7тн DECEMBER, 1896.

Present:-

His Excellency the Governor, Sir William Robinson, K.C.M.G.

His EXCELLENCY Major-General BLACK, C.B., Officer Commanding the Troops.

Hon. J. H. Stewart Lockhart, Colonial Secretary.

Hon. H. E. Pollock, Acting Attorney-General.

Hon. A. M. Thomson, Acting Colonial Treasurer.

Hon. F. A. Cooper, Director of Public Works.

Hon. R. Murray Rumsey, Harbour Master,

Hon. F. H. May, Captain Superintendent of Police.

Hon, C. P. CHATER.

Hon, Ho KAL

Hon. T. H. WHITEHEAD.

Hon, E. R. Belilios, C.M.G.

Hon. WEI A YUK.

Mr. F. J. BADELEY, Acting Clerk of Councils.

MINUTES.

The minutes of the previous meeting were read and confirmed.

FINANCE.

Finance minute No. 27 was referred to the Finance Committee, and the report of the Finance Committee was adopted.

TAIPINGSHAN.

Hon. T. H. Whitehead gave notice of the following question—Will the Government lay upon the table an estimate as to the probable total cost of doing what is necessary to be done to the resumed area of Taipingshan before the lots can be put up to auction, and state the further probable time required to overtake the work?

THE OPIUM FARM.

Hon. T. H. Whitehead gave notice of the following question—In view of the present Opium Farm expiring in the spring of 1898, will the Government appoint a commission with full powers to investigate and report on the opium revenue generally, and provide advisability or otherwise of substituting for the present Opium Farm bonded warehouses and a fixed duty on all opium not *bona fide* exported in a raw state.

THE MILITARY CONTRIBUTION BILL.

The ACTING ATTORNEY-GENERAL—I rise to move the second reading of the Bill entitled an Ordinance to appropriate a percentage of seventeen and a half per centum of the Colonial revenues as a contribution for the defence of the colony. As I addressed the Council at some length at our last meeting I propose only to say a few words now in order to remove a curious misapprehension

which would appear to have arisen. It has been suggested, sir, in some quarters that by the remarks which I made at the last meeting of this Council I intended to throw some doubt upon the patriotism of the unofficial members of the Council. I can only say that I entirely repudiate any such idea; such a notion never entered into my head for a single instant. On the contrary, I expressly appealed to those feelings of patriotism which I felt confident must animate the unofficial members of the Council equally with myself. I should like in conclusion, sir, to say a few words in order to remove a misapprehension which may possibly exist upon another point. I desire to say, for the information of the members of this Council and the public, that in the remarks which I made at the last meeting of this Council I spoke entirely without any previous communication whatever either with your Excellency or with any other member of this Council. I only expressed, what I conceive I had a perfect right to express, my own personal views as an individual member of this Council. I feel very strongly, sir, upon the Imperial aspect of this question, an aspect which, I fear, is in danger of being somewhat disregarded, and it was for that reason, sir, that I ventured to lay before the Council at the last meeting the convictions which I entertained and the reasons for which I entertained those convictions. With these remarks, sir, I beg to move the second reading of this Bill.

The COLONIAL SECRETARY seconded.

Hon. C. P. CHATER—I ask your Excellency to put the resolution to the vote.

The resolution was then put with the following result—

AGAINST

Hon. Woe A Yuk Hon. E. R. Belilios The Captain Superintendent of Hon. T. H. Whitehead

Police

The Harbour Master

Hon. Ho Kai

The Director of Public Works

Hon. C. P. Chater

The Acting Colonial Treasurer

The Acting Attorney-General

The Colonial Secretary

His Excellency the General

Bill read the second time.

Council went into Committee on the Bill.

On clause 3 being read as follows—"The Colonial revenues for the purposes of this Ordinance shall include the grossrer eceipts by

the colony from all sources of revenue, but shall not include the proceeds of land sales and premia on leases,"

Hon. T. H. Whriehead proposed the addition of the words "which in its character is not purely municipal" after the words "sources of revenue."

Hon. Ho Kai seconded.

Hon. T. H. Whitehead remarked—I think it is well that hon. members should remember that 171/2 per cent. of our gross revenue, less land sales, is a higher percentage than is paid by any other Crown colony in her Majesty's dominions. Why should this colony be required to pay such an exorbitant sum? A large portion of the revenue is derived from productive public works, to carry out which we had to borrow money and that borrowed money has not yet been repaid to the lenders.

The amendment was then put to the vote.

FOR. AGAINST.

Hon. Wei A Yuk The Captain Superinendent of Police

Hon. E. R. Belilios The Harbour Master

Hon. T. H. Whitehead Hon. Ho Kai The Acting Colonial Treasurer

Hon. C. P. Chater The Acting Attorney-General The Colonial Secretary

H.E. the General

The amendment was therefore lost and the clause was carried.

Clause 5 read—"The said percentage shall be deemed to be a fixed contribution payable by the colony in full return for the annual cost of the Imperial garrison, including the cost of maintenance of all military works and buildings, but not including any capital expenditure required for military lands and buildings, provided that in no year shall the sum paid by way of percentage exceed the cost of the garrison for that year."

Hon. T. H. Whitehead suggested the addition of the words "nor cost of armament" after the words "military lands and buildings"

A vote was taken, the result being the same as in the previous vote.

The ACTING COLONIAL TREASURER—I think the title is rather tautological and I suggest that the words "a percentage" be struck out and that the words "a sum equivalent to" be substituted.

The Colonial Secretary—I beg to second.

The alteration was agreed to.

Council resumed.

The ACTING ATTORNEY -GENERAL moved the third reading of the Bill.

Hon. T. H. Whitehead—I think the third reading of the Bill should be held over until the next meeting of the Council. We have only had a few days to consider this measure. Our last meeting was on the 3rd and to-day is the 7th. I think the amendments are worthy of further consideration.

His Excellency—I will send the amendments home to the Secretary of State, but there can be no further discussion on the Bill now.

The COLONIAL SECRETARY—I beg to second the third reading of the Bill. There have been no material alterations made. Amendments have been suggested, but not carried.

Hon. T. H. Whitehead pointed out that the standing rules stated that the third reading could not be taken on the same day as the second reading if any member objected.

His EXCELLENCY—I understand the honmember does object to the third reading.

Hon. T. H. WHITEHEAD—I do object.

His Excellency—I do not think we can object to that.

Bill held over.

THE APPROPRIATION BILL.

The COLONIAL SECRETARY—I beg to move the second reading of the Bill entitled An Ordinance to apply a sum not exceeding Two Million Three hundred and Fifty-nine thousand Seven hundred and Eighty-nine Dollars to the Public Service of the Year 1897.

The Acting Colonial Treasurer—I beg to second.

Bill read a second time and referred to the Finance Committee.

THE PARTNERSHIP ORDINANCE

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled An Ordinance to declare and amend the Law of Partnership. The object of this Ordinance is to introduce into this colony the provisions of the Imperial Partnership Act of 1890. That Act embodies a convenient and well arranged digest of the principal rules of law relating to partnerships, and this Bill is almost entirely a transcript of its provisions, very slight modifications having been required to adapt it to the circumstances of the colony.

The COLONIAL SECRETARY seconded.

Bill read the second time and referred to the Law Committee.

THE POST OFFICE ORDINANCE.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled An Ordinance to further amend "The Post Office Ordinance, 1887." The objects and reasons of this Bill are attached and I have nothing to add

The ACTING COLONIAL TREASURER seconded.

Bill read the second time.

Council went into Committee on the Bill.

Bill read clause by clause.

Hon. T. H. Whitehead—I think it is very mischievous to place the power to punish any officer of the Post Office in the hands of the Postmaster-General. The accuser in most cases would be the Postmaster and he would be the

judge of what he accuses the individual. He would decide and there would be no appeal to any Court. I submit it would be very much better for the Postmaster-General to take the cases before the Police Magistrate and allow him to punish in the ordinary way.

The ACTING COLONIAL TREASURER—Misconduct cannot be taken before the Police Magistrate. There is no law regulating misconduct.

Hon. T. H. WHITEHEAD — In all offices there is misconduct more or less, and I submit that misconduct in the Post Office can be controlled without imposing fines.

The ACTING COLONIAL TREASURER — The Captain Superintendent of Police and the Gaol Superintendent have similar powers.

Hon. Ho KaI—The hon. member might direct his attention to the third paragraph, which reads, "The imposition of every such punishment shall be reported without delay to to the Governor, who shall have power, if he thinks fit, to remit such fine either wholly or partially." If any injustice is done I am sure his Excellency will hear of it

The ACTING COLONIAL TREASURER—I think the hon. member mistakes the position entirely. The Postmaster-General would not in one instance in a hundred know anything about the case in respect of which a man was reported. The report would be made by the chief clerk or the clerk in charge of the department in which the offence was committed. I would again point out that the Captain Superintendent of Police and the Gaol Superintendent have the same powers.

Hon. T. H. Whitehead—Have those powers worked satisfactorily in the gaol?

His EXCELLENCY—Has there been constant neglect of duty in the Post Office?

The ACTING COLONIAL TREASURER—Constant petty neglect—not sufficient to warrant a man being dismissed. It is a great nuisance getting a new man. A small fine, judiciously applied, will, I think, have a good effect.

The ACTING ATTORNEY-GENERAL—There is no power to impose a fine exceeding \$10.

Hon. T. H. Whttehead—I do not think, on principle, it is advisable to extend this system throughout the Colonial service; it is rather unconstitutional.

The ACTING COLONIAL TREASURER—The system is in force at home—certainly in money order offices.

Hon. T. H. Whitehead—This Bill applies to the Superintendent in the money order office and the Superintendent in the registration office?

The ACTING COLONIAL TREASURER—If they misbehave themselves they will be fined.

Hon. T. H. Whrtehead—I move that the Bill be read this day six months.

Hon. WEI A YUK seconded.

The amendment was put, but only the proposer and seconder voted for it.

Council resumed and the Bill was read the third time.

COMPENSATION TO PAWNBROKERS BILL.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled An Ordinance to provide for compensation being paid to pawnbrokers in certain cases. The object of this bill is to assimilate our local law to that in force in England by empowering the Court, if it thinks fit, to award some compensation to a pawnbroker, in cases where property, which has been wrongfully obtained or illegally pawned, is restored to the true owner. As our law at present stands, the Court possesses no such power, and it seems desirable to remedy the defect.

The COLONIAL SECRETARY—I beg to second. I think in justice to pawnbrokers the Bill ought to become law. I have known of cases where pawnbrokers have suffered very severely owing to the statute law not containing means whereby they can be awarded compensation in particular instances.

Bill read the second time.

Council went into Committee.

Hon. T. H. Whitehead—I should like to say a word or two. Clause 2 of section 2 says that "any goods and chattels brought before the Court have been unlawfully pawned with a pawnbroker." It may be an impossibility to bring some goods and chattels before the Court. I think it is as well to say "any goods and chattels referred to or in question." There may be goods of such a size as to prevent them from being brought into Court.

The ACTING COLONIAL TREASURER—Those goods could not be taken into a pawnshop. (Laughter). Goods taken into a pawnshop can be taken into Court.

The ACTING ATTORNEY -GENERAL — This Bill is borrowed from the home Act on the subject.

The objection was not pressed further.

Hon. T. H. WHITEHEAD—At the foot of the last clause in the Bill it says "according to the conduct of the owner and the other circumstances of the case." I think the conduct of the pawnbroker should be taken into consideration. It is scarcely the conduct of the owner of the goods that is in question, but the conduct of the pawnbroker.

Hon. Ho Kai suggested the addition of the words "and pawnbroker" after the word "owner."

The $\ensuremath{\mathsf{ACTING}}$ $\ensuremath{\mathsf{ATTORNEY}}$ -General agreed and the alteration was made.

Council resumed and the Bill was read the third time.

THE PROBATES ORDINANCE.

The Acting Attorney -General—I beg to move the second reading of the Bill entitled An $\,$

Ordinance to consolidate and amend the Laws relating to Probates and Letters of Administration in this colony. This Bill, sir, has attached to it a memoraudum which explains very fully the objects of the Bill, and that memorandum has been in the hand of the members of the Council for some days and I do not think I can usefully add anything to what is there stated. I may mention, sir, that his Honour the Chief Justice was good enough to assist me in the compilation of this Bill, and therefore we have the benefit of his knowledge and experience in these matters.

The COLONIAL SECRETARY seconded.

Bill read the second time and referred to the Law committee.

ADJOURNMENT.

His Excellency then adjourned the Council until next Monday.

FINANCE COMMITTEE.

A meeting of the Finance Committee was then held. Hon. J. H. Stewart Lockhart (Colonial Secretary) presided and all the members were present.

VOLUNTEER EXPENSES.

The Charman brought up a minute in which the Governor recommended the Council to vote a sum of \$1,450 in aid of the vote "Expenses of the Volunteers." He explained that the vote had been exceeded, the increase being due chiefly to the establishment of a camp at Stonecutters Island and the extra expenses involved in connection with it.

Vote recommended.

The Appropriation Bill.

The CHAIRMAN—The next business is the consideration of the Supply Bill for 1897 and I propose, with the concurrence of the Committee, to follow the practice adopted in previous years and to take each item of the Bill as it occurs and to afford any information which may be required as we proceed.

PENSIONS.

On the item "Pensions, \$129,000" being read.

Hon. T. H. Whitehead said there seemed to be no limit to the number of pensions.

The Chairman—The pension rule, with which I have no doubt the hon. member is acquainted, is that no person is entitled to a pensiou unless he has fulfilled the conditions of the contract he has entered into with the Government. Many of us will have to stay out here for more than thirty years before our contract is fulfilled.

THE POST OFFICE.

In regard to the item "Post Office, \$207,361,"

Hon. T. H. WHITEHEAD said—Will the Government give the Finance Committee a statement showing the net result of the working of the Post Office during the past three years; that is, the total revenue received and the total expenditure of each year. I tried to fish this information out of the draft estimates, but with all my knowledge of figures and accounts generally I was not able to get at it; otherwise I would not have asked the question.

The Chairman — There will be no difficulty in furnishing you with the information you require.

Hon, C. P. Chater agreed that it was impossible to get this information from the estimates. Payments were made two or three years after time and therefore they could not find out the exact position year by year.

LIGHTHOUSES.

Hon. T. H. WHITEHEAD, on the item "Lighthouses, \$16,870," being read, asked—Will the Government give us a statement showing the annual cost for the last three years of the upkeep and maintenance of the Gap Rock and other lighthouses and the revenue which one per cent. per ton levied for light dues on shipping yielded during the years in question?

The Charman—I think it would have been more convenient if that question had been asked in Council.

Hon. T. H. Whitehead—There are items included in certain ways in the estimates which one outside the Government cannot possibly ascertain. I have tried to find out what the figures are from the estimates and I find it is impossible.

The Harbour Master—I think the information has been afforded the Council from time to time. It is rather a difficult matter to get it, and I question whether any good purpose will be served in the end.

The DIRECTOR OF PUBLIC WORKS mentioned that to answer some of the hon. member's questions meant running through hundreds of vouchers for the sake of \$2 or \$3.

The Harbour Master—The time will come when each department will want an extra clerk to answer all the hon. member's questions.

The Charman—If the figures can be arrived at approximately I am sure they will be satisfactory to the hon. member.

Hon. T. H. WHITEHEAD—An approximate estimate will be quite sufficient. I think the remarks about the extra clerks are totally uncalled for. I am of opinion it is rather a good thing than otherwise for departments to have a little extra work to do in order that they may find employment to fill up the hours of the official day. (Laughter.) I do not refer to the Director of Public Works.

The Harbour Master—I do not know what the hon. member knows about the Director of Public Works' business or any other Government Department.

The item was recommended, the COLONIAL SECRETARY saying that the information would be obtained as accurately as possible.

THE CONTRIBUTION TOWARDS BARRACKS SERVICES.

- Hon. C. P. Chater asked for particulars respecting the item "Contribution towards Barrack Services, \$49,000."
- H. E. Major-General BLACK said that half of the Hongkong Regiment was housed in Whittled Barracks and arrangements were being made for the whole of the regiment to be housed in similar barrack rooms.
- Hon. C. P. Chater—\$49,000 is one third of the total expenditure?
- H. E. Major-General BLACK—It is a contribution of the colony towards one-third of the cost of barrack accommodation.

Hon. T. H. Whitehad—At the last meeting of Council I asked that the Finance Committee should be informed how it arises that, with a less total revenue for 1897, viz., \$2,438,000, as against the revised estimated revenue for 1896, viz., \$2,495,000, the military contribution payable for 1897 will be \$30,000 more than may be paid in 1896. It is true that \$9,000 more is required to be contributed for barrack services, but I should like to receive an explanation as to the increase of \$21,000 in the contribution towards military purposes seeing that the 1897 revenue is estimated at \$56,000 less than for 1896.

The CHAIRMAN—I have not omitted to inquire for the information asked for and the Treasurer will furnish the information.

The ACTING COLONIAL TREASURER—The hon. member has failed to observe that land sales have to be deducted from revenue before the contribution can be calculated. The revised estimate for 1896 this year is only \$2,297,604, but the military contribution put down for this year was based on the estimate of revenue made last year. That revenue is, exclusive of land sales, \$2,218,366, and the estimated revenue for next year is \$2,338,823.

The CHAIRMAN—I trust the information is satisfactory.

Hon. T. H. Whitehad—I should like to know how it is that land sales are estimated at only \$100,000 for 1897, seeing that in the Governor's address the revenue from land sales for 1896 was stated to be \$250,000.

The Chairman—Land sales are very uncertain and in framing the estimates it is necessary to take that uncertainty into careful consideration. No military contribution is chargeable on land sales and therefore they do not affect the military contribution. There seems to be a misapprehension on that point.

Hon. E. R. Bellios—As we understand it, \$147,000 is the total sum to be spent for barrack services in 1897. May I ask if the hon. member on my right (the Director of Public Works) is consulted when these plans are made and the contracts entered into? We know the hon. member has more experience about building operations here than

anyone in the military service.

The Chairman—That is quite true. I am quite certain he has a much larger local experience, but his time is limited and he is fully occupied with Government work. He would not be able to find time to do the military work. When the new military hospital was proposed the Director of Public Works was asked if he would undertake the work, but he could not do so and an answer to that effect had to be sent to the military authorities. It must also be remembered that a final statement of the barracks already erected has never been drawn up, but when it is I am afraid it will be found that this colony is not on the right side of the account. I can assure the Committee that accounts will be rendered and each member will have an opportunity of seeing them.

Hon. E. R. Belilos—I contend that with the experience of the Director of Public Works we can get these contracts done at a cheaper rate.

The Chairman—It is something unusual for unofficial members to praise the cheapness of Government work.

Hon. E. R. Belillos—I do not praise the cheapness; I want the work done in a fair and reasonable manner.

The CHAIRMAN—I do not think that is a fair reflection to cast upon the military. I do not think it is fair to reflect that they do not get things done in a fair and reasonable manner.

H.E. Major-General Black—I gather that you think the military may not care whether the work is properly or improperly done. You must remember that the military have to look after the two-thirds from the Imperial Government and they have to be very careful in seeing that the money is well spent, and in doing that they must see that your one-third is also well spent. You cannot dissociate the two.

Hon. E. R. Bellios—The military authorities change; they are here for only a few years and consequently they are not in the run of the work. If the expenditure were left to the Public Works Department they would work much more economically.

The CHAIRMAN—The Government staff would have to increased.

- Hon. E. R. Bellios—That is a question for the Government to decide..
- H.E. Major-General Black—I understood my hon. friend to say that plans were never submitted to the Director of Public Works. When the head of our building department is in a difficulty he sometimes consults the Director of Public Works, who gives him advice. And I must say something in favour of our head man. He is a man of considerable experience in all parts of the world and he knows pretty well about buildings in any place and he looks thoroughly into the question of cost. He

correctly designs his buildings, reckons up the average price, and if he does not know how much, why he can enquire from Mr. Belilios. (Laughter.)

Hon. E. R. Bellios—I am sure they do their best, but what I maintain is that they cannot work so economically as the staff of the Public Works Department.

The CHAIRMAN—The Director of Public Works must be gratified to hear an unofficial member saying that the Department is an economical one. We do not often hear such praise.

Hon. T. H. WHITEHEAD—I am opposed to this item. At the last meeting of the Council the hon. Colonial Secretary informed the Council that certain members of the community to whom he had spoken had expressed the view that the community were desirous of paying 171/2 per cent. as military contribution. I think we ought to know who said so. I have not heard any such views expressed either in public or in private. I think it would be well for members to bear in mind that the Government in 1894 consulted certain members of the community as well as the unofficial members, and obtained their views in connection with the proposed reconstruction of the Sanitary Board, which views were not allowed to see the light of day until spring of this year. The views then expressed, with the single exception of those contained in the very able memorandum of the Hon. Dr. Ho Kai of 3rd November, 1894, in which I cordially concur, were not the views of the vast majority of the community, as was most emphatically demonstrated by the ballot which was held in the City Hall in May last.

The ACTING COLONIAL TREASURER—This has nothing to do with the present question.

Hon. T. H. Whitehead—Their views were emphatically expressed—

The ACTING COLONIAL TREASURER—I rise to order.

Hon. T. H. Whitehead—and if a plebiscitum of Hongkong was taken regarding the decision of the Imperial Government to appropriate seventeen and a half per cent. of Hongkong's Municipal revenue,—

The ACTING COLONIAL TREASURER—The amount before the Committee is \$49,000 only.

Hon. T. H. Whitehead—the majority against such an inequitable and unjust impost would not be ten or eleven to one, as was the case *in re* the proposed reconstruction of the Sanitary Board, but it would be, I predict without fear of contradiction, not less than ninety-five to one. I must record my vote against this item.

The CHAIRMAN — We do not take votes at this Committee; it is simply a matter of recommendation. It must be very interesting to the Committee to hear the remarks of the hon. member, although they are in a similar

strain to what we have already heard. What I said in Council the other day I repeat now. I said that the leading members of the community with whom I had consulted told me most emphatically that this colony can perfectly well afford to pay the military contribution which it is called upon to pay. I think the hon. member would have been told the same thing if he had consulted, whether secretly or openly, the leading members of the community. If he did consult them, all I can say is that those leading members hold one set of views when they speak to me and another set of views when they speak to him; but I do not think such is the case. I am inclined to think they are not the same gentlemen. However, that does not affect what I have stated, that the leading members of this community—

Hon. T. H. WHITEHEAD—How many?

The CHAIRMAN—That the leading members of the community state that the colony is well able to afford the amount of the military contribution we are called upon to pay.

Hon. T. H. Whitehead—I say they do not represent the views held by the vast majority of the members of the community.

The item was then recommended.

THE MOUNT KELLET ROAD.

The Captain Superintendent of Police objected to the item "Road from Victoria Gap to Mount Kellet Road, \$10,000," and in doing so said—It appears to me that there are other more important works which ought to have precedence over this item, and the work I especially have in view is the improvement of the quarters of the men serving under my command. I have already reported to the Government on this subject. The quarters are in many respects very bad and I consider it my duty to mention here in Council that I consider that the question of suitable quarters for the Police is of more importance than the provision of a new road in the hill district, which is already well supplied with roads.

The Chairman—It is unnecessary for me to say that a very influentially signed petition was presented to the Government for the construction of this road. If I am not mistaken that petition had the signature of every unofficial member of this Council, and in deference to the views expressed in that petition the Governor has decided to have the road constructed. The petition stated that the road was very much desired and that it would be a public boon.

The item was recommended.

GARDENER'S COTTAGES.

The Captain Superintendent of Police also objected to the item "Gardeners' Cottages, \$10,000" on the same grounds and he said—It is more important to house in a sanitary manner the expensive European and Indian Police than

to house a number of gardeners who are well acclimatised.

The CHAIRMAN — The hon. member has already conveyed his views to the Governor on the subject.

Hon. T. H. Whitehead—I understand that \$5,000 will have been expended on this item by the end of the month.

Hon, C. P. Chater—We have not seen any plans, nor are we acquainted officially amongst ourselves of the fact of certain money being already expended on the building.

The Chairman—The matter was considered some time ago. The contention was that the houses were absolutely necessary and His Excellency considered that the work should be carried on without delay. It was found that the Public Works Department had not any time to carry out the work and so the plans were drawn up by a private firm in this colony and were seen by the Director of Public Works, who considered the estimate fair and reasonable.

The item was recommended and the list was completed.