

19TH FEBRUARY, 1904.

PRESENT:—

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT, F.H. MAY, C.M.G.

Hon. A. M. THOMSON (Acting Colonial Secretary).

Hon. Sir HENRY S. BERKELEY, Kt. (Attorney-General).

Hon. L. A. M. JOHNSTON (Acting Colonial Treasurer).

Hon. A. W. BREWIN (Registrar-General).

Hon. BASIL R. H. TAYLOR (Acting Harbour Master).

Hon. W. CHATHAM (Director of Public Works).

Hon. SIR C. P. CHATER, C.M.G.

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

Hon. WEI A YUK.

Hon. C. W. DICKSON.

Hon. H. E. POLLOCK, K.C.

Mr. R. F. JOHNSTON (Acting Clerk of Councils).

FINANCIAL.

The ACTING COLONIAL TREASURER laid on the table Financial Minutes (Nos. 8 to 12) and moved that they be referred to the Finance Committee.

The ACTING COLONIAL SECRETARY seconded, and the motion was agreed to.

The ACTING COLONIAL SECRETARY laid on the table the Report of the Finance Committee (No. 1) and moved its adoption.

The ACTING COLONIAL TREASURER seconded, and the motion was agreed to.

GOVERNOR'S SALARY: INCREASE.

The ACTING COLONIAL SECRETARY laid on the table the following communication:—

Downing Street, 8th December, 1903.

Sir, — I have recently had under my consideration the question of the amount of salary paid to the Governors of first class Crown Colonies, and I have come to the conclusion that the emoluments received by the Governors of Ceylon, the Straits Settlements and Hongkong are not sufficient to allow of their supporting the dignity of their position, as it should be supported, without supplementing their official salary from private income.

2. I am sure that your Legislative Council will see the matter in the same light, and I have therefore to request that you will invite the Council to vote an increase to the Governor's salary, from the 1st of January, 1904, from five thousand pounds to six thousand pounds a year, of which sum one thousand two hundred pounds should be regarded as an entertainment allowance to be drawn in full by the Officer Administering the Government in the Governor's absence on full or half pay leave.—I have, &c.,

ALFRED LYTTTELTON.

The Officer Administering the Government of Hongkong.

MESSRS. STEPHENS AND HOWARD'S PETITION.

The ACTING COLONIAL SECRETARY also laid the following paper on the table:—

Downing Street, 21st October, 1903.

Sir,—With reference to my despatch No, 262 of the 16th of July last, relative to a petition presented to His Majesty the King by Messrs. Stephens and Howard, I have the honour to forward copy of a letter dated 5th September addressed by them to the Secretary of State for the Home Department.

2. As you have already been informed, His Majesty was not pleased to give any directions with regard to the petition, and Messrs. Stephens and Howard were so informed.

3. Mr. Howard has, however, since on two occasions in a personal interview with the Legal Assistant Under Secretary to this Department represented that great injustice has been done to him by the entire inadequacy of the sum awarded to his firm and has contended that they were entitled to rely on the promise of Sir G. Des Voeux in his message to the Legislative Council of the 22nd of March, 1889, that the fullest justice would be done in respect of private rights, a promise which Mr. Howard alleges has not in this case been fulfilled.

4. On consideration of the petition and of your despatch No. 59 of the 15th of March, 1899, I am not entirely satisfied that the compensation awarded to Messrs. Stephens and Howard may not have been inadequate, but it is obvious that such a question can only be decided in the light of local knowledge and experience.

5. I therefore request that you will be good enough to investigate the whole matter afresh, and, if you are of opinion that substantial justice demands it, to ask the Legislative Council to vote an additional sum to the Petitioners, to be paid to them merely as a matter of grace but not of right.—I have, &c.,

ALFRED LYTTELTON.

Governor Sir H. A. Blake, G.C.M.G. & C.

PREPARED OPIUM.

The ATTORNEY-GENERAL moved the first reading of a Bill entitled an Ordinance to amend the Prepared Opium Ordinance, 1891.

The ACTING COLONIAL SECRETARY seconded, and the motion was agreed to.

There were attached to the Bill the following objects and reasons:—

The object of this Ordinance is to check and ultimately prevent the sale of opium in the Colony by unauthorised persons.

The expressions "Prepared Opium" and "Preparation" as at present defined in the Prepared Opium Ordinance, 1891, have been found insufficient to prevent the sale of opium in the shape of "pills" and "wine" by unauthorised persons. The result has been that while the Opium Farmer has sustained considerable loss from illicit sales of opium

in the above mentioned shape the illicit sellers have been acquitted when prosecuted owing to the difficulty of proving that opium pills and wine come within the definition necessary to secure a conviction under the Prepared Opium Ordinance as it stands.

While affording the Opium Farmer legitimate protection, provision is made to exempt from the operation of the Amending Ordinance opium when prescribed or sold in recognised medicinal forms or in European or American patent medicines.

CHARGES FOR IMBECILE PERSONS.

The Council went into Committee on the Bill entitled an Ordinance to provide for the recovery of charges incurred on account of imbecile persons introduced into the Colony.

The ATTORNEY-GENERAL — Since the Council rose, sir, I have re-cast the second clause as it then stood—re-cast it in language only. The section is not altered in substance or effect, but the phraseology has been changed, and the changes appear in italics in the shape of two new clauses, Nos. 2 and 4. The old clause as it stood approved by the Council combined in one section what now forms two sections, 2 and 4. As hon. members will see, they are separate matters, and it is better they should be placed in two separate sections. I move that Clauses 2 and 4 as now printed stand part of the Bill in place of the re-arranged clause. In Sub-section 3 there has been a slight amendment made also so as to make it quite clear what certificate it is that is required to be given. I propose to add the words "of refusal of permission to land." I move that this clause as it is now printed stand part of the Bill.

The ACTING COLONIAL SECRETARY seconded, and the motion was agreed to.

The sections as amended are as follows:—

(2.) In every case where permission to land any person from any vessel is refused every such person shall be detained by the master on board such vessel and be prevented, by force if need be, from landing.

(3.) In every case in which permission to land from any vessel is refused under the authority of this Ordinance, the officer refusing such permission shall give a certificate of refusal of permission to land to the master of such vessel if so required by him.

(4.) No action shall lie against the master of any vessel or any person whomsoever for anything done in execution of the provisions of this Ordinance.

The Bill having passed through Committee stage, the Council resumed.

The ATTORNEY-GENERAL moved that the Bill be read a third time and passed.

THE ACTING COLONIAL SECRETARY seconded.

Hon. Mr. POLLOCK—Your Excellency, I regret to say I must vote against the third reading of this Bill for the reasons which I gave

at the last meeting of Council, namely, that I do not think it fair or just to shipowners that if a person has been put or has embarked on board a ship as a passenger who is to all outward appearance sane, the charterer or the agent should be subjected to any charge for the expenses of keeping in this Colony or the repatriation of such person. For these reasons, sir, I feel bound to vote against the third reading of this bill.

On the motion being put to the vote, HIS EXCELLENCY declared that the "Ayes" had it.

In reply to His Excellency, Hon. Mr. POLLOCK said he did not desire the house to divide.

JURY LIST.

The Council afterwards sat in private for revision of the Jury List.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately after the Council, Hon. A. M. Thomson, Acting Colonial Secretary, presiding.

The following votes were passed:—

INCREASE OF GOVERNORS SALARY.

The Officer Administering the Government recommended the Council to vote a sum of \$12,000 in aid of the vote "Governor" under Personal Emoluments for an increase to the Governor's salary, from the 1st January, 1904.

GRANT TO AN INVALIDED NURSE.

The Officer Administering the Government recommended the Council to vote a sum of \$350 as a gratuity to Miss Clara Watson, lately Nursing Sister at the Government Civil Hospital, invalidated from the Service.

PUBLIC WORKS DEPARTMENT.

The Officer Administering the Government recommended the Council to vote a sum of

\$1,360 in aid of the vote Public Works Department under Personal Emoluments:—

1 Foreman (from January to December at \$30 per month)	\$ 360
1 Foreman (from January to June at \$35 per month and from July to December at \$40 per month)	\$ 450
1 Foreman (from February to December at \$50 per month)	550
Total	<u>\$ 1,360</u>

MESSRS. STEPHENS AND HOWARD'S CLAIM.

The Officer Administering the Government recommended the Council to vote a sum of \$18,223.21 for additional compensation to Messrs. Stephens and Howard in respect of damage sustained owing to the Reclamation in front of Marine Lot No. 184.

This amount has been calculated as follows:—

Depreciation (as in Musso's case) 75 cents per square foot for Area (M.L. 184) 32,481 square feet.

Damage on 1st September, 1898	\$24,367.50
Interest thereon from 1st September, 1898, to 28th February, 1904	9,381.46
Total	<u>\$33,748.96</u>

Deduct amount paid on 29th August, 1903	\$15,000.00
Interest thereon up to 28th February, 1904	525.75
Total now payable	<u>15,525.75</u>
	<u>\$18,223.21</u>

NEW ROOFS FOR CIVIL HOSPITAL.

The Officer Administering the Government recommended the Council to vote a sum of \$9,000 in aid of the vote Public Works, Annually Recurrent, to meet the balance of the cost of the work of constructing new roofs for the Government Civil Hospital.

This was all the business.