

9TH DECEMBER, 1909.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR FREDERICK JOHN DEALTRY LUGARD, K.C.M.G., C.B., D.S.O.

HON. SIR F. H. MAY, K.C.M.G. (Colonial Secretary).

HON. MR. F. A. HAZELAND (Attorney-General).

HON. MR. A. M. THOMSON (Colonial Treasurer).

HON. MR. P. N. H. JONES (Director of Public Works).

HON. MR. A. W. BREWIN (Registrar-General).

HON. MR. F. J. BADELEY (Capt. Superintendent of Police).

HON. DR. HO KAI, M.B., C.M., C.M.G.

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

HON. MR. E. A. HEWETT.

HON. MR. E. OSBORNE.

HON. MR. MURRAY STEWART.

MR. C. CLEMENTI (Clerk of Councils).

Minutes

The minutes of the last meeting were read and confirmed.

Financial Minutes

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes (Nos. 55 and 56), and moved that they be referred to the Finance Committee.

Financial

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the report of the Finance Committee (No. 19) and moved its adoption.

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

Trade Marks Amendment Ordinance

THE ATTORNEY-GENERAL moved that the Bill entitled, "An Ordinance to amend the Law relating to Trade Marks" be recommitted for a certain verbal alteration.

THE COLONIAL SECRETARY seconded, and the motion was agreed to, the Council going into Committee.

On the Council resuming,

THE ATTORNEY-GENERAL moved the third reading of the Bill.

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

Stamp Ordinance Amendment

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Stamp Ordinance, 1901." In doing so he said—The Bill proposes to further amend the Stamp Ordinance. Clauses 1 to 3 are designed by the imposition of penalties in respect of delayed applications to induce interested parties to make early application for probate of the estate of deceased persons to prevent evasion of duties. Clause 4 relates to the stamping on a conveyance or assignment on sale and incorporates section 55 of the Imperial Act of 1891.

THE COLONIAL SECRETARY—Sir, in seconding the motion, I would add that the evasions of probate are so frequent and inconvenient and detrimental to the revenue that it has been deemed necessary to impose an extra probate duty in order to curtail what I may call this dishonest practice.

The motion was carried, and Council went into Committee to consider the Bill clause by clause

On clause 2,

HON. MR. STEWART—Is the period "within six months after the discovery" agreed upon by those in a position to know whether it is a satisfactory period?

THE COLONIAL TREASURER — Six months is a very long time after discovery.

HON. DR. HO KAI—If there is a reasonable excuse, the penalty would not be attached.

HON. MR. HEWETT—Reasonable excuse is provided for in 20 (a.)

HON. DR. HO KAI—Six months is not too short.

HON. MR. HEWETT—Six months is a long time.

The clause was passed as framed.

On clause 6,

THE ATTORNEY-GENERAL said no definition of marketable security appeared in the Imperial Act, and he moved that the following section be inserted: "In this Ordinance unless the text otherwise requires the expression marketable security means security of such description as is capable of being sold in the stock markets in the United Kingdom and Hongkong."

THE COLONIAL TREASURER — How could you compare the United Kingdom to Hongkong?

HON. MR. HEWETT — Singapore and Shanghai have very big markets of stocks unsaleable in Hongkong.

HIS EXCELLENCY suggested that the section should be altered to read "in any stock market."

THE COLONIAL TREASURER—I think if you cut out the words "United Kingdom" and leave Hongkong it will do.

HON. MR. OSBORNE—Shanghai people can buy in Hongkong.

THE ATTORNEY-GENERAL — And Shanghai stock is capable of being sold here.

THE COLONIAL SECRETARY — The Home Act says "marketable in the United Kingdom."

HON. MR. OSBORNE—You could not sell Consols in Hongkong.

THE COLONIAL TREASURER—Put down the word Hongkong. This is a Hongkong law.

HON. MR. HEWETT—Then if marketable security is not negotiable in Hongkong you don't get probate on it?

THE ATTORNEY-GENERAL—No.

HON. MR. STEWART—I should like to understand that, sir. On shares in companies here sold in Shanghai you don't claim probate, is that it?

THE COLONIAL TREASURER—It is not a case of probate at all. This section deals with conveyance duty.

HON. MR. STEWART—Is that the effect of the amendment?

THE COLONIAL TREASURER — The question is one of giving marketable security as part of the return for a conveyance.

HON. MR. HEWETT—It must be based on the Hongkong market just as the sum calculated at Home is on the United Kingdom market.

The clause was adopted.

Council then resumed.

The Code of Civil Procedure

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Code of Civil Procedure." In doing so he said—The object of this amendment is to restore the right of either party to ask for a jury in civil causes, which right existed between the passing of the Hongkong Code of Civil Procedure in the year 1873 and the passing in the year 1901 of the Code of Civil Procedure, which repealed the earlier code.

THE COLONIAL SECRETARY seconded.

HIS EXCELLENCY—Gentlemen, the amendment in the law, by which the right to demand a jury is extended to all classes of cases, originates in a memorial received

by me from the British members of the Chamber of Commerce. I sent that memorial to the Chief Justice for his comments, and both he and the Puisne Judge opposed the change in the law. His Honour the Chief Justice explained the reasons why a jury had been refused in various recent instances. He also stated his grounds for objecting to the change contemplated.

I sent his letter to the British members of the Chamber of Commerce and they replied in the following terms: "The principal reason that has led the British members of the Chamber of Commerce unanimously to support the proposed Bill is that from all quarters they have received indications leading them to the conclusion that the public of this Colony consider it of vital importance to their interests that a jury should be obtainable if applied for by either party to a suit." They said that they had again considered the matter by the light of the arguments the Chief Justice had used, and that they were still unanimously of opinion that the law should be changed as proposed. I referred the question also to the Hongkong Law Society, who supported the proposed change, and I may add that the Hon. Mr. Pollock, who is a legal unofficial member of this Council and who is not present here today to state his view, was strongly in favour of this change.

There must of course, in any alteration of the law on so important a point, be several dissentients in a community such as this. I have received a statement of objections from a leading barrister in this Colony, and I believe that an unofficial member also intends to oppose the Bill. The only reason why this Bill has been introduced is because I believed, and still believe it to be the wish of the large majority of the community of Hongkong that this change should be made. I feel, however, very strongly that any change involving either enlargement or curtailment of the rights of trial by jury is one of such magnitude and affects a principle which is considered by British citizens as of such vital importance that it should not be introduced unless there is an undoubted majority in favour of it, and unless it is based upon no ephemeral cause and upon no temporary phase of popular feeling. If those who oppose this motion can show that any considerable portion of the community think

with them, it will be open to the Government to consider what course should be taken.

HON. Mr. STEWART—If the object of this Bill had been to reduce the number of cases in which special juries can be requisitioned, a good reason for that would have at once suggested itself in the smallness of the special jury list. That might reasonably have been used as an argument to justify the law of this Colony being made to depart from the law of England. But in view of the fact that our special jury list is a very small one, and that the time of every man upon it is valuable, the proposal to depart from the existing law in the direction of adding to the number of cases in which a special jury may be called, requires the strongest reasons. Your Excellency has supplied strong reasons for the action taken by the Government in introducing this Bill, and from the suitors' point of view explanation is easy. We can all, I am sure, appreciate the advantage of being tried by our peers. But inasmuch as it has been found necessary in the very home of trial by jury to set certain limits upon the claims of suitors, special jurors here may reasonably ask to have very good reason shown why these limits should be abolished in the Colony. I remember a time, which does not seem very long ago, when special jurors groaned under the tyranny imposed upon them by the requirements of litigation. Then one heard only about the hardship of busy men being required to abandon their offices for days together in busy times, and the existing law is the result of an attempt made to remedy this state of matters in a sense diametrically opposed to the present Bill. I am inclined to think that if you pass this Bill and there should occur a run of special jury cases you might hear that outcry again. I do not feel sure that there is any widespread demand for the proposed alteration, and until I am satisfied upon that point I shall not see my way to support this Bill. I suggest the postponement of the second reading in order that the feeling of the general public towards it may be properly gauged.

HON. MR. HEWETT—Your Excellency, I did not propose to say anything on this Bill, because I hoped that the Bill would be accepted by the whole Council after the remarks made by your Excellency, and the

very satisfactory reason we have heard why it is required in this Colony. However, having listened to the remarks made by the hon. member who represents the Justices of Peace, I can only express my great regret that such a speech has been made by him. I certainly gave the hon. member credit—which I think in most cases he fully deserves—of being public spirited. I do not suppose for a moment that he would have shirked his duty if called to serve upon a jury, and that is partly where the shoe pinches.

HON. MR. STEWART—I am exempt.

HON. MR. HEWETT—Is he exempt?

HON. MR. STEWART—As a member of this Council.

HON. MR. HEWETT—Anyway, members of the special jury very often give up their time because they are public spirited and realise their responsibility to the community. One of the most important functions performed here by business men is on the jury. The question has not been rushed through at a moment's notice, as those who care to inquire into the matter have known for months past that leading bodies and associations here have been asked by the Government to express their views on the subject. I can say that there is no body of men whose time is more valuable than the committee of the Chamber of Commerce, and that committee as well as the British members are unanimously in favour of this change of law, for reasons I do not feel called upon to go into now, but which I think are very thoroughly understood. In certain matters the English law should not be rigidly adhered to. This Bill has not only the unanimous support of the Committee of the Chamber of Commerce and a large number of the British members, but I am told that it has almost the unanimous support of the legal profession. It seems to me that when a considerable number of people representing the Chamber of Commerce and the legal profession are in favour of the Bill that it should be accepted; and when only two judges are provided for the Full Court in Hongkong, it is obvious we cannot in every case accept the law as applied at Home. I trust that the opposition which has been raised to this Bill by the hon. member on my right will not prevent the Bill from being

carried through its second reading this afternoon, as the matter is of great importance to the commercial prosperity of the Colony.

HON. MR. OSBORNE—Sir, neither did I intend to speak on this Bill, because it had escaped my attention. But it has a historical and a personal interest to me in that I was the foreman of the jury that represented to Sir John Carrington the great hardship entailed upon busy men of this community sitting very often for many days listening to arguments of counsel on points of law and deciding evidence which could much better be settled by the judge. The alteration in the law was made in consequence of representations which the jury then made to Sir John Carrington, who promised that he would represent to Government the hardships that were entailed, and he also advised us to hold a public meeting to protest. Shortly afterwards one of the most widely-attended public meetings was held in the City Hall protesting against the waste of time entailed upon busy men in this Colony sitting in Court for days listening to points of law and deciding questions which could be better decided by the judge. The particular case which we had the misfortune to try and to sit for several days over was a trade mark case on condensed milk, a squabble between rival merchants. Another instance which led to the alteration of the law was a case in which a jury was empanelled—I was one—and we sat, I think, a whole morning listening to a point of law being argued between two learned counsel. We then suggested to the judge that perhaps he would allow us to retire until the learned counsel had decided what the law was. (Laughter.) The learned judge was kind enough to allow us to retire, and we have never met since. (Laughter.) Now, sir, those are the kind of things which irritate the community. (Hon. Mr. Stewart—Hear, hear.) It is not a question of shirking one's duty—(hear, hear)—and no Britisher in the Colony has the slightest desire to shirk his duty in a criminal case. (Hear, hear.) But I think that every Britisher and everyone else distinctly objects to wasting his time over these trivial matters. If this Bill, sir, is passed, I prophesy that within a short period another public meeting will be held and your Excellency will be asked again to amend the law because the com-

munity is far too busy to have its time taken up in deciding trade mark cases. I have much pleasure in supporting the hon. member on my right in opposing this Bill, and I hope your Excellency will not endeavour to pass it through its third reading, so that the public may have an opportunity of considering the measure.

THE ATTORNEY-GENERAL — It is not proposed to go further with this Bill to-day.

Squatters' Ordinance Amendment.

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Squatters' Ordinance, 1890." In doing so he said—This Bill amends section 12 of the Squatters' Ordinance. In certain cases squatters' claims have been allowed by the Board, but it has been deemed desirable to withhold the leases until sanitary buildings have been constructed, and it is now proposed to give the Director of Public Works the alternative power of arranging for the grant of new sites in exchange for the original buildings. If the arrangement is effected, the amount of compensation is to be assessed by the Director of Public Works.

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

Council then went into Committee, and after considering the Bill clause by clause resumed.

Exemption of Crown Leases

THE ATTORNEY-GENERAL moved the first reading of a Bill, entitled, "An Ordinance to exempt Crown Leases granted in respect of Foreshore and submerged land in the New Territories from a certain condition imposed under the Foreshores and Seabed Ordinance, 1901." In doing so he said—The Foreshore and Seabed Ordinance, 1901, requires the Crown leases proposed to be granted in respect of foreshores or seabed should *inter alia* be published in the *Gazette* for one month. The Bill proposes to dispense with this condition as regards the New Territories, where the *Gazette* is seldom seen and the cost is deemed unnecessary. The other conditions of the Foreshores and Seabed Ordinance, 1891, requiring the publication in Chinese of the terms of such lease by publicly posting them

near the site of the property are not affected by the Bill.

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

Council then went into Committee and considered the Bill clause by clause.

On resuming,

THE ATTORNEY-GENERAL moved the third reading of the Bill.

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

Wireless Telegraphy Ordinance Amendment

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled "An Ordinance to amend the Wireless Telegraphy Ordinance, 1903, and the Wireless Telegraphy Ordinance, 1909." In doing so he said—This Ordinance provides penalties for the violation of the Ordinances relating to wireless telegraphy.

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

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

THE ATTORNEY-GENERAL moved the third reading of the Bill.

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

Order and Cleanliness Ordinance.

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Order and Cleanliness Ordinance, 1867." In doing so he said—Under a Government notification made under section 3 of Ordinance 8, of 1887, a fee of \$10 has been charged for licences to money-changers, whereas this part of that Ordinance does not apply to the New Territories, and a fee of \$5 should have been charged under section 3 of Ordinance 7, of 1867. The Bill proposes to increase the charge imposed under the last

named Ordinance to \$10 and to legalise the collections heretofore made.

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

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

On resuming,

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.

Liquor Licences Ordinances Amendment

THE ATTORNEY-GENERAL moved the second reading of a new Bill entitled, "An Ordinance to amend the Liquor Licence Ordinance, 1898, and the Liquor Licences Extension Ordinance, 1908, and to repeal the Liquor Licences Amendment Ordinance, 1902." In doing so he said—The principal feature of this Bill is to transfer from the Justices as a body to a Licensing Board, consisting of seven Justices, the control of publicans' and adjunct licences. Recognizances are to be done away with. The terms of the said recognizance are (1) To observe the conditions of the licence; (2) To observe the requirements of the Ordinance. Omissions of both of these are offences against the Ordinance by section 37 of the Transfer Ordinance: Adjunct licences are to be divided into two classes, hotelkeepers' adjunct licences and restaurant-keepers' adjunct licences. Wholesale and grocers' licences are abolished, and there is established a dealer's licence. Section 3 prohibits the sale and importation of liquor on commission without a licence. The section which is new is introduced with a view of protecting the trade. The conditions of a publican's licence, and of the two forms of adjunct licence, appear in the Bill. The Liquor Licences Amendment Ordinance, of 1902, is repealed, and a new scale of fees is set out in the second schedule to this Bill. Section 8 of the Liquor Licences Extension Ordinance, 1908, which enacts that the expenses of advertising applications for licences should be paid by the applicant, is repealed. The applicant is required to pay for advertisements by section 5 sub-section 13 of

the Bill.

THE COLONIAL SECRETARY seconded.

His EXCELLENCY—Gentlemen, the Bill before the Council abolishes the existing method of granting licences to publicans, and to adjunct-licences, and it substitutes for it a Licensing Board consisting of seven Justices partly elected and partly nominated, and with a considerable unofficial majority. The object of this Bill has been stated by the hon. the Attorney-General, as it appears in the minute at the foot of the Bill, and it was dealt with at greater length in a paper which was laid before this Council at our last meeting.

Its object is that a body may be instituted who may have a permanent policy—a policy which can be carried into operation by successive instalments, if so desired, all making for a definite objective. The Bill is substituted for one which has been before the Council for some considerable time. In that Bill the permanent body proposed was the Governor-in-Council, but that proposal I understand was not acceptable, and, therefore, the present proposals have been substituted. The object which we have in view in establishing a permanent board is twofold. On the one hand it is desired to secure to the taxpayers of this Colony the monopoly value of the publicans' and adjunct licences and to prevent that public asset being claimed as a right by the holders of the licence. This can be effected by declaring a period at which any or all may be terminated without compensation. In the second place it is desired by this method to facilitate public house reform. For instance, it may be feasible to place some or all of the public houses under a trust company whose profits would be limited and any profits from the business in excess of those thus assigned would be devoted to the improvement of the public house. The manager would be placed on a fixed salary, so that he should have no personal interest in promoting the sale of liquor. These, however, are only possible projects for the future and do not arise at present. The Bill, which may facilitate their inception, creates a permanent licensing board.

The present system by which licences are issued by the general body of the Justices of the Peace cannot be said to have worked

very well in the past. I find that 176 Justices of the Peace in the last ten years have never attended. The total number of Justices of the Peace during that period has been 239. The attendances number 117, which gives an average of half an attendance a year, or, in other words, one attendance in every two years.

The other provisions of the Bill have already been touched upon by my hon. friend the Attorney-General. Adjunct licences it is proposed to divide into two classes, one for hotel-keepers and one for restaurant-keepers. Various restrictions are placed upon them which partly appear in the body of the Bill and partly in the forms attached, and it is hoped by these restrictions that the abuses which are alleged to have existed under the present system will be abolished. "Wholesale" and "gracers" licences also will be abolished, and a "dealer's" licence will be substituted. A clause prohibiting sales by commission has been introduced in order to protect the interests of licencees. A right to appeal to the Governor-in-Council against the decision of the Licensing Board is also included in the Bill both on behalf of the applicant and on behalf of the residents in the district.

The resolution regarding the scale of licence, which has remained on the agenda of the Council for some considerable time past, has now been withdrawn and is incorporated as the second schedule to this Bill. You will find from it that the existing fees in certain instances have been decreased, but on the other hand the scale for publicans' licences in premises of high rateable value has been increased. It is proposed that those who have already taken out licences under the existing regulations shall have the option of exchanging them for licences under the new Bill if they should desire to do so; of course coming under the restrictions which the Bill imposes.

HON. MR. STEWART—As member for the Justices I feel called upon to give an opinion on the principle of this Bill. To the Bill which it supercedes I was strongly opposed, Your Excellency may remember that at an interview granted to the Unofficial Members at Government House, in the summer, I expressed myself in that sense. That Bill proposed to take the licensing out of the hands

of the Justices. This Bill proposes instead to concentrate the power at present rather loosely exercised by them. The only question raised is whether these powers are best exercised as at present, or whether they are more likely to be effectively exercised when concentrated in a Board. The present system is said to be cumbrous. Under it few Justices attend the meetings called, as your Excellency's figures prove. Sometimes the suggestion is made that this shows lack of public spirit. I deny that in my own case. The reason why I attend so seldom is because the meetings are called at an inconvenient place and at a most inconvenient time. This puts an unwarranted strain upon public spirit. Most of the local Justices are men busily engaged in the business quarter of the town. If meetings had been usually called for 5 o'clock instead of 2.15, and in the City Hill instead of at the Magistracy, I think there are others besides myself who would have attended regularly. Thus the main defect alleged against the old system is no necessary part of it. It could have been remedied at any time if the Police Magistrate had been anxious to encourage attendance. But there was no pressing reason for trying to remedy it so long as such a small quorum was held to be sufficient. The smallness of the quorum is the real defect in the present system. This was to be remedied, I understood, in the present Bill. It has not been. A quorum of three is proposed. To my mind that threatens the object in view. I would not have less than five. It may be urged that if you left the present system otherwise unchanged and made a quorum of, say, seven, the object of the Bill would be served, but I think that members of a board would be more likely to exhibit keenness than a chance lot of Justices haphazardly come together, and I agree that a board is better fitted to pursue a settled policy. Therefore, I am in favour of the principle of a Licensing Board. How the Justices are to be elected, and for how long, and who will act as Secretary, these and sundry other details do not yet seem clear, but these are all matters properly to be dealt with in the Committee stage of the Bill. I agree to the principle and shall accordingly vote for the second reading.

The motion was agreed to.

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

On clause 2,

HON. MR. OSBORNE asked—Why are confectioners allowed to sell intoxicating liquor?

THE COLONIAL SECRETARY—It is a term that occurs in the principal Ordinance, restaurateur or confectioner.

THE REGISTRAR-GENERAL—They are allowed to sell liquor at Home.

HON. MR. STEWART—They are at Home?

THE REGISTRAR-GENERAL—Yes. There is a shop in Regent Street.

THE COLONIAL SECRETARY—In the principal Ordinance an adjunct licence is defined as meaning a licence to hotelkeepers, restaurateurs, and confectioners. That Act is based on the Home Act. There might be a shop like Weissmann's started. That is a confectioner really, but it has started in the luncheon business.

HON. MR. STEWART—They are given an adjunct licence because they sell meals there.

THE COLONIAL SECRETARY—But their principal business is confectioners. It does not make any difference what you call them.

HON. MR. STEWART—Supposing a man sold only sweetmeats?

THE COLONIAL SECRETARY—Then he could not get a licence.

HON. MR. STEWART—Then why put the word confectioner in?

HON. MR. OSBORNE—A person could not take a meal off sweets.

THE COLONIAL SECRETARY—This is only an amending Bill, and as few amendments as possible should be introduced into it. I am not prepared to say if you cut out those words you won't have to amend the principal Ordinance in some further direction.

THE COLONIAL TREASURER—Cut out the words. We don't want them.

HON. MR. OSBORNE—I move that the words "or confectioner" be cut out.

HIS EXCELLENCY—It does not seem to me to matter much whether the words are omitted or left in, because a man has not got to prove that he is a restaurant-keeper before he gets a licence. I presume this licence could be obtained by any applicant who conforms to the remaining conditions of the Ordinance, and it would not matter whether he were a restaurant-keeper, a confectioner or a bootmaker.

HON. MR. HEWETT—In a confectioner's shop you may see a man taking a slice of cake and a glass of liquor.

HON. MR. STEWART—We don't want to encourage that.

The words mentioned were deleted.

On section 9.

THE ATTORNEY-GENERAL proposed the following amendment:—"All applications for the granting or transfer of licences shall be made to a board of licensing Justices, which board shall consist of a Chairman and Vice-Chairman appointed by the Government and five other Justices, two of whom shall be appointed by the Government and three elected by the Justices of the Peace from among their number. Of the four Justices appointed by the Government two shall be official and two shall be unofficial Justices. The members of the Board shall hold office for three years. Three Justices shall form a quorum. The first clerk at the Magistracy shall be *ex-officio* secretary to the Board."

HON. DR. HO KAI—That is to say that the Chairman and Vice-Chairman are the nominees of the Government?

HIS EXCELLENCY—Yes.

HON. MR. STEWART moved that five should form a quorum, instead of three as proposed.

HON. MR. OSBORNE asked if the meeting place would be decided by the Justices?

HIS EXCELLENCY—It was not considered necessary to name the meeting place in the Ordinance. That will be in the power of the Chairman, and the Board might meet here or at the Magistracy.

HON. MR. OSBORNE—Or in the new Post Office.

HIS EXCELLENCY—That is looking too far ahead. (Laughter.)

HON. MR. STEWART—Is the secretary provided for?

HIS EXCELLENCY—Yes, the chief clerk at the Magistracy will be permanent secretary.

HON. MR. STEWART—Is there no provision as to the method for electing the three Justices? You elect three for three years, but there will always be somebody going away for a time. Provision ought to be made for substitution.

THE COLONIAL TREASURER—I would suggest that the mode of election should be the same as in nominating a member for this Council. There should be the same power of electing a substitute when any Justice is leaving the Colony.

HIS EXCELLENCY—In the case of elected members it would be better to adopt the mode of election set out in the Public Health and Buildings' Ordinance for members of the Sanitary Board.

HON. MR. STEWART—In the case of an elected Justice not giving satisfaction to the people who elected him, if we adopted the suggestion of the Colonial Treasurer, it would be very difficult to get him out.

THE COLONIAL SECRETARY suggested that the section in the Public Health and Buildings' Ordinance governing the election of the Sanitary Board should be extracted and added to this Bill.

HON. MR. STEWART—I think it would help people to take an interest in it if there were occasional elections.

The addition was accepted and the section approved.

On clause 5,

THE ATTORNEY-GENERAL proposed a new sub-section, which provided that in the event of the refusal of an application by the Licensing Board the applicant should not be entitled to make another application in respect of the same premises within a period of twelve months of the original application.

HON. MR. OSBORNE—Shouldn't that be if the Governor-in-Council has approved of the Justices' decision? The Justices may decide not to grant a man a licence, and that debars him from making another application. If the Governor-in-Council reverses the Justices' decision, surely a man can make another application.

HIS EXCELLENCY—It does not debar him from obtaining his licence in such a case. It then debars him from making another application when there has been no appeal or when an appeal has not been successful.

The new sub-section was approved.

On sub-section 15,

HON. MR. STEWART—Can you give us any idea how the standard of quality is to be fixed?

HIS EXCELLENCY—I am not prepared to say, but any suggestions that may be made will be considered.

HON. MR. STEWART—We naturally want to know what the section means. I should imagine it would be a very difficult thing to put on the label of the bottle. Apparently the evil properties in spirit have mainly to do with the age. Whisky that to-day may be poison five years hence will be no longer poison.

HIS EXCELLENCY—Age would therefore form one standard of quality. If the label said the liquor was five years old and it was proved to be raw spirit, it would be a false declaration.

HON. MR. STEWART—That is no proof. You can only judge of the effect when you administer to a man.

THE COLONIAL SECRETARY—You can make a standard I believe which the law will not pass.

HIS EXCELLENCY — I am afraid this clause is really in the nature of a pious wish.

On the second schedule,

HON. DR. HO KAI said His Excellency had just stated that in a few cases fees had been decreased, but none of them had been increased.

THE COLONIAL SECRETARY replied that the publicans' fees had been decreased. Chinese licences were reduced.

HIS EXCELLENCY said the general effect of the scale was a reduction so far as European liquor was concerned, but the publicans' licences went up to a higher scale than they did before.

Council then resumed.

HIS EXCELLENCY—Council will adjourn until next Thursday.

FINANCE COMMITTEE.

A meeting of the Finance Committee was then held, the COLONIAL SECRETARY presiding. The following votes were passed:—

Miscellaneous

The Governor recommended the Council to vote a sum of one hundred dollars (\$100) in aid of the Vote, Colonial Secretary's Department and Legislature, Other Charges, for the following:—

Incidental expenses	\$50
Newspapers, periodicals, etc., ..	50

Total,	\$100

The Governor recommended the Council to vote a sum of sixty dollars and seventy-two cents (\$60.72) in aid of the Vote, Medical Departments, Hospital and Asylums. Other Charges, Drawings of the *Lispa Sinensis* Fly (5 guineas).