

LEGISLATIVE COUNCIL.

No. 278.

LEGISLATIVE COUNCIL, No. 10.

THURSDAY, 27TH MAY, 1915.

PRESENT:

HIS EXCELLENCY THE GOVERNOR

(SIR FRANCIS HENRY MAY, K.C.M.G.).

His Excellency the General Officer Commanding the Troops, (Major-General FRANCIS HENRY KELLY, C.B.).

The Honourable the Colonial Secretary, (CLAUD SEVERN).

" the Attorney General, (JOSEPH HORSFORD KEMP).

" the Colonial Treasurer, (ALEXANDER MACDONALD THOMSON).

" the Director of Public Works, (WILLIAM CHATHAM, C.M.G.).

" the Secretary for Chinese Affairs, (STEWART BUCKLE CARNE ROSS).

" the Captain Superintendent of Police, (CHARLES McILVAINE MESSER).

" Mr. WEI YUK, C.M.G.

" Mr. HENRY EDWARD POLLOCK, K.C.

" Mr. EDBERT ANSGAR HEWETT, C.M.G.

" Mr. EDWARD SHELLIM.

" Mr. DAVID LANDALE.

" Mr. LAU CHE PAK.

The Council met pursuant to summons.

The Minutes of the last Meeting, held on the 13th May, 1915, were confirmed.

FINANCIAL MINUTES. The Colonial Secretary laid on the table Financial Minutes Nos. 17 to 19, and moved that they be referred to the Finance Committee:—

No. 17.—Public Works, Recurrent, Repairs to Dredger <i>St. Enoch</i> ,	\$22,800.00.
No. 18.—Public Works, Extraordinary, Conversion of Old Pumping Station at Yaumati into a Branch Post Office,	1,500.00.
No. 19.—Charitable Services, Education of certain members of the family of the late Sir KAI HO KAI,	1,350.00.

The Colonial Treasurer seconded.

Question—put and agreed to.

REPORT OF THE FINANCE COMMITTEE.—The Colonial Secretary laid on the table the Report of the Finance Committee (No. 7), dated the 13th May, 1915, and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

PAPERS.—The Colonial Secretary laid on the table the following papers:—

Report on the Botanical and Forestry Department for the year 1914.

Report of the Director of Education for the year 1914.

SUPPLEMENTARY APPROPRIATION BILL.—The Colonial Secretary addressed the Council and moved the Third reading of the Bill intituled An Ordinance to authorize the Appropriation of a Supplementary Sum of Seven hundred and eighty-seven thousand two hundred and fifty-two Dollars and twenty-six Cents, to defray the Charges of the Year 1914.

The Colonial Treasurer seconded.

Question—put and agreed to.

Bill read a third time and passed.

GIFT OF AEROPLANES.—His Excellency the Governor read two telegrams received from the Secretary of State for the Colonies and from the Overseas Club respectively acknowledging the gift of two aeroplanes from the Colony.

DENTISTRY AMENDMENT BILL.—The Attorney General addressed the Council and moved the Second reading of the Bill intituled An Ordinance to amend the Dentistry Ordinance, 1914.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ESTATE DUTY BILL.—The Attorney General addressed the Council and moved the Second reading of the Bill intituled An Ordinance to provide for the levy of Estate Duty payable in respect of the estates of deceased persons.

The Colonial Secretary seconded.

Mr. HEWETT, Mr. POLLOCK, Mr. LANDALE, Mr. LAU CHÜ PAK, the Attorney General, and His Excellency the Governor addressed the Council.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On the motion of the Attorney General the following amendments were agreed to:—

In section 1, the date “1st day of January, 1916” was inserted in the second and third lines.

In section 3, the word “originally” in the third line of the definition of the term “Property passing on the death” was deleted and the word “certainly” substituted therefor.

The following sub-section, numbered (3), was inserted at the end of section 4:—

“(3.) The probate duty payable under the Stamp Ordinance, 1901, ^{57 and 58} shall not be levied in respect of any property chargeable with ^{Vict. c. 30,} estate duty under this Ordinance.”

In sub-section (3) of section 9, the comma and words “, or charged on property situate within the Colony” were inserted after the word “Colony” at the end thereof.

The following sub-section, numbered (4), was inserted at the end of section 11:—

“(4.) Where the Commissioner allows payment to be postponed under sub-section (2) of this section he may reduce or remit any interest payable.”

Section 19 was deleted and the following section substituted therefor:—

- “19.—(1.) If any person in any way administer any part of an estate of a deceased person in respect of which estate duty is chargeable or of the income of any part of such estate without delivering an affidavit for the Commissioner or an account (as the case may be) within six months after the decease or within two months after the termination of any action or proceeding respecting the will or the right to letters of administration, if there be any such which is not ended within four months after such decease, every such person shall forfeit the sum of \$1,000, and shall also be liable to pay three times the amount of estate duty chargeable upon the estate of the deceased. Penalties for inter-meddling. 55 Geo. 3 c. 184, s. 37: 57 & 58 Vict. c. 30, s. 8 (1), (4): Ord. No. 16 of 1901, s. 27.
- (2.) If any person, except for the purpose of the burial of the deceased and for the due maintenance of his family, take possession of or in any way administer any part of the estate of a deceased person without having first notified the Commissioner of the death of the deceased and of the extent of his estate so far as such person is aware of the same, every such person shall forfeit the sum of \$1,000.
- (3.) Each of the said sums of \$1,000 referred to in sub-sections (1) and (2) of this section shall be deemed to be a debt due to the Crown and shall be recoverable in the same way as Crown rents may be recovered.
- (4.) Nothing in the section shall be deemed to interfere with any special powers conferred by law upon any person to act without obtaining probate or letters of administration.”

Mr. HEWETT moved that section 20 be deleted.

Mr. POLLOCK seconded.

On the motion being put to the vote it was declared lost, seven members voting against and six—Mr. LAU CHÜ PAK, Mr. LANDALE, Mr. SHELLIM, Mr. HEWETT, Mr. POLLOCK and Mr. WEI YUK—for the motion.

Mr. POLLOCK moved that the words “exceeding with the profits or income thereof \$2,000 in value” be inserted after the words “any interest,” in the second line of sub-section (1) of section 20, and that the words “as partner” be substituted for the words “whether as partner, depositor or creditor” in the second and third lines, and that the words “six months” be substituted for the words “one month” in the ninth and tenth lines, and that the last sub-section of the section be deleted.

Mr. HEWETT seconded.

On the amendment being put to the vote it was declared lost, seven members voting against and six—Mr. LAU CHÜ PAK, Mr. LANDALE, Mr. SHELLIM, Mr. HEWETT, Mr. POLLOCK and Mr. WEI YUK—for the amendment.

On the motion of the Attorney General the following amendments were agreed to:—

In sub-section (1) of section 20, all the words from the words “the owner” in the fourteenth line to the end of the sub-section were deleted and the words “the sum of \$500 shall be recoverable from the owner or owners of the said shop, bank or other business” substituted therefor.

The following sub-sections numbered (2) and (3) were inserted after sub-section (1):—

- “(2.) The said sum of \$500 shall be deemed to be a debt due to the Crown and shall be recoverable in the same way as Crown rents may be recovered.
- (3.) Where the said shop, bank or other business is carried on in a firm name the said sum of \$500 shall also be deemed to be a debt due from the firm and may be recovered in an action against the firm in the said firm name.”

Sub-section (2) was renumbered (4) and the words and figure "sub-section (1)" in the second line were deleted and the words "this section" substituted therefor, and the words "or firm" were inserted after the word "person" in the last line thereof.

On Council resuming, the Attorney General reported that the Bill had passed through Committee with amendments and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.—The Council then adjourned *sine die*.

F. H. MAY,
Governor.

Read and confirmed this 24th day of June, 1915.

A. G. M. FLETCHER,
Clerk of Councils.

APPOINTMENTS, &c.

No. 279—His Excellency the Governor has been pleased to nominate, under the provisions of Statute 4 of the University Ordinance, 1911, (Ordinance No. 10 of 1911), Mr. ELLIS KADOORIE and Mr. CHAN KAI MING to be Members of the Court of the University of Hongkong for a term of three years, with effect from the 16th October, 1914.

23rd June, 1915.

No. 280—It is hereby notified, under the provisions of Statute 7 (7) of the University Ordinance, 1911, (Ordinance No. 10 of 1911), that Mr. Ho Fook has been elected a Member of the Council of the University of Hongkong, under the provisions of Statute 7 (2), for a term of three years, with effect from the 16th October, 1914.

23rd June, 1915.

No. 281—It is hereby notified, under the provisions of Statute 7 (7) of the University Ordinance, 1911, (Ordinance No. 10 of 1911), that the following gentlemen have been re-elected Members of the Council of the University of Hongkong, under the provisions of Statute 7 (2), for a further term of three years :—

<i>Names.</i>	<i>With effect from</i>
Hon. Mr. H. E. POLLOCK, K.C., and Mr. EVAN ORMISTON, ...	16th October, 1914.
Hon. Mr. WEI YUK, C.M.G., and Hon. Mr. LAU CHÜ PAK, ...	9th January, 1915.

23rd June, 1915.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. 282—It is hereby notified that on and after the 1st day of July, 1915, telegrams to and from Italy, Libya, Eritrea, Italian Somaliland, may be passed in Italian.

No. 283—It is hereby notified that the new streets constructed in extension of Amoy and Swatow Lanes will be known as Amoy and Swatow Streets and that Amoy and Swatow Lanes will be re-named Amoy and Swatow Streets.