

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONGKONG.

No. 9 OF 1877.

MONDAY, 19TH NOVEMBER, 1877.

PRESENT:

His Excellency Governor POPE HENNESSY, C.M.G.

The Honourable the Chief Justice (Sir JOHN SMALE).

The Honourable the Acting Colonial Secretary (CECIL CLEMENTI SMITH).

The Honourable the Attorney General (GEORGE PHILLIPPO).

The Honourable the Acting Colonial Treasurer, (CHARLES MAY).

The Honourable HENRY LOWCOCK.

The Honourable WILLIAM KESWICK.

The Honourable JOHN MACNEILE PRICE.

ABSENT:

The Honourable the Colonial Secretary (JOHN GARDINER AUSTIN, C.M.G.), absent on vacation leave.

The Honourable PHINEAS RYRIE, on leave of absence.

The Council meets this day at 2.30 P.M., pursuant to adjournment.

The Minutes of the Council held on the 12th November are read and confirmed.

HIS EXCELLENCY moves the second reading of the Ordinance appropriating a sum of \$783,000 for the public service for 1878.

THE GAOL.

The Honourable W. KESWICK :- Before proceeding into committee with the estimates, I think, as a matter of principle, it would be well that when we are dealing with public works, works that are likely to cost a very large sum of money, and where the amounts in the estimates to be expended do not indicate precisely the total estimated cost of these works, we should have before us, and stated in the estimates, the estimated amount required to complete what is undertaken, and that the sums in the year's estimate should be stated as simply on account, and the sums in future estimates, sums on further account. The statement which Your Excellency made at the last meeting of the Council was one of the most satisfactory character. The revenue, I think, is calculated to meet the expectations which have been formed of it; but when we come to large expenditure it behoves us to be most careful that we do not initiate public buildings and spend money without considering whether in future it will be as prosperous as it at present looks. At any rate, we should keep well within our resources. It would be very well for the well-being of the Colony that there should be some reduction of taxation. I do not say it is incumbent, but it would be desirable. Some of the public works are desirable, but not

urgently so. It is a grand programme, which if completed within the next five or ten years would be a credit to the Colony, but I don't know that there is any urgent need for some of its items. The separate system in the Gaol would no doubt have a deterrent effect, but it raises the question whether it is the duty of Hongkong to become the prison-house of China, whether some policy should not be pursued which would keep crime from our borders. It does not originate with us; it comes to us, and we should not be burdened with more than we can help. Crime committed by people who come here for a few hours, a few days, or a few weeks, should not be settled on the Colony. The system of separate imprisonment would prove very salutary. It is likely to affect the Chinese, perhaps, more than most people; but we must consider the cost. The cost I consider very great. It is estimated at \$95,000, and I presume it would be a hundred thousand dollars. That further entails other expenditure, and it is a serious matter when we look at this vast programme of expenditure, and I think it is desirable that it should be extended over a long period. In all accounts where sums on account only are taken it should also be clearly stated what the full amount is likely to be.

The GOVERNOR :- Perhaps I may venture to ask the Surveyor General to explain to the Council our plans and estimates for providing the separate system in the Gaol.

The SURVEYOR-GENERAL :- Without entering into the question of ways and means, I would desire in continuation of the remarks which have fallen from the honourable member on my left (Mr. KESWICK), to express a word of explanation of my own on a most important subject which should not be lost sight of in dealing with this matter. I refer to the possibility of reducing the cost of this scheme proportionately with the diminished number of prisoners which we may possibly have to deal with in the event of Your Excellency's succeeding in carrying out a project of transportation, which, I hope, I am not indiscreet in mentioning at this Council. The Superintendent of Victoria Gaol informs us that the average number of long-sentenced prisoners is about one hundred. If these men come under Your Excellency's admirable scheme of transportation, it will be possible to reduce by one hundred the number of solitary cells we are called upon now to provide, and this would of course reduce the estimate. I hold in my hand a detailed estimate of the cost, and I see that doing away with one hundred solitary cells in the new Gaol would effect a saving of no less than \$24,000 (I shall deal, for convenience sake, with round numbers), and that would bring the original estimate down to \$75,000. We have all read in Blue Books and in the published literature on the subject of prison discipline how the separate system strikes at the root of crime; how prisons conducted on this principle are shown by statistics seldom again to receive into their living graves (as one may almost call the solitary cells) those who have been fortunate enough to once emerge from them. Hongkong would not form a solitary exception to a rule almost universal, and I am sanguine we may look forward with confidence to a reduction in the number of our habitual criminals by the institution of the

separate system. I think, therefore, one or more of the present wings of the Gaol might at once be adapted to the separate system, and set aside for habitual criminals and the effect observed. I attach great importance to this, because if the result were so far favourable by the diminution of crime as to render it possible to make another reduction of say 30 cells in addition to the 100 just mentioned, it would render feasible the doing away entirely with what is shown in the plans as the proposed new North Block, a huge structure involving no less an outlay than \$34,000, and one which, if we can do without, will reduce our original estimate of \$95,000 to \$60,000. On this point to render the matter intelligible to the Council, I should explain that the necessity of making room for the proposed new North Wing, makes it necessary to remove the Superintendent's Residence, the Turnkeys' Barracks, the Gaol out-offices, the Police Courts the offices of my honourable friend opposite (Mr. MAY) and his brother Magistrate, and the Police Cells, but all these buildings may remain undisturbed, and an additional \$13,000 saved, if we can make shift without the 130 cells represented by the new North Block. This last deduction finally reduces the original estimate to \$48,000, or one half its original dimensions, and this is the sum of the reductions I am able to suggest in respect of the Gaol Establishment proper. But this is not all. There is another extensive undertaking which, although not connected with the Gaol, forms a part of it as it were, and must be carried out with it hand-in-hand. I refer to the long contemplated project of the Central Police Buildings extensions. On this subject, full details are given in the report I have recently had the honour of addressing to Your Excellency, and which will in due time perhaps be published, but I may mention, while on the subject, that the scheme for extending the Central Police Buildings was contemplated as far back as 1872 by one of Your Excellency's predecessors, Sir RICHARD MACDONNELL, upon the advice of the Royal Commission that sat that year to enquire into Police matters. If now the extension of Victoria Gaol renders necessary the demolition of the present Police Courts, it naturally follows that we shall have to seek a place for them elsewhere, and the best site will be unquestionably that on Arbutnot Road, opposite the present temporary Hospital; it was bought in 1872, and is still the property of the Government. If these new Police Courts are erected on this site, it will be a matter of true economy to carry out at the same time the original scheme of new Police Officers' quarters, since both will be under one and the same roof, that is to say, there is room for both under the same roof and on the same site. I will not however occupy the time of honourable members by matters of detail – suffice it to say, that such a joint building as the one alluded to will cost about \$18,000. But, I repeat, if the avoidance of the new North Block of the Gaol renders unnecessary the removal of the present Magistrates' Courts, there will be no need for any new fabric on Arbutnot Road, and the \$18,000 involved may therefore be thrown in among the other curtailments. Your Excellency will therefore perceive that everything hinges upon the avoidance of the new North Block, and the necessity or otherwise of this block or wing will depend upon the success of Your Excellency's proposals to Her Majesty's Government on the subject of transportation. In the face of the figures before us, we may

therefore practically consider the assent of the Secretary of State to those proposals, to have a hard cash value of \$66,000, and under the circumstances, I am sure there will not be a single member of this Council who will not heartily wish success to Your Excellency's appeal on the important subject of transportation, and moreover I am certain that not one of the community, except its criminals in Gaol, but will wish with all earnestness to see it realized.

The GOVERNOR :- Gentlemen, I entirely concur with my honourable friend Mr. KESWICK that it is highly desirable, in submitting any scheme of a financial nature to the Council, that the Council should have before it full details as to the ultimate cost of such a scheme. It has been necessary from time to time to take a vote on account, the estimates not being prepared, and the ultimate expense not actually being before the Council. For instance, I notice the fact that a sum was taken last year for the Central School of \$30,000 and we spent \$52,000, or more nearly \$60,000 in buying the site, quite irrespective of the building. There are cases in which it is extremely difficult to arrive at an estimate of what the cost of a project may be. Sir ARTHUR KENNEDY therefore put down \$30,000, which he thought might purchase a site, but owing to the increase in the value of land it cost a good deal more, and the plans have not yet been sent home. Similar remarks apply to the important question touched upon by my honourable friend Mr. KESWICK. I think I may read to the Council a passage from a dispatch addressed by Lord CARNARVON to me in May last, and which was laid before the Executive Council in August. I was under the impression it had been submitted to the Legislative Council, but I see it has not. "That committee," His Lordship says, referring to the Gaol Committee, "seem to have considered the question of the reconstruction of the Gaol upon the separate system as beyond the scope of their inquiries, though expressing an opinion in favour of the plan. I consider the separate system to be the only true basis of prison discipline, and among Chinese prisoners there are very special reasons for its adoption. It is mentioned in the report that few of the warders know Chinese, and the terrible outbreak in the Singapore prison is a warning of the danger of affording Chinese prisoners an opportunity to combine. I have to request that you will at once call on the Surveyor General to draw out plans for consideration, showing the alterations that would be requisite and the surrounding ground and buildings." Well, that has been done. You have now heard from the Surveyor General that the scheme, if carried out in its entirety, would cost \$95,000, but he has pointed out that it is quite possible to reduce that by a considerable sum, about fifty per cent., and that reduction would depend upon a project which he is quite justified in mentioning to the council, namely, my policy of securing the little Colony of Labuan as a sort of convict settlement for Hongkong. I have been in correspondence with the Governor of Labuan and the Secretary of State on the subject. It unfortunately happens that the Governor took a somewhat different view from mine as to the utility of convict labour in Labuan. He has expressed to me his opinion that convict labour is so detrimental to free labour that he doubts whether it would do the Colony of Labuan any good. However, that depends neither upon his

opinion nor upon mine, but on the decision of Her Majesty's Government, and I have every hope that the Secretary of State will be of opinion that convict labour would not be detrimental to free labour, but would, on the contrary, enable that little Colony to develop its coal mines and other resources. As to the advantage to Hongkong there can be no question. I have some little confidence that my views on the subject will be supported, and that the Chief Justice will be enabled, in dealing from time to time with the worst classes of criminals, to use that severe deterrent, transportation. As my honourable friend the Surveyor General has pointed out, if the Secretary of State sanctions that plan, no doubt the expense of this project would be reduced fifty per cent. But we do not ask the Council now to vote more than \$10,000. That sum is in truth all that could be spent by the Surveyor General's department in one quarter of the year, and we cannot expect to have the plans approved of and returned before that latter quarter of the year. And I think, as the Secretary of State has expressed this wish of having the plans and alterations proposed sent to him, that it would be well so far to comply with the wish of Her Majesty's Government to have \$10,000 voted on account, which, if spent, will be spent in converting into separate cells a few of the wings of the present Gaol without really involving any very large expenditure. I apprehend no objection to that. It is clearly desirable to have as many separate cells as we can, and independently of taking the officers' quarters and putting cells there, as far as the vote now goes, it only pledges the Colony to the conversion of part of the present Gaol into separate cells. The \$10,000 I think a very safe item for the Council to pass. There is no doubt whatever that the very fact to which Lord CARNARVON refers, the outbreak in the Singapore Gaol, ought to be a warning to us. When the reports of the Commission and of the Judge who tried the prisoners reached Lord CARNARVON, then there came out to the late Governor of Singapore, Sir WILLIAM JERVOIS, a long despatch from Lord CARNARVON, in which his Lordship pointed out that Her Majesty's Government had urged upon the Government of Singapore the absolute necessity of the separate system and said in very distinct language that the outbreak which occurred and its shocking consequences should be laid at the door of those who, not complying with the instructions of Her Majesty's Government, had neglected to carry out the separate system. The Secretary of State wrote to Sir WILLIAM JERVOIS that both Lord KIMBERLEY, and himself had pointed out to the Government of Singapore that the separate system was essential and yet it was not carried out. He called upon him to let him have the minutes in reference to the matter, and to let him know how it was the Governor and Council of Singapore had neglected to do that which Her Majesty's Government had so often pressed upon them. In these matters we must of course look to the experience of Her Majesty's Government. And about the separate system, as I pointed out the other day, one of my colleagues admitted that he was wrong when, on his arrival in Ceylon, he said he thought the separate system was not necessary; before leaving that Colony he said nothing had been so deterrent to crime as the establishment of the separate system, not only there but in India. There can be no doubt about its efficacy, and on that I am glad to see Mr. KESWICK entertains an opinion as strong as mine,

which he fortifies with arguments which no one can deny. Under these circumstances, you are only asked to vote the small sum of \$10,000, which we cannot spend until the plans have been approved by the Secretary of State, and so far as it goes it is a perfectly safe expenditure. It will not pledge us to the total expenditure of \$95,000, though of course if it should happen that my transportation scheme falls through, that it cannot be carried out, then, of course, we must make up our minds to deal with a Gaol in which we might have five hundred separate cells. Of that there can be no doubt. However, as I said, I entertain some hope that Her Majesty's Government will take the same view that I do of the scheme, and that we shall be able to carry it into effect.

Honourable W. KESWICK :- After the explanation of Your Excellency and the full information you have given, I have nothing to urge further in opposition to our proceeding into Committee.

The Bill is read a second time.

THE VOTES.

The council goes into Committee, and the different votes are agreed to, with the following alterations only :-

The vote for the Postmaster General's Department is increased by \$192, making the whole vote \$31,200.

On the vote for the Judicial Establishment, the Governor moves that the sum of \$600 for a Clerk to the Crown Solicitor be retained. Agreed to.

On the Gaol Vote, \$650 are added to pay for an assistant Caretaker in the Infirmary and for the cost of the dry-earth system.

In the vote for Works and Buildings, a clerical error is corrected.

All the votes having been approved, the Governor moves that the Bill be passed.

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Mr. LOWCOCK calls attention to an article in the "Catholic Register" about Wellington Street, and after some remarks by the Acting Colonial Secretary, the Governor, and the Chief Justice, the matter drops.

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The Bill is then passed, bearing the Title of –"*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to apply a sum not exceeding Seven hundred and Eighty-three thousand Dollars to the Public Service of the Year 1878, "-being "No. 3 of 1877."*

His Excellency adjourns the Council at 4.45 P.M. *sine die*.

J. POPE HENNESSY,
Governor.

Read and confirmed, this 19th day of February, 1878.

H. E. WODEHOUSE,
Clerk of Councils.