

28TH JANUARY, 1915.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR FRANCIS HENRY 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. MCL. MESSEY (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).

Minutes

The minutes of the previous meeting were confirmed.

Zetland Hall

THE HON. MR. SHELLIM moved the first reading of a Bill intituled, "An Ordinance to provide for the incorporation of the Trustees of Inland Lot No. 31 and the buildings thereon known as Zetland Hall."

THE HON. MR. D. LANDALE seconded, and the Bill was read a first time.

The objects and reasons state that Zetland Hall is the property of the Zetland Lodge of

Freemasons, No. 525 E. C., of Hongkong. The property is vested in five members of the Lodge as Trustees for the Lodge. Particular Trustees from time to time leave the Colony or die, whereby considerable expense is entailed owing to the fresh documents which it is necessary to make out. Cases of absence result in inconvenience and delay owing to the difficulty of communicating with the absent Trustees and, sometimes, of ascertaining their whereabouts.

The Lodge is desirous of avoiding these disadvantages and of having the Trustees incorporated so that they may not in future be subject to them.

Application for incorporation has been made to the Government and the present Bill gives effect to the desire of the Lodge.

Stamp Ordinance 1901

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to amend the Stamp Ordinance, 1901." In doing so he said:— The principal object of this Bill, Sir, is to give the Governor-in-Council power to authorise, in exceptional circumstances, the stamping, before execution, of documents which cannot be stamped after execution under the existing law. It is not intended that the power shall be used in any case where there was any intention to evade the revenue, or where there is any practical possibility of substituting a new document properly stamped. Cases may occur in which the execution of a new document, properly stamped, is practically impossible, and where there was no intention, at the time of execution, to evade revenue. The Bill is to give power to deal with such cases. It also provides that the somewhat obsolete consent of the Attorney-General to prosecutions under the Ordinance, which does not appear to be necessary, should be abrogated. The requirement of the consent of the Attorney-General to prosecutions under the Ordinance dates back to a good many years in our Ordinances and it does not appear to have any practical basis or necessity. I beg, Sir, to move the second reading.

THE COLONIAL SECRETARY seconded.

Council then resolved itself into a Committee of the whole Council to consider the Bill clause by clause.

Upon Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee without amendment, and he moved that it be read a third time.

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

Appointment of Deputy Official Receivers

THE ATTORNEY-GENERAL moved the second reading of the 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." In doing so he said:—The object of this Bill, Sir, is to give you express power to appoint such persons, and to remove certain doubts which have arisen as to your power to appoint such persons in the past, and as to the validity of acts done by them when so appointed. I beg to move the second reading.

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

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

Upon Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee without amendment, and he moved that it be read a third time.

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

Military Stores

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to amend the Military Stores (Exportation) Ordinances, 1862 and 1914." In doing so he said:—There are three clauses to this Bill, one which is formal, and two which

are substantive. The object of the first of the substantive clauses is to define the word "export." It is defined in a very wide manner, but it is clearly necessary to take these wide powers in order to deal with exceptional cases as they occur. Of course, the last thing which the Government would wish to do would be to interfere with any normal or innocent trade. The second clause of substance, clause 3, provides a definite and express penalty for the contravention of any proclamation issued under the principal Ordinance, or under the Order-in-Council of her late Majesty Queen Victoria of the 26th October, 1896. I beg to move the second reading.

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

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

Upon Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee without amendment, and he moved that the Bill be read a third time.

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

Alien Enemies (Winding Up)

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to amend the Alien Enemies (Winding up) Ordinance, 1914." In doing so he said:—It is only intended to proceed with the second reading of the Bill at this meeting of the Council. The Committee stage will be taken at a later meeting of the Council. The object of the second clause of this Bill is to prevent actions being brought unnecessarily against liquidators in respect of the affairs of the alien enemies whose affairs they are winding up. It is clearly undesirable that any one creditor should be able, by taking proceedings, to secure priority over other creditors, and it is undesirable that the estate should be saddled with the costs of such action, so this clause provides that no action shall be brought against any liquidator without the permission of the Governor. Of course, it is not

intended under that section to refuse permission for any action which is intended to try any matter of dispute between the intending plaintiff and the liquidator. It is to prevent actions being brought where claims are undisputed, and where it would be really waste of money to bring the action. This provision, Sir, is based on the precedent of the Bankruptcy Law, where, of course, it is impossible to bring any action against a bankrupt, if a receiving order has been made, without leave of the Court. Under this Bill, Sir, your permission is substituted for that of the Court, because the whole scheme of the winding-up under the principal Ordinance is a winding up, not under the Court, but under the supervision of the Governor. That scheme has several advantages. It is quicker, it is cheaper, and it has more elasticity, and that scheme is carried out in the present Bill. The section, Sir, also provides that even after permission has been given to bring an action against the liquidator to try a disputed claim, no execution shall be levied on any judgment given in such action without your permission, the object being again to prevent any priority being obtained by the successful plaintiff over

the other unsecured creditors. I may say that under the recent Trading with the Enemy Act which has been passed in England, which provides for a custodian to whom money payable to an alien enemy may be paid, and in whom the property of an alien enemy may be vested, no execution at all of any kind can be issued against such property. This Bill does not go quite so far as that, but provides that no execution can be issued without permission of the Governor. The Bill also proposes to provide that actions against liquidators shall be binding on the alien enemies whom they represent. It also proposes to give to the Supreme Court power to stay any action brought against a liquidator, or against alien enemies directly, in any case where it appears to the Court necessary and desirable in the interests of justice, on account of its being impossible to obtain proper information from the alien enemy in question owing to the existence of a state of war.

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

His EXCELLENCY — Council stands adjourned *sine die*.
