

15TH JULY, 1915.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR F. H. 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. A. M. THOMSON (Colonial Treasurer).

HON. MR. W. CHATHAM, C.M.G. (Director of Public Works).

HON. MR. C. MCL. MESSER (Captain Superintendent of Police).

HON. MR. S. B. C. ROSS (Secretary for Chinese Affairs).

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

HON. MR. POLLOCK, K.C.

HON. MR. E. A. HEWETT, C.M.G.

HON. MR. E. SHELLIM.

HON. MR. D. LANDALE.

HON. MR. LAU CHU PAK.

MR. A. G. M. FLETCHER (Clerk of Councils).

Minutes

The minutes of the previous meeting were confirmed.

Papers

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the proceedings of the Finance Committee No. 11, and moved that they be adopted.

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

THE COLONIAL SECRETARY, by command of His Excellency, laid on the table the report on the Blue Book for 1914.

Chinese Extradition Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to amend the Chinese Extradition Ordinance, 1889." In doing so he said—Sir, the

Chinese Extradition Ordinance, 1889, which deals with the extradition to China of fugitive criminals, applies only to subjects of China, and on that account it is necessary for the Crown in each case to prove that the criminal, for whose surrender a requisition is applied for, is a subject of that country. In some cases it is quite easy to prove that, but in other cases it is extremely difficult. Especially among the criminal classes does the difficulty of tracing a man's antecedents and nationality occur. A man's antecedents and nationality are matters which are more within his knowledge than, at all events, the knowledge of the Government of a foreign State—by foreign State I mean a State foreign to that to which the person belongs—so that though it may be very difficult for the Crown here to prove the nationality of the person whose rendition is applied for, in most cases it ought to be fairly easy for the criminal himself to prove to what State he belongs. This Bill, therefore, provides that in all proceedings contemplated by the principal Ordinance every fugitive criminal for whose surrender a requisition is made shall be deemed to be a subject of China unless he shall prove the contrary affirmatively. I beg to move the second reading.

THE COLONIAL SECRETARY seconded.

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

The Bill passed through Committee without amendment, and on Council resuming,

THE ATTORNEY-GENERAL moved that the Bill be read a third time.

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

Flogging Ordinance

THE ATTORNEY-GENERAL moved the second reading of a Bill intituled, "An Ordinance to amend the law relating to the punishment of Flogging." In doing so he said—The object of the Bill, Sir, is to declare that no person shall be liable to be flogged more than once for the same offence. If this Bill passes it will not be possible to award any sentence of flogging which will provide that the flogging awarded shall be split up into two parts. That is a

practice which has obtained in various parts of the British Empire at times; to sentence a man to a portion of his flogging at the commencement of the term of imprisonment, the remainder to be inflicted just before his discharge. The law in England has been recently declared in the same way as this Bill now proposes to declare it here, and it is necessary to assimilate the law in Hongkong on this subject with the law of the United Kingdom.

THE COLONIAL SECRETARY seconded.

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

The Bill passed through Committee without amendment, and on Council resuming,

THE ATTORNEY-GENERAL moved that it be read a third time.

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

Farewell to Major-General Kelly

HIS EXCELLENCY—Gentlemen, you are all aware that H.E. the General Officer Commanding is leaving us before this Council can meet again, and I know I am voicing the sentiments of all the members of this Council, and, I feel sure, of the whole community, when I say that we deeply regret His Excellency's departure. (Hear, hear.) Major-General Kelly has been with us during a crisis in the history of the Colony—a crisis not yet overpast. The most critical part of the crisis may have gone by, but, still, we cannot forget the many anxious months which Major-General Kelly spent with us. During those months, I am glad to say, the co-operation between the Military, the Naval, and the Civil authorities has been most close and most cordial, and the whole community has joined loyally in that co-operation. The result has been that the community as a whole has preserved during the months since the outbreak of war a dignified and calm composure. I, personally, owe to the General Officer Commanding much assistance, and a great deal of advice, not only since the war began but long before hostilities were dreamed of. To that assistance the Colony owes, among other things, the numbers and efficiency of the Colonial armed forces, a factor which has contributed no little to that sense of security to which I have just alluded, and which, I have reason to believe, has enabled the General Officer Commanding to

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most generously to the demands made upon the Garrison under his command for transfer to participation in active hostilities in different parts of the world. We wish General Kelly on his departure every success in that wider field of action to which we feel he is now being called. We shall remember the time he was with us, and we pray that Providence will watch and guard over him. (Hear, hear.)

HON. MR. HEWETT—May I venture, Sir, to rise before this honourable Council and express my high appreciation, which I am sure we all feel, of the generous manner in which you have acknowledged the services of His Excellency the General Officer Commanding during his term of office, and particularly during the last eleven months. I have the honour in this Council to represent the Chamber of Commerce, and therefore it is my business to know what the feeling of the civil and mercantile community is here. They have already expressed their opinions and feelings to His Excellency in a very brief letter, and I trust His Excellency will realise that a great deal more was intended than what was stated. I think it is only right that one of the unofficial members here should endorse the remarks of your Excellency, and to show His Excellency General Kelly how thoroughly we appreciate the very valuable services he has rendered to this Colony, and, setting aside the difficulties through which the Colony has passed during the critical months of war, I trust he will leave a lasting mark upon the Colony in the way of an improved and efficient form of Volunteer service. I trust, Sir, you will excuse my presumption in following up the remarks you have just made.

THE GENERAL OFFICER COMMANDING—Your Excellency and hon. members of the Legislative Council, I do not know how to thank you sufficiently for the way in which you have mentioned me, Sir, I am afraid I do not deserve anything like all you have said. I have had two very happy years here and I have also had some difficulties, but I have got over them all right, and I shall always look back with the greatest happiness to my time in Hongkong. I shall also always take the greatest interest in the Colony. (Applause.)

HIS EXCELLENCY — Council stands adjourned *sine die*.