

1ST JULY, 1909

PRESENT:—

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

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

SIR HENRY BERKELEY, K.C. (Attorney-General).

HON. MR. C. McI. MESSER (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. E. A. HEWETT.

HON. MR. E. OSBORNE.

HON. MR. W. J. GRESSON.

HON. MR. MURRAY STEWART.

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

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 Minute No. 29, and moved that it be referred to the Finance Committee.

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

Financial

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the report of the Finance Committee (No. 8) and moved its adoption.

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

Papers

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the following papers:— Report on the Hongkong Volunteer Corps; Report on the Post Office Department; Reports of the Captain Superintendent of Police, and the Superintendent of the Fire Brigade.

The Railways Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled An Ordinance to regulate the construction and management of railways.

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

Stonecutters' Island Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled An Ordinance to amend the Stonecutters' Island Ordinance, 1889.

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

Companies Local Registers Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled An Ordinance to amend the Companies (Local Registers) Ordinance 1907.

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

Interpretation Amendment Ordinance Amendment

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled An Ordinance to amend the Interpretation Amendment Ordinance 1908.

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

Stamp Ordinance Amendment

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to amend the Stamp Ordinance 1901, as amended by the Stamp Amendment Ordinance 1902. In doing so he said: Hon. members will see from the memorandum of the Bill what its object is. This is a revenue Bill, and the source of increased revenue sought to be effected thereby is the increase of what may be called death duties and the decrease in the amount which now requires a stamp on receipt. At present a receipt for less than \$25 does not require a stamp, and it is proposed by the Bill that hereafter receipts for \$10 and upwards shall carry a five cent stamp. The amount of death duties is by the Bill doubled, but, even so, the actual amount paid in respect of estates is small in comparison with like duties charged in other countries. That, stated shortly, is the object of the Bill, and I hope it will commend itself to hon. members as a means of providing revenue which is much needed. I may say that it is not proposed to bring the Bill into operation until the end of the year, and there are one or two small amendments which I shall propose in Committee.

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

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

On clause 2—

THE ATTORNEY-GENERAL moved that the following words be added "Simple interest at the rate of eight per cent. per annum shall be payable on all sums recoverable under Article 45 should the sum not be paid within one month after the date of the death of the deceased." That is to meet the case where long delay occurs. And (b) "a collector of stamp revenue may remit such interest where the amount appears to him to be so small as to not repay the trouble of calculation."

HON. MR. GRESSON—I don't quite follow those two extra clauses, for it seems to me that the time is far too short. In the case of big estates it is quite impossible to have them wound up in a month. In the case of the late Sir Robert Jardine, where a very large sum was paid to the Government, there was a great

deal of extra work in valuation of properties, and it was a matter of eight, nine or ten months before we were in a position to send in figures.

THE ATTORNEY-GENERAL—The amount is due to the revenue from the date of the death.

HON. MR. GRESSON—I understand your amendment is that it must be paid within one month?

THE ATTORNEY-GENERAL—Yes.

HON. DR. HO KAI—But the amount is not always ascertainable at the expiration of a month.

HON. MR. HEWETT — The Jardine estate was a very large and complicated one, but even in the case of an ordinary man it could not possibly be arranged under five or six months.

THE ATTORNEY-GENERAL — What time do you suggest—six months?

HON. MR. HEWETT—I think that should be the minimum.

HIS EXCELLENCY — Six months for estates over a certain amount?

HON. MR. HEWETT—I don't think it would work on those lines. It might take just as long to square up an estate of ten thousand pounds as it would to square up an estate of two millions.

THE ATTORNEY-GENERAL — I will accept six months.

HON. DR. HO KAI—I take it you did not want any undue delay?

THE ATTORNEY-GENERAL — That was the object.

HON. MR. HEWETT—Your interest of eight per cent. is sufficient not to encourage people to unduly delay.

The Committee decided that the period should be fixed at six months.

THE ATTORNEY-GENERAL moved that the following words be added to clause 4: "This Ordinance shall come into opera-

tion on the 1st day of January, 1910," so as to allow ample time to give notice to everybody likely to be affected thereby.

HON. MR. HEWETT—Does it apply to people who die before the 1st of January?

THE ATTORNEY-GENERAL—No.

Council then resumed, and the Attorney-General reported that the Bill had passed through Committee stage with slight amendments.

Patents Ordinance Amendment

THE ATTORNEY-GENERAL—With regard to the next item, the Committee on the Bill entitled an Ordinance to amend the Patents Ordinance 1902, the report we are waiting for from the Law Society has not yet been received. I would ask the permission of Council to defer further consideration of this Bill to a later stage.

Council agreed.

Peak Tramway Bill

HON. MR. GRESSON—On behalf of the promoters I beg to move that the Bill

entitled An Ordinance for authorizing the Construction of a Tramway within the Colony of Hongkong be withdrawn.

HON. MR. STEWART—I beg to second that.

The motion was agreed to, and the Bill was withdrawn.

HIS EXCELLENCY — Council stands adjourned until Thursday next.

FINANCE COMMITTEE

A meeting of the Finance Committee was then held, the Colonial Secretary presiding. The following vote was passed:—

Medical Department

The Governor recommended the Council to vote a sum of One hundred and four Dollars (\$104) in aid of the vote, Medical Departments. C.—Institutes, Other Charges, Bacteriological Institute and Mortuaries Books.
