

LEGISLATIVE COUNCIL.

No. 413.

LEGISLATIVE COUNCIL, No. 2.

THURSDAY, 22ND FEBRUARY, 1906.

PRESENT :

HIS EXCELLENCY THE GOVERNOR

(SIR MATTHEW NATHAN, K.C.M.G.).

His Excellency the General Officer Commanding the Troops, (Major-General VILLIERS HATTON, C.B.).

The Honourable the Colonial Secretary, (THOMAS SERCOMBE SMITH).

,, the Attorney General, (SIR HENRY SPENCER BERKELEY, Kt.).

,, the Colonial Treasurer, (ALEXANDER MACDONALD THOMSON).

,, the Registrar General, (ARTHUR WINBOLT BREWIN).

,, the Director of Public Works, (WILLIAM CHATHAM).

,, the Harbour Master, (Captain LIONEL AUBREY WALTER BARNES-LAWRENCE, R.N.).

,, Dr. HO KAI, M.B., C.M., C.M.G.

,, Mr. WEI YUK.

,, Mr. GERSHOM STEWART.

,, Mr. HENRY EDWARD POLLOCK, K.C.

ABSENT :

,, Mr. ROBERT GORDON SHEWAN.

,, Mr. CHARLES WEDDERBURN DICKSON.

The Council met pursuant to summons.

The Minutes of the last Meeting, held on the 31st January, 1906, were read and confirmed.

His Excellency the Governor addressed the Council.

PAPERS.—The Colonial Secretary, by command of His Excellency the Governor, laid on the table the following papers :—

Report on the Widows and Orphans' Pension Fund, for the year 1905.

Report on the Teaching of Hygiene in the Schools of Hongkong.

FINANCIAL MINUTES.—The Colonial Secretary, by command of His Excellency the Governor, laid on the table the following Financial Minutes, (Nos. 1 to 6), and moved that they be referred to the Finance Committee :—

M. NATHAN.

No. 9562 of
1905, C.O.D.
Miscellaneous.

The Governor recommends the Council to vote a sum of Eight thousand Dollars (\$8,000) to meet expenditure incurred by the Treasurer of the Reception Committee, and for illuminating the public buildings in connection with the visit to this Colony of H.R.H. Prince Arthur of Connaught.

Government House, Hongkong, 5th January, 1906.

M. NATHAN.

No. 127 of
1906, C.S.O.

The Governor recommends the Council to vote a sum of Six hundred and eighty-one Dollars and sixty Cents (\$681.60) in aid of the vote Miscellaneous Services, Telegraph Service—Contribution in connection with Signalling Vessels and Messages to Observatory.

Government House, Hongkong, 9th January, 1906.

M. NATHAN.

No. 940 of
1905, C.S.O.

The Governor recommends the Council to vote a sum of Five thousand two hundred and fifty Dollars (\$5,250) in aid of the vote, Public Works Extraordinary, Rifle Range at the Peak.

Government House, Hongkong, 15th January, 1906.

M. NATHAN.

No. 532 of
1906, C.S.O.

The Governor recommends the Council to revote a sum of Sixty-five thousand two hundred and one Dollars and fourteen Cents (\$65,201.14) and to vote a sum of Six thousand and twenty Dollars (\$6,020) in aid of the vote—Public Works Extraordinary, for the following items:—

Bacteriological Institute,	\$2,844.94
Government Civil Hospital—Extension of Staff Quarters,	3,000.00
Gunpowder Depôt, Green Island,	14,389.56
Harbour Office,	6,926.53
Post Office, Shanghai,	15,000.00
School, Yaumati,	1,382.00
Tai Po, Quarters for Officers,	5,086.00
Volunteer Headquarters (Contribution),	24.56
Miscellaneous Drainage Works,	326.85
Kowloon Roads,	5,600.00
Green Island Light Improvement,	88.02
Kowloon-Canton Railway—Survey and Prelimi- nary work,	10,532.68
	—————\$65,201.14
Bacteriological Institute,	1,920.00
Gunpowder Depôt, Green Island,	300.00
Green Island Light Improvement,	1,800.00
Compensation to Lessees of Quarries D. 16 & D. 17, Lyemun,	2,000.00
	—————\$6,020.00

Government House, Hongkong, 29th January, 1906.

M. NATHAN.

No. 167 of
1906, C.S.O.

The Governor recommends the Council to vote a sum of Three thousand and forty Dollars (\$3,040) in aid of the vote Judicial and Legal Departments for the following items:—

Magistracy, New Territories, Other Charges, Furnishing of the New Tai Po Quarters,	\$1,520
Land Registry Office, New Territories, Other Charges, Furni- shing of the New Tai Po Quarters,	1,520
	—————
Total,	<u>\$3,040</u>

Government House, Hongkong, 6th February, 1906.

M. NATHAN.

No. 6673 of
1901, C.S.O.
Extension.

The Governor recommends the Council to vote a sum of Sixty Dollars (\$60) in aid of the vote, Medical Department—Other Charges, B.—Hospitals and Asylums, New Territory, Rent of Temporary Dispensary at Tai Po.

Government House, Hongkong, 9th February, 1906.

The Colonial Treasurer seconded.

Question—put and agreed to.

RESOLUTION.—The Attorney General moved the following resolution:—

Whereas by section 5 of "The Summoning of Chinese Ordinance, 1899", (No. 12 of 1899) it was enacted that the said Ordinance should only continue in operation for the period of two years from the coming into operation of the said Ordinance and for such further period or periods as might, from time to time, be determined by Resolution of the Legislative Council, and whereas such operation has been continued by Resolution of this Council until the 30th day of March, 1906, inclusive:

it is hereby resolved by this Council that "The Summoning of Chinese Ordinance, 1899", shall be further continued in operation for the further period of two years from the 31st day of March, 1906, inclusive.

The Colonial Secretary seconded the motion, which was carried unanimously.

QUESTION.—Mr. STEWART, pursuant to notice, asked the following question:—

Will the Government take into consideration the advisability of approaching the Proprietors of the "City Hall" with a view to acquiring the "Building" in order that it may be altered to meet the necessity of the growing community?

The Colonial Secretary replied.

QUESTIONS.—Mr. POLLOCK, pursuant to notice, asked the following questions:—

Will the Government state what steps are being taken to educate the Chinese tenants of houses in the principles of sanitation and ventilation which are applicable to the houses in which they live?

For what purpose was Robinson Road, Kowloon, opened up and on what date? When is it anticipated that the work will be completed and the road restored to its proper state?

Will the Government state what steps they have taken, and what further steps they intend to take and when, in connection with the installation of a system of fire-alarms? Will the Government also state what is the estimated cost of such installation?

Will the Government state what progress has been made with the works for the extension of water storage at Tytam and at Tytam Tuk and at Kowloon? Will the Government also state when these respective works are likely to be completed?

When is it anticipated that—

- (a) *the New Post Office,*
- (b) *the New Law Courts,*

will be completed?

Is it the intention of the Government to make a road from the top Tram Station to Plantation Road? If so, when? What is the estimated cost of such road?

Will the Government procure and lay before the Council an estimate of the cost of prolonging Kennedy Road in a south-easterly direction from the point of its junction with the Wanchai Gap Road so that it may lead down to the Race Course at the back of the Mahomedan Cemetery?

Will the Government procure and lay upon the table an estimate of the cost of continuing Harlech Road round the North side of Victoria Peak—

- (a) *back to Victoria Gap,*
- (b) *to Barker Road?*

The Colonial Secretary and the Director of Public Works replied.

SUMMARY OFFENCES (FURTHER AMENDMENT) BILL.—The Attorney General moved the first reading of a Bill entitled An Ordinance to amend The Summary Offences (Amendment) Ordinance, 1905.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

MAGISTRATES (AMENDMENT) BILL.—The Attorney General moved the first reading of a Bill entitled An Ordinance further to amend the Magistrates Ordinance, 1890.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

LUNATIC ASYLUMS BILL.—The Attorney General moved the first reading of a Bill entitled An Ordinance to provide for the establishment of Lunatic Asylums and to provide for the custody and care therein of persons of unsound mind.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

LUNACY BILL.—The Attorney General moved the first reading of a Bill entitled An Ordinance relating to the jurisdiction of the Supreme Court with respect to the care and commitment of the custody of the persons and estates of Lunatics.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

ADJOURNMENT.—The Council then adjourned until after the meeting of the Finance Committee.

JURY LIST FOR 1906.—On Council resuming it proceeded to consider the Jury List for 1906 in private.

ADJOURNMENT.—The Council adjourned *sine die*.

M. NATHAN,
Governor.

Read and confirmed, this 17th day of May, 1906.

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

No. 414.—The following Bills were read a first time at a Meeting of the Council held on the 17th May, 1906:—

A BILL

ENTITLED

An Ordinance to amend the law relating to the Property of Married Women.

Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Ordinance may be cited as the Married Women's Property Ordinance, 1906.

2. The word "contract" in this Ordinance shall include the acceptance of any trust, or of the office of executrix or administratrix, and the provisions of this Ordinance as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by any married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration.

Interpretation of terms. (M.W.P. Act, 1882, section 24, 45 and 46 Viet. Cap. 75.)

The word "property" in this Ordinance includes a thing in action.

3.—(1.) A married woman shall in accordance with the provisions of this Ordinance be capable of acquiring, holding, and disposing by will or otherwise, of any immovable or movable property as her separate property, in the same manner as if she were a feme sole, without the intervention of any trustee.

Married woman to be capable of holding property and of contracting as a feme sole.

(2.) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued, either in contract or in tort, or otherwise, in all respects as if she were a feme sole, and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property; and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property, and not otherwise.

(M.W.P. Act, 1882, section 1 (1) & (2))