

31ST JANUARY, 1901.

PRESENT:—

His EXCELLENCY the GOVERNOR (Sir HENRY BLAKE, G.C.M.G.).

His EXCELLENCY Major-General GASCOIGNE, C.M.G. (Commanding the Troops).

Hon. J. H. STEWART LOCKHART, C.M.G. (Colonial Secretary).

Hon. W. MEIGH GOODMAN, Q.C. (Attorney-General).

Hon. A. M. THOMSON (Colonial Treasurer).

Hon. R. D. ORMSBY (Director of Public Works).

Hon. F. H. MAY, C.M.G. (Captain Superintendent of Police).

Hon. BASIL TAYLOR (Acting Harbour Master).

Hon. C. P. CHATER, C.M.G.

Hon. Dr. HO KAI.

Hon. J. THURBURN.

Hon. R. M. GRAY.

Hon. J. J. KESWICK.

Hon. WEI A YUK.

Mr. R. F. JOHNSTON (Acting Clerk of Councils).

TAKING THE OATH.

Before the ordinary business was proceeded with the members of the Legislative Council who do not belong to the Executive Council (the members of which had already taken the oath) took the oath of allegiance to His Majesty King Edward VII.

A RESOLUTION OF LOYALTY TO KING EDWARD

PASSED.

His EXCELLENCY the GOVERNOR said—Before we proceed to business, I desire to propose for the acceptance of this Council a resolution expressing our heart-felt loyalty and devotion to His Majesty King Edward VII. Two days ago, joined by many of the principal inhabitants of this colony, we proclaimed his Majesty as our rightful sovereign Lord. We did so according to the form prescribed by the ancient custom of England and in the nearest available centre of the population, and we did so solemnly and with hearts full, believing that a worthy King, instinct in every fibre with the best feelings of an Englishman, had been called by the grace

of God to reign over us, but feeling that we proclaimed and acclaimed His Majesty in the presence of the yet unburied remains of His Majesty's incomparable Queen Mother, of Her whose name we have all lisped in our earliest childhood and who throughout our lives has been to us the embodiment of everything that was great and good and noble and queenly. His Majesty's life has long been public property. We all know him and we love him as a man for personal qualities which will brighten kingly virtues. He has never in his past life been found wanting in his public duties, and only those whose good fortune has placed them in close connection with His Majesty can realise how anxiously as Prince of Wales he devoted himself to the furtherance of all good works in the public interest. I enjoyed the high honour of His Majesty's notice, and I feel how true is the instinct of the British people that the crown of our best-beloved and venerated Queen has descended upon a successor who will be a great and worthy Sovereign Lord over this vast Empire. I beg to propose to you the following resolution:—

"We, the members of the Legislative Council of Hongkong, beg with profound respect to express to your Majesty, on the occasion of your accession to the Throne of your Majesty's ancestors, our sentiments of devotion and loyalty to your Majesty. We pray that God's blessing may rest upon the successor of the revered and noble Queen whose memory is so lovingly enshrined in the hearts of her people, and we pray that to your Majesty there may be granted a happy and glorious reign over a united and prosperous people."

—(Applause.)

The Hon. C. P. CHATER said:—Your Excellency, it is with very great pleasure that I rise to second the resolution just proposed, which will, I am sure, be carried with acclamation in this Council and be fervently endorsed by all His Majesty's loyal subjects in this colony. For I venture to say that, though one of the most distant dependencies of the great Empire over which King Edward VII. has been suddenly called to rule, there is no more loyal community than this, of which I am proud to be one of the representatives. In no British colony is the late Queen more sincerely mourned, and in no part of his vast dominions will His Majesty the King find readier sympathy in the regal duties which he is so eminently fitted to discharge, but which nevertheless entail such weighty responsibilities. In the midst of our gloom and while keenly feeling the great loss the Empire has suffered in the death of our venerated Queen and Empress, it is no small consolation to know that she has left for her successor one whose mature judgment, ripened experience, and ready tact will be sure to carry him through difficulties and guide him to safe conclusions in great crises, should such come. That His Majesty King Edward may enjoy a happy, peaceful and prosperous reign, not less glorious than that of his illustrious predecessor, is indeed the prayer of his subjects of whatever race or creed. I beg to second the resolution.

The Hon. Dr. HO KAI said—Sir, on behalf of my colleague and myself, and those whom we have the honour to represent on this Council, I have much pleasure in supporting most cordially the resolution that has been so eloquently proposed by Your Excellency and seconded by the Honourable the Senior Unofficial Member. In the deep and universal gloom into which we have all been plunged by the sad death of our beloved Queen, the accession of His Most Gracious Majesty King Edward VII. to the throne has been the one bright spot, the silver lining, as it were, of the black cloud overhanging the whole Empire. In His Majesty we have a most worthy successor to our glorious and noble Queen, and on him we may confidently rest our hopes of the future and the continued greatness, prosperity and happiness of the vast British Empire. "May His Majesty have a long, happy, and glorious reign" is the humble wish and fervent prayer of all His Majesty's loyal and devoted Chinese subjects in this colony of Hongkong.

HIS EXCELLENCY the GOVERNOR—Members of the Legislative Council who are prepared to assent to that resolution kindly stand.

All rose.

#### PAPER.

The COLONIAL SECRETARY laid on the table reports dealing with the water supply at Kowloon.

#### FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial Minutes Nos. 1 to 5 and moved that they be referred to the Finance Committee.

The COLONIAL TREASURER seconded and the motion was carried.

The COLONIAL SECRETARY laid on the table the report of the Finance Committee (No. 20) and moved its adoption.

The COLONIAL TREASURER seconded and the motion was carried.

#### PUBLIC WORKS COMMITTEE.

The DIRECTOR OF PUBLIC WORKS laid on the table a report of the proceedings of the Public Works Committee at a meeting held on the 23rd January, and proposed its adoption.

The COLONIAL SECRETARY seconded and the motion was carried.

#### FIRST READINGS.

The following Bills passed their first readings:—

Bill entitled an Ordinance to consolidate and amend the laws relating to public health in the colony of Hongkong.

Bill entitled an Ordinance to consolidate and amend the laws relating to rating.

Bill entitled an Ordinance to amend the criminal law as regards certain indecent outrages and assaults.

Bill entitled an Ordinance to consolidate and amend the laws relating to trustees.

Bill entitled an Ordinance to amend and declare in certain respects the law to be administered in the Supreme Court.

Bill entitled an Ordinance to repeal various statutes relating to civil procedure or matters connected therewith.

Bill entitled an Ordinance to establish a code of procedure for the regulation of the process, practice, and mode of pleading in the civil jurisdiction of the Supreme Court of the Colony.

THE DEFENCE CONTRIBUTION ORDINANCE.

The ATTORNEY -GENERAL proposed the first reading of a Bill entitled an Ordinance to repeal and re-enact with amendments the Defence Contribution Ordinance, 1896.

The COLONIAL TREASURER seconded. He said—As it is desirable to have the Bill put through as early as convenient it may not be out of place for me to make a few remarks on seconding the first reading. Honourable members are aware that at present the colony is paying 171/2 per cent. on its ordinary revenue on account of military contribution, and that in addition to this large payments are made annually on account of barracks, defence works, and other extraordinary military works. What is now proposed is to combine these payments by making an annual contribution of 20 per cent. on the ordinary revenue of the colony, as has been done in the Straits Settlements. In the Secretary of State's despatch putting forward this proposal the following new works to be paid for by this Government are suggested, viz.:— defence works, £90,000; extensions of existing works and buildings £45,000; tactical roads, etc., £16,300; the total cost of which will, therefore, amount to £151,300, or say \$1,513,000. In addition to this, however, there is a balance of £53,360, or \$533,600, still to be paid on account of barracks and other works in progress. It would, therefore, appear that the contemplated liability of the colony for such works during the next few years amounts in all to \$2,046,600. Now the ordinary revenue for the current year has been estimated at \$3,500,000, but taking \$3,900,000 as the average to be expected for some years to come, the extra two and a half per cent. could be put at \$97,500 per annum. Comparing this with the liability of \$2,046,600, it would apparently take over 20 years to pay the whole amount off. Again, as hinted by the Secretary of State: "The arrangement now proposed will be more advantageous to Hongkong than the present system, under which the Colonial revenues are continually called upon to meet the cost of necessary works, the amount of

which cannot be anticipated." It may be taken for granted that either during or immediately after the period of 20 years fresh demands will be made, so that in my opinion it would be best to have the whole question settled by the present arrangement. As a minor point in favour of the Bill, I may mention that under the present arrangement when private lands are purchased by the military authorities the colony practically loses the benefit of the Crown rents which it has hitherto enjoyed; within the last few years a capitalised value of over \$10,000 having been lost on this account. I may add that the average percentage paid during the last few years on account of all military contributions amounted to 19.42 per cent. of the revenue, or very nearly 20 per cent.

The motion was carried.

THE BANKRUPTCY ORDINANCE.

The ATTORNEY -GENERAL proposed the second reading of the Bill entitled an Ordinance to further amend the Bankruptcy Ordinance, 1891. He said—The Bill to further amend the Bankruptcy Ordinance, 1891, was read a first time on 10th December, 1900, and duly published in the *Gazette* of 15th December. Honourable Members will recall that, on the first reading, I explained the Bill and stated that I should be glad to know the views of the legal profession and the Mercantile Community with regard to it. I understand the Chamber of Commerce to feel strongly that, having regard to the special circumstances of this colony, the jurisdiction proposed to be conferred upon the Supreme Court is necessary and proper. It would manifestly be most injurious to mercantile credit with Chinese firms in Hongkong, if the mere fact that one of the partners resided in China and was neither a British subject nor domiciled in this colony, was allowed to oust the Bankruptcy jurisdiction of the Court as against the firm. It is over six weeks since the Bill was gazetted and I have heard no word of objection to its principle from either the European or Chinese Mercantile Community. The amendments I shall propose in Committee in no way affect that principle. They relate rather to form and detail. If it be said that, under the provisions of this Ordinance, a solvent or wealthy Chinese subject living in China, but being a partner in a Hongkong firm, may find his "status" affected by an order of adjudication against his firm made by the Supreme Court of this Colony, the answer is that he could at any time get the adjudication annulled under Section 29 of the Bankruptcy Ordinance, 1891, by paying the debts of his firm himself or getting his partners to do so. Moreover, it must not be forgotten that the merciful provisions of the Bankruptcy law as to the discharge of debtors, the "whitewashing process" as it is sometimes called, is e n t i r e l y u n k n o w n t o

the much more severe Chinese law of debtor and creditor, so that a member of an insolvent firm amenable to the Bankruptcy law of this Colony is far better off than he would be in China, where he is liable to be cast into prison till he or his relatives have paid the "utmost farthing." Since this Bill was read a first time, the House of Lords have upheld the decision that a foreigner, domiciled and resident abroad, who, without himself coming to England, carried on business there through an agent, was not a "debtor" within the meaning of the English Bankruptcy Act of 1883. See *Cooke v. The Charles A. Vogeler Company*, 17 *Times* Law Reports, p. 153. But I observe that, in his judgment, the present Lord Chancellor says: "I am by no means prepared to say that it might not be a reasonable thing to apply the English law of bankruptcy to a trader, who, though himself personally abroad, exercised a trade, through the instrumentality of an agent, and possessed assets in this country capable of being reached by bankruptcy administration." This is what it is proposed to do in Hongkong, by express legislation, in order to meet the special circumstances and special requirements of commerce in this Colony, because it has been found that bankruptcy legislation precisely similar to that of England is inadequate to meet these requirements. If the authorities at home do not approve of such special legislation it is of course competent for them to disallow the Ordinance.

The motion was carried.

The Council then went into committee and considered the Bill clause by clause. Several amendments were made, and consequently on the Council resuming the third reading was not proposed, being put off until a subsequent meeting of the Council.

The Council then adjourned until Thursday next.

**MEETING OF THE FINANCE  
COMMITTEE.**

A meeting of the Finance Committee was held immediately after the Council Meeting, the Colonial Secretary presiding. The following Financial Minutes were submitted and passed:—

The Governor recommends the Council to vote a sum of \$14,429.63 to meet the cost of repairing the damages done by the recent typhoon.

**ABSTRACT.**

Medical Department,—

To replace bamboo sun blinds .....	\$ 207.50	
To replace stores, medicines and sundries destroyed at Taipo .....	81.00	
		\$ 288.50
Police Department—		
Repairs to two Police Launches.....		7,740.00
Botanic and Afforestation Department.....		481.13
Public Works Department—		
Praya Road West .....	\$1,000.00	
Hospital Sheds, Kennedy Town.....	850.00	
Telephones.....	700.00	
Sheds at Taipo.....	1,500.00	
Lighthouse repairs, &c.....	1,500.00	
Miscellaneous .....	370.00	
		<u>5,920.00</u>
Total.....		<u>\$14,429.63</u>

The Governor recommends the Council to vote a sum of \$1,440 to cover, during the current year, the cost of increases of salaries of Mr. Moore and Mr. Mackie, student interpreters.

The Government recommends the Council to vote a sum of \$200 to provide additional support for boats' davits in the lighthouse steamtender *Stanley*.

The Governor recommends the Council to re-vote the following sums, being unexpended balances of the votes for 1900 under the heading "Public Works Extraordinary":

Completion Improvement Wongneichong Recreation Ground.....	\$3,132.10
Expenses in the New Territory.....	609.28
Yaumati Nullah.....	1,263.32
Chair Shelter at Peak.....	900.00
Disinfecter Station and Quarters.....	1,957.79
Starling Inlet Police Station.....	1,371.83
Causeway and Pier in Deep Water, Taipo .....	2,969.28
Sookunpo Latrine.....	2,155.34
Public Latrines .....	2,709.35
Sewerage of Victoria.....	1,644.48
Total .....	<u>\$18,712.77</u>

The Governor recommends the Council to vote a sum of \$1,145 in aid towards the sufferers by the fire at Tai O on the 2nd instant.

This was all the business.