

HONGKONG LEGISLATIVE COUNCIL.

21ST JANUARY, 1915.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR F. H. MAY, K.C.M.G.

HIS EXCELLENCY MAJOR-GENERAL F. H. KELLY, C.B. (General Officer Commanding Troops).

HON. MR. CLAUD SEVERN (Colonial Secretary).

HON. MR. J. H. KEMP (Attorney-General).

HON. MR. E. D. C. WOLFE (Colonial Treasurer).

HON. MR. W. CHATHAM, C.M.G. (Director of Public Works).

HON. MR. S. B. C. ROSS (Secretary for Chinese Affairs).

HON. MR. C. MCI. MESSER (Captain Superintendent of Police).

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

HON. MR. H. E. POLLOCK, K.C.

HON. MR. E. A. HEWETT, C.M.G.

HON. MR. D. LANDALE.

HON. MR. E. SHELLIM.

HON. MR. LAU CHU PAK.

MR. M. J. BREEN (Clerk of Councils).

New Member

THE HON. MR. S. B. C. ROSS took the oath of allegiance and assumed his seat as a member of the Council.

Minutes

The minutes of the previous meeting were confirmed.

THE COLONIAL SECRETARY, by command of H.E. the Governor, also laid on the table the following papers:— Report on the Typhoon Refuge, statement to 31st December, 1914, with diagram showing the progress of the work; diagram showing progress of the work on the Tai-tam-tuk Reservoir, up to 31st December, 1914; report on the progress of the Kowloon Railway Station, up to December 31st, 1914. All were half-yearly reports.

Committees

HIS EXCELLENCY—It is necessary that I should appoint various Committees of the Council. To the Finance Committee I appoint all the members of the Council, except the Governor, with the Colonial Secretary as Chairman. To the Public Works Committee I appoint the Hon. Director of Public Works as Chairman, the Colonial Treasurer, Hon. Mr. Wei Yuk, Hon. Mr. Hewett, and Hon. Mr. Shellim. To the Law Committee I appoint the Hon. Attorney-General as Chairman, the Hon. Secretary for Chinese Affairs, Hon. Mr. Landale, Hon. Mr. Pollock, and Hon. Mr. Lau Chu Pak.

Cemetery By-laws

THE COLONIAL SECRETARY reported the receipt of a statement from the Sanitary Board to the effect that by-law No. 13 of the Cemetery By-laws made under Section 16 of the Public Health and Buildings Ordinance No. 1 of 1903, and published at page 1585 of the Ordinances, Volume II. has been repealed, and
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law substituted therefor: — "13. — Each cemetery shall be laid out in sections of such size and arranged in such manner and such cemetery or any part thereof may be set apart for re-interments after exhumation and for the storage of the remains in pots or urns as may be directed by the Board." He moved that this be approved.

THE ATTORNEY-GENERAL seconded, and this was agreed to.

HIS EXCELLENCY—It might be explained that this is a by-law to give effect to an extended policy of exhuming the remains of destitute dead, and burying the bones or conserving the bones in pots, to be placed in special cemeteries, thereby rendering available the land in which the bodies were interred, for further interments. The days are somewhat far hence when the Chinese will adopt cremation, and this is really the only solution of the overcrowded state of our cemeteries.

Stamp Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the Stamp Ordinance, 1901."

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

The "objects and reasons" state that the main object of this Bill is to give the Governor-in-Council power in exceptional circumstances to authorise the stamping after execution of documents which cannot be stamped after execution under the existing law. It also provides that the consent of the Attorney-General shall no longer be necessary to prosecutions under the Stamp Ordinance. The requirement of this consent dates back in the Hongkong Ordinances to the year 1866, and no similar provision is known to exist in England in connection with the Stamp Acts.

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

The Appointment of Deputy Official Receivers

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance

to remove doubts as to the power of the Governor to appoint Deputy Official Receivers and as to the validity of the acts of persons appointed to be Deputy Official Receivers or to act as Deputy Official Receivers or attached to the office of the Official Receiver before the commencement of this Ordinance."

The "objects and reasons" state that the object of this Bill is to give the Governor express power to appoint Deputy Official Receivers, and to remove doubts as to the validity of the acts of persons appointed Deputy Official Receivers, or to act as Deputy Official Receivers, or attached for duty to the office of the Official Receiver.

Military Stores

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the Military Stores (Exportation) Ordinances, 1862 and 1914."

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

The "objects and reasons" state that the object of this Bill is to provide a specific penalty for acts done in contravention of proclamations prohibiting the exportation of certain articles, and to define the term "export."

Alien Enemies (Winding Up) Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the Alien Enemies (Winding-Up) Ordinance, 1914."

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

The "objects and reasons" state that one object of this Bill is to prevent actions being brought against liquidators appointed under the Principal Ordinance in respect of claims which are not disputed. It is obviously undesirable that the estate should be saddled with the costs of such unnecessary actions, and it would be unfair to the other creditors, and against the spirit of the Principal Ordinance, if not against its express provisions, if the plaintiff in any such action were to obtain any priority thereby.

A somewhat similar provision exists in bankruptcy law, where no action can be commenced or continued except with the leave of the Court and on such terms as the Court may impose. The authority proposed in the Bill is the Governor and not the Court, because the general scheme of the Principal Ordinance is a winding-up under the control of the Governor, while in bankruptcy the winding-up is under the supervision of the Court.

It should be remembered that the winding-up under the Principal Ordinance differs from the winding-up in bankruptcy in one very important point, for the winding-up in bankruptcy results eventually in the discharge of the debtor from all claims provable in the bankruptcy, while the winding-up under the Principal Ordinance will not result in any

such discharge. Accordingly, refusal under the proposed Ordinance to allow an action to be brought would not determine the remedies of the creditor against the alien enemy.

Another object of the Bill is to provide expressly that actions against liquidators shall bind the alien enemies whose affairs are being wound up.

The Bill also gives the Court power to stay actions against liquidators or against alien enemies where the interests of justice seem to require that such should be done on account of the impossibility of obtaining proper instructions owing to the existence of a state of war.

His EXCELLENCY — Council stands adjourned till this day week.
