first time.

THE LETTERS PATENT FEE BILL.

The ATTORNEY-GENERAL—I beg leave to move the second reading of a Bill to provide for the making of a table of fees to be taken in connection with the grant of Letters Patent in this colony. In England and in all the Colonies with which I am acquainted Letters Patent are granted protecting the patent in the Colonies to which they apply after certain fees have been paid. These fees go into the public treasury. But when I came to look into the Patents Ordinance here I noticed that no fees were taken for the granting of Letters Patent. It struck me that this was a very proper source of revenue, and therefore I introduced this Bill, of which I now move the second reading, which provides that the Governor in Council may make rules as to the amounts to be paid for granting the Letters Patent. The first section of the Bill provides that the Governor in Council may make rules, and the second states that the fees shall be notified from time to time in the *Gazette*.

The COLONIAL TREASURER seconded.

Bill read a second time.

The Council went into Committee on the Bill.

On the first clause which gives power to make a table of fees in respect to the grant of Letters Patent and the extension of any such grant.

The ATTORNEY-GENERAL said that sometimes after Letters Patent had been granted, there was an application for an extension of time. He thought that a fee should be paid for that extension and he had therefore provided for it in this section.

Hon. T. H. WHITEHEAD—May I ask if it is proposed to increase the fees?

The ATTORNEY-GENERAL—There are no fees at the present time. When anyone applies for Letters Patent some one has to go to work and look into the patent and examine the papers, but no one is paid anything for it. That is the way things are done now, and I want to put them on a more satisfactory basis. The granting of Letters Patent is optional with the Government, and of course the Government can say they will

only grant those Letters Patent on the payment of certain fees, but hitherto there has been no exact fee fixed, although I see there has been a fee charged at one time of \$25. It appears to me there should be some specific legislative sanction for making a fee of that kind, and that as in England and other places there should be a table of fees for the registration of Letters Patent. At present someone has to examine specifications and look into papers and so on, and the work is done for nothing. That is a matter I can hardly understand. I think it would be more satisfactory that things should be put on a proper legislative basis and that a proper table of fees should be made. I should make it more than \$25, if I had the making of the table. I do not think that is sufficient considering the amount of work there is in going into specifications and papers. The revenue from this source would be a relief to the ratepayers, and I do not see why a man who wants something which is entirely for his own benefit should not have to pay for it.

The ACTING COLONIAL SECRETARY—I may add to what the Attorney-General has said that in the time of his predecessors \$25 was charged by the Attorney-General in connection with the granting of Letters Patent, but since the salary of the office has been raised and private practice abolished the Attorney-General is not allowed to take these fees, and hence they have since been saved by the people who take out Letters Patent. I think the Government are perfectly justified in re-enacting these fees as they will now go into the public treasury.

Hon. T. H. WHITEHEAD—My sole object in asking the question was for information and I think the explanation very satisfactory.

Hon. P. RYRIE—Do you think of increasing the fees largely?

The ATTORNEY-GENERAL—At present nothing definite is settled, nothing at all is fixed. I remember seeing that there was a fee of \$25 paid to the Attorney-General for Letters Patent and I have looked up the authorities, but I cannot see any authority for that. Of course the Attorney-General had private practice at that time and I believe it was referred to Chief Justice Smale as to what was the proper fee and it was thought \$25 was a proper fee for the Attorney-General. At that time he had private practice. And I believe the Government required \$25 before the Letters Patent could be granted, but there was no special legislation on the matter. Although the Attorney-General cannot get the fee now, I think there is no reason why it should not go into the Treasury. I thought it was better that things should be put on a satisfactory basis and that is why I suggested this Bill should be brought forward. I have not yet considered what the fees should be, but I think they should be more than \$25.

Hon. T. H. WHITEHEAD—Is that less than is charged in England?

The ATTORNEY-GENERAL—I cannot give you the exact figures at the moment, but I believe in England they are considerably more than that.

The Bill passed through committee without amendment and the Council resumed.

THE SHARES SALES BILL.

Hon. J. J. KESWICK—Your Excellency, it had been my intention to move the second reading of the Bill to amend the law in respect of the sale of shares in companies registered under the Companies Ordinance 1865 to 1886 and in other Joint Stock Companies, but in consequence of representations made to me yesterday and this morning, I have decided to ask that the second reading may be postponed, as I am aware that a number of gentlemen interested in this matter are anxious to be heard on this matter, as the protest we have heard read, of which I was not aware, states. There is nothing I desire more than to have the fullest ventilation of the matter, and I therefore ask leave to postpone the Bill till such date as shall be decided upon.

Second reading postponed.

ADJOURNMENT.

The Council then adjourned.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held after the Council meeting, the Acting Colonial Secretary in the chair.

PEAK WATER SUPPLY.

The CHAIRMAN said—The first vote I have to bring before the Committee is a sum of \$19,980 for the Peak water supply. This is money not expended last year, owing to the material not having arrived from England in time for the work to be executed last year. I have therefore to move that this re-vote be passed.

The COLONIAL TREASURER seconded.

Carried.

THE COLLISION BETWEEN THE POLICE AND DOCK CO.'S LAUNCHES.

The CHAIRMAN—The next vote is one for \$1,229 for general repairs to the Police steam launch No. 2, and providing a launch while the repairs are being executed. It may possibly be in the recollection of hon. members of Council that some three or four months ago a collision took place between this launch and the Dock Company's launch and this launch was sunk. It was agreed to refer the matter to arbitration, the arbitrators consisting of the Harbour Master and Captain Burnie, and they both agreed the Police launch was to blame. The Government is therefore bound to accept the result of the arbitration and ask you to vote this sum for the repair of the launch.

The COLONIAL TREASURER seconded.

The CHAIRMAN—I may mention the man in charge of the launch at the time was dismissed.

Hon. T. H. WHITEHEAD—Was he a properly qualified man?

The CHAIRMAN—Oh, yes; they have all to pass and get certificates.

The vote was agreed to.

STUDENT INTERPRETERS.

The next minutes considered recommended a vote of \$90 for an allowance for a Chinese teacher to Mr. Waggott, one of the student interpreters appointed under section 2 of the scheme published in Government notification No. 209 of 4th May, 1889, at the rate of \$10 a month; and a similar vote for Mr. Nolan, another student interpreter appointed under the same scheme.

The CHAIRMAN—Hon. members will probably remember that these student interpreters received a salary but received no teacher's allowance, but I am happy to say arrangements have been made by which these young gentlemen have been sent up into China, out of Hongkong, where they will learn Chinese much more rapidly than if they stayed here. Therefore the Governor thought it would only be fair to allow them these teachers as their expenses will be more considerable than if they lived with their families in Hongkong. I have therefore to move that these sums be voted.

The COLONIAL TREASURER seconded.

Carried.

CHINESE TEACHER ALLOWANCE TO A NURSE.

The next minute recommended a vote of \$80 to provide a Chinese teacher to Miss McIntosh, one of the European nurses at the Civil Hospital, at the rate of \$10 per month.

The CHAIRMAN—All who have had anything to do with the hospital thoroughly appreciate the immense services these ladies are now performing there and the great success that has attended their coming here, and I am sure the Government ought to do all it can to encourage them to learn to talk to the Chinese patients who may come under their care. I have therefore to move that this vote be passed.

The COLONIAL TREASURER seconded.

Carried.

HEAD MISTRSS OF CENTRAL SCHOOL FOR GIRLS.

The next minute recommended a vote of \$69.35, being half salary of Miss Ward, Head Mistress of the Central School for Girls, during her voyage from England to Hongkong, from 20th July to 31st August, 1890, at \$50 per month.

The CHAIRMAN in proposing the vote said he did not understand why it was not asked for before. The lady was entitled to it by her agreement, and why no requisition was sent in he did not understand.

The COLONIAL TREASURER seconded.

Carried.

PADLOCKS FOR THE GAOL.

The next minute recommended a vote of \$900 for the purchase of 200 brass padlocks from Chubb and Sons for Victoria Gaol.

The CHAIRMAN said this was really a revote, because the Committee agreed to vote this \$900 for the purchase of padlocks last year, but the order was not executed in time to enable the account to be included in last year's accounts. He moved that the vote be passed.

The COLONIAL TREASURER seconded.

Carried.

REPAIRS TO HARBOUR MASTER'S LAUNCH.

The next minute recommended a vote of \$1,100 for general overhaul and repairs to the Harbour Department's steam launch *Daisy*.

The CHAIRMAN said that in reference to this vote one would naturally have expected that it would have been one of those items that might have been foreseen and included in the estimates for this year. The explanation given by the Harbour Master was that a sum was voted, and at the beginning of the year the sister vessel to the *Daisy*, the *Lily*, was laid up and the cost of her repairs was so large that it was necessary to take a supplementary vote in reference to the *Daisy*. He proceeded to read a written statement by the Harbour Master explaining the heavy cost. The boats had been continually running for seven years. He moved that the vote be passed.

The COLONIAL TREASURER seconded.

Carried.

THE REGISTRAR-GENERAL'S INSPECTORS.

The next minute considered was the following:—

The Governor recommends the Council to vote a sum of eight hundred and five dollars, (\$805), to cover the salaries and allowances to the two Inspectors in the Registrar General's Department, in accordance with instructions from the Secretary of State.

The sums required for 1891 are:—

Salaries, one Inspector at \$1,200, and another	\$	c.
at \$960.....	2,160.00	
Allowance in lieu of rent	480.00	
Allowance in lieu of police medal money, coal,		
brooms, and oil.....	90.00	
	\$2,730.00	
Amount provided for in the estimates for 1891	1,925.00	
Sum to be voted	\$805.00	

The CHAIRMAN—This is simply a re-adjustment. The money already appears in the estimates for this year but in a different form, part under salaries and part under pensions. It is only a re-adjustment of account; it is no new sum of money and no different sum of money the amount is already on the estimates, but it is going to be paid as salary instead of partly as salaries and partly as pensions. The men are Police pensioners and under instructions from the Secretary of State they are to come off the pension list and receive the amount as salary.

Hon. T. H. WHITEHEAD—Are these two

Inspectors attached to the Registrar-General's department?

The CHAIRMAN—Yes.

Hon. T. H. WHITEHEAD—What are their duties?

The REGISTRAR-GENERAL—The same question was asked at a previous meeting, and I explained that these Inspectors were appointed under the Ordinance for the Protection of Women and Children. They were formerly appointed under the C. D. Ordinance. That was abolished and the Ordinance for the Protection of Women and Children has taken its place to the extent of looking after the women in registered brothels but without compulsory examination. Under the previous Ordinance it was necessary to have three Inspectors; under the present Ordinance it is found two are sufficient. The duties are almost the same as before, except that the number of women and girls who are under protection is larger than formerly, because the powers of the Registrar-General have been extended and he has thus increased opportunities of bringing women and girls under protection.

Hon. T. H. WHITEHEAD—It seems to me the expenditure attached to the various departments is constantly on the increase.

The CHAIRMAN—There is no increase in this case. The amount is paid as police pensions, but the Secretary of State says it must be paid as salaries. Their pensions will be kept in abeyance until their final retirement from the service.

Hon. T. H. WHITEHEAD—We are asked to vote \$800, so there must be an increase.

The CHAIRMAN—No, because it is already in the estimates as pensions.

Hon. T. H. WHITEHEAD—Then would it not have been as well to mention that in the minute? It appears the cost of the Registrar-General's department exceeds the former amount by \$805.

The CHAIRMAN—And the pension list is reduced by the same amount. It was a very anomalous arrangement. They were pensioned officers in service, and the Secretary of State will not allow it. He says the rule is that if a pensioner is taken on his pension ceases so long as he is in active service. Therefore these men are put on the salary they had before and taken off the pension list. Their rights to pension on retirement remain the same as before.

After some further discussion the vote was agreed to.

COMPASSIONATE ALLOWANCE.

A vote of \$980 as a compassionate allowance to the widow and daughters of the late Mr. F. V. Ribeiro, clerk in the Audit Office, in consideration of her husband's twenty-one years' service, was agreed to.

The Committee then adjourned.