

VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF HONGKONG.

No.7 OF 1877.

MONDAY, 17TH SEPTEMBER, 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 HENERY 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 3 P.M., by Special Summons.

The Honourable CHARLES MAY, Acting Colonial Treasurer, who is in attendance, is sworn in by His Excellency the Governor, and takes his seat as a Member of the Council.

The minutes of the Council held on the 21st June are read and confirmed.

The *Supplementary Appropriation Bill for 1876* is read a second time, and passed,—bearing the Title of "*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to authorize the Appropriation of a Supplementary Sum not exceeding Seventy-four thousand Dollars to defray the charges of the Year 1876,—being "No. 2 of 1877."*

HIS EXCELLENCY then makes the following Speech:—Gentlemen, I have the honour to lay upon the table some correspondence relating to prison discipline in this Colony. The first despatch is one from Lord CARNARVON, dated the 20th of June, 1877, in which he instructs me to review the whole question of prison discipline in Hongkong and to make proposals for placing the system on a sound basis in future. Now I think it might be very fairly asked, how is it that the system is not on a sound basis already? How does it happen that a newly-appointed Governor is called upon to review the whole system of prison discipline in Hongkong? His Lordship's despatch is dated the 20th of June; the first despatch I wrote upon the subject of prison discipline was dated the 13th of June; therefore, Lord CARNARVON'S despatch must have had relation to something other than any communications from me; and you will find, on turning to it, his Lordship says:—"Sir,—I have to acknowledge the receipt of Mr. AUSTIN'S despatch (No. 75 of the 11th of April) respecting certain matters of prison discipline. I rely on you to review the whole question of prison discipline in Hongkong and to make such proposals as will place the system on a sound basis for the future." But, besides that despatch of Mr. AUSTIN'S, Lord CARNARVON had acknowledged other communications from Sir ARTHUR KENNEDY and Mr. AUSTIN on

the same subject. He had received a dispatch from Sir ARTHUR KENNEDY, dated the 28th of February, 1877, on the eve of his departure from this Colony, enclosing the report of an important Committee on prison discipline, including certain rules and regulations with regard to prison discipline and dietary, and it was thought those regulations and rules and that report constituted, so to speak, for many years to come, a final settlement of the question. However, you see that I am called upon to review the whole system, and to endeavor to place it upon a sound basis for the future. Now what is it that may have attracted Lord CARNARVON'S attention? For instance, was there any remarkable increase of crime? Well, it does happen that Sir ARTHUR KENNEDY, writing on the 29th of September, reported to Her Majesty's Government that there was a very serious increase of crime in the year 1876 in this Colony. He indicated that this serious increase of crime would attract his Lordship's attention, when certain returns would have been laid before him. Now it became my duty to lay those returns before the Secretary of State for the Colonies; but they were all prepared previous to my arrival. They are dated the 31st of January this year, and relate to the crime of 1876. Undoubtedly they show a serious increase of crime.

The increase of serious crimes in 1876 cannot be explained by the reduction of fares in the Canton river steamers in the autumn of that year. In his despatch on this subject, Sir ARTHUR KENNEDY reported on the 29th of September, 1876, that the cheap fares from Canton came into operation on the 7th of September, 1876.

An analysis of Table A in the Police returns dated the 31st of January, 1877, gives the following results:—

	Number of cases of Robbery from the person with violence.	Number of cases of Burglary.	Number of cases of Larceny.	Number of cases of Assaults and Disorderly Conduct.
Four months, from May to August, 1876, inclusive, }	12	29	374	288
Four months, from September to December, 1876, inclusive,..... }	7	26	345	220

This return shows, that the number of felonies committed in the four months preceding the unusual influx of passengers from Canton was four hundred and fifteen, whilst in the four months, during which the reduced fares were in operation, the number of felonies was three hundred and seventy-eight.

But it is not an increase of crime confined to the year 1876.

Here is the return of "Serious Offences" in Table C of the Criminal Statistics, which were submitted to Sir ARTHUR KENNEDY on the 31st of January, 1877, by Mr. DEANE:—

SERIOUS OFFENCES.

Description.	Number of Cases.		
	1874	1875	1876
Murder,	3*	3*	4*
Robbery with Violence from the Person,	15	13	24
Burglary or Larceny in a Dwelling House,	69	107	90
Assault with Intent to rob,	3	1
Kidnapping,	51	63	55
Piracy,	7	5	5
Unlawful Possession,	203	251	239
Larcenies,	802	938	1,059
Felonies not already given,	16	13	8
Total,.....	1,165	1,395	1,485
*One case also given under Piracy.			

In this Colony, it has been the practice to classify crimes into serious offences and minor offences. Now what has been the number of cases of serious offences in Hongkong in the years 1874, 1875, and 1876? In 1874, the total number of serious offences was 1,165; in 1875 this had risen to 1,395; and in 1876, it had risen to 1,485. Of what do these serious crimes consist? Take offences against property: of larcenies there were 802 in 1874, 938 in 1875, and 1,059 in 1876. Of robbery with violence from the person, there were 15 cases in 1874, 13 in 1875, and 24 cases of that most serious offence in 1876. Of minor offences, which include common assaults and offences other than felonies, there was a similar increase: they amounted to 3,495 in 1874; to 3,623 in 1875; and 4,510 in 1876. But it is not a mere question of the three last years. Had Lord CARNARVON turned his attention to the increase of crime in this Colony for ten years past, he would find from these papers, that there has been an increase from the year 1867 to the year 1876, and that the largest number of serious offences recorded during those ten years was in 1876.* But the statistics of one single year may be fallacious, and therefore I have reduced to the annual averages the crime of the last five years and the preceding five years, and here is the result. Annual average of serious crime from the year 1867 to the year 1871, 1,303; annual average from 1872 to 1876, 1,351; annual number of offences of all kinds during the five years from 1867 to 1871, 5,718 as against 7,124 offences of all kinds committed during the five years from 1872 to 1876. It is quite possible also, that those who have looked into the matter, may have noticed something else relating to prison discipline

(*)	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	1876.
Serious Crimes,...	1,458	1,249	967	1,357	1,483	1,394	1,316	1,165	1,395	1,485
Minor Offences,...	4,585	4,456	3,634	4,380	5,018	8,956	6,164	4,597	4,086	5,001

in this Colony, and that is the increase in the number of prison offences of late years. They are also recorded in our books and have been transmitted every year to the Secretary of State for the Colonies. Taking them for the last three years, here is the result : 1874, 426; 1875, 1,085; 1876, 2,726. Such a startling increase in the number of prison offences—out of all proportion to the increase of crime—indicates something radically wrong. An annual increase of 250 per cent in the number of prison offences is a serious and significant fact. Is it surprising, with such *prima facie* evidence of prison disorganization laid before him in the returns forwarded by my predecessor for the years 1874, 1875, and 1876, that Lord CARNARVON should instruct me to review the whole system of prison discipline in Hongkong?

In the returns laid before Lord CARNARVON are also given the exact number of cases brought before the Police Magistrates, and the number of prisoners convicted by them. You will perhaps be surprised to learn—as I was very much surprised to see it—that the number of prisoners brought before the Police Magistrates in 1876 amounted to 10,426, and the number of persons convicted and punished amounted to 7,998. These figures appear in returns dated Colonial Secretary's Office, Hongkong, 24th of February, 1877.

Now, gentlemen, with some small experience, I venture to assert that such an amount of crime, and such an extraordinary growth of prison offences as you have seen recorded in this Colony last year and preceding years is without precedent in any part of the British Empire with a population of only 140,000.

How is this to be accounted for? The system of prison discipline is the system by which crime should be stamped out. It is the great engine the Government is bound to use to repress crime and reduce the number of criminals; joined, to efficiency in the administration of justice. With these two in proper working order, the crime which has been recorded before my arrival in the Colony should not have existed. How has the grave result come to pass? Well, I am myself slow to form a decision on this question, but it is manifest from the Secretary of State's despatches that he has been struck with some facts which it was impossible not to see. How could he shut his eyes to the authentic returns to which I have referred? But, it is quite possible, his Lordship may have noticed something more than those figures. In the report of the Gaol Committee, the guiding principle upon which the prison was administered is laid down in these words:—"Owing to the peculiar circumstances of this Colony, and the fact that by far the larger proportion of the criminals confined in the gaol are Chinese, whose language is but little known to those who have charge of them, whose characters and dispositions are imperfectly understood, and of whose previous history and lives it is almost impossible to obtain any knowledge, any attempt to cultivate their higher faculties, and to improve their moral condition seems hopeless."

Gentlemen, that was a very grave sentence for the Committee to write. In every part of the British Empire Her Majesty's Government have laid down what they believe to be sound principles of prison discipline. Over and over again it has been said that that system should consist of a due mixture of severe punishment with some attempt at reformation; that the moment you assume one of these to be hopeless and act on that assumption, you deviate from a well established principle, and you are trying not a new, but a very old worn out experiment; an experiment tried years ago, but never with success; on the contrary with the same lamentable result that you have seen here. Your departure from that sound and axiomatic principle of prison

discipline, does not however entirely account for the extraordinary number and steady increase of your criminal class.

It is a rule laid down over and over again by Secretaries of State, that when a man is sentenced to undergo, for example, eight years of penal servitude, he should undergo at least two-thirds of that punishment; that release from gaol must depend upon a man's steady good conduct in prison, and under no circumstances should he be released without undergoing two-thirds of his sentence. But what do I find here? In January last, no less than fifty prisoners are branded and deported to China from Hongkong, thirty-nine of them after having served one-third only of their legal sentences. Some were sentenced by my honourable and learned friend on the right (the Chief Justice) to eight years' penal servitude; others by my honourable friend on the left (the Hon. C. MAY) to three months imprisonment. They are all treated in the same way; and this curious fact is recorded on the books—recorded in the very papers laid before the Executive—that the prison conduct of one man is "very bad," according to the Superintendent's report, and the next man's "very good;" another prisoner's conduct is recorded as "indifferent," another as "well conducted;" some had been repeatedly punished for the worst class of prison offences, others had not a single bad record against them; yet all treated in the same way: with different sentences, but all sent out of the Colony after passing one-third of their sentence only in prison, quite irrespective of what their conduct in prison had been. That, I need hardly assure you, is opposed to all sound principles of prison discipline. Bad as its moral effect in the prison must have been, it did not prove of much benefit either to the honest community outside. This wholesale branding and deportation was avowedly done "to relieve the overcrowding in the prison." Of the two batches of criminals thus transferred to the neighbouring shores of China in January, some found their way back to commit robberies again in Hongkong before the month of April.

My honourable friend the Acting Colonial Treasurer and Senior Police Magistrate will understand me when I also assert that the system of repeated short sentences on old offenders is a bad system. I have had cases before me recommended for deportation in which it was not a case of a second, or third, or fourth, but a sixth or seventh offence by the same man. Cases come before me of this character: first offence, larceny, sentence one month's imprisonment with hard labour and to be flogged; second offence, larceny, punishment two months' hard labour and to be flogged; third offence, larceny again, with one month's imprisonment and to be flogged. Then, probably, the juvenile criminal is grown up, and the sentence is six months' hard labour. It comes, in course of time, to the fifth offence, six months' hard labour with a recommendation to deport him. Well, that is carried out. You then very likely find, sooner or later, the same man up for returning from deportation and committing a larceny, and he gets twelve months. That is a system opposed to a fundamental principle laid down by the Secretary of State for the guidance of those responsible for the administration of the criminal law. No greater mistake can be made than that of inflicting short sentences on old offenders. It tends to create and cultivate a criminal class.

In one of the despatches communicated to Sir ARTHUR KENNEDY by Lord CARNARVON, he enclosed copies of despatches written to various Governors on the general question of the treatment of criminals. To the Governor of British Guiana (Sir JAMES LONGDEN) he says: "The principles on which you should work are no doubt well known to you. They are the separation of youthful from adult criminals, by placing the former in an industrial or reformatory establishment; the enforcement of

the separate system amongst adult; the establishment of penal labour by tread wheel, crank, shot-drill, or similar means for prisoners in the first stage of long sentences, and during the whole or the greater portion of short ones, and, lastly, the moral and industrial training of those prisoners whose sentences are long enough to warrant the conclusion that a system of reformatory training will not be without its effect in their future disposition and mode of life." These are well known and indisputable principles. But in Hongkong, you have no separation of youthful from adult criminals; no Government reformatory; no industrial school; no moral or industrial training of any kind; you shut your eyes to the future career and mode of life of discharged prisoners. Where there is such a total absence of reformatory training, and where you avow it is hopeless to improve the moral condition of the Chinese prisoners, and where you have a set of Turnkeys who cannot speak their language, you cannot expect a decrease of crime.

Before I came, Mr. Administrator AUSTIN reported that, owing to the complaints against the Turnkeys, from his own personal observations of them, he was convinced a reform was necessary, and he suggested getting men out from England. Lord CARNARVON, struck no doubt by the admission of the Gaol Committee that those who had care of the prisoners knew but very little their language, character or disposition, suggested that an endeavor should be made to get trustworthy Chinese Turnkeys. In writing to his Lordship, I said:—

"I have the honour to acknowledge the receipt of your Lordship's despatch No. 66 of the 13th of June, with reference to Mr. Administrator AUSTIN'S report of the 11th of April on the misconduct of the Turnkeys in the Hongkong Gaol, and in reply to his suggestion that Turnkeys, to receive salaries of £100 a year each, might be obtained from England. Your Lordship instructs me to consider the expediency of getting two trained Warders from the Home service, at salaries of £150 a year each, to be on an equality with the officer now styled Head Turnkey; to weed out from the present class of Turnkeys the most unsatisfactory members of the class, and to employ some trusty Chinese as Assistant Turnkeys under strict European supervision.

"I am enable to reply to your Lordship's despatch without delay, as I had already obtained and considered the necessary information on the subject, and decided, as a provisional measure, on the very course your Lordship indicates.

"From the enclosed copies of letters from the Acting Superintendent of the Prison, recommending the dismissal of certain European Turnkeys who had been guilty of drunkenness in the gaol and beating prisoners, and my minutes agreeing to this recommendation, and further dismissing another Turnkey who had recently committed a third assault on a prisoner, your Lordship will see that, at the end of June and beginning of July, some vacancies in this class had been created, and that I proposed filling them up with well-conducted men who could speak Chinese. Accordingly, I instructed the Acting Captain Superintendent of Police, Mr. CREAGH, to report how far he could recommend the employment as Turnkeys of four Chinese policemen or other Chinese. Mr. CREAGH named three men who had borne excellent characters in his Department,—a Chinese Sergeant Interpreter and two Chinese Constables. He also recommended, looking to the temptation they might be exposed to in prison, that they should be called upon to give large security; and he added that the three men he had selected were willing to find security to the extent of \$500 each.

"With a view of obtaining more information, and as an additional precaution, I directed Mr. CREAGH'S report, and the various minutes and papers, to be sent to Mr.

HAYLLAR, Queen's Counsel, who had been so useful as Chairman of the Commission that reported, in 1872, on the organization of the Police.

"Acting on the Report of that Commission, and on the evidence of such high authorities as Dr. LEGGE and Sir EDMUND HORNBY, my predecessor had taken the important step of extensively employing Chinese in the Police Force.

"It is due to Sir ARTHUR KENNEDY to say that he had found the Hongkong Police a very indifferent force, and that he left it vastly improved. He frequently expressed the opinion that its increased efficiency was mainly to be attributed to his having carried out Mr. HAYLLAR'S recommendation of recruiting the bulk of the force from Chinese. I, therefore, caused the papers on the Gaol staff to be sent to the same gentleman, with a request that he would favour the Government with his views as to the employment of Chinese Turnkeys in the prison; and I have the honour to lay his Report before you Lordship.

"Mr. HAYLLAR expresses the opinion that Chinese, who have earned their characters and undergone some disciplinary training in the Police Force, who are in a position to offer security, and who would receive sufficient salaries, fair play, and reasonable instruction in their new duties, would be calculated to give a high degree of satisfaction as prison Turnkeys. I venture specially to draw your Lordship's attention to the last two sentences in his Report:—

"I would only add, that apart from the great and obvious consideration of language, wherein the advantage lies with the Chinese over all other competitors likely to seek the lower offices in the gaol, the former are, in my opinion, owing to their sober-mindedness, docility, and sense of responsibility, better fitted for the work than the latter. Neither in the previous characters, habits, or discipline of mind of this class of foreigners, are, in my opinion, to be found sufficient guarantees for that fair dealing towards prisoners which should form so important a factor in the good management of a prison: and further, looking to the natural tastes of such men, their social environments and the effects of climate, they are subject to temptations quite as deleterious in degree, if different in kind, as those which affect the Chinese.'

"Carrying out, therefore, the views of competent local authorities, as well as complying with your Lordship's wishes, I have provisionally appointed SUNG LÒ TÒ WONG YEE, and NG KAM FUK, to be Assistant Chinese Turnkeys at salaries of \$36 per month each.

"On the important question of securing a few specially trained Europeans for the better posts, I avail myself, with much satisfaction, of your Lordship's offer to secure two skilled Warders from the Home service. One of these I would propose to appoint Warden, in succession to Mr. CORCORAN, whose resignation I reported in despatch No. 80 of this date; and the other I would put on an equality with the present Head Turnkey till some other arrangement could be made. The Warden's salary is £250 a year. It may be well to allow it to increase to £300, by annual increments of £5. The salary of the new Turnkey from Home would be £150."

You all know the shocking condition in which Sir ARTHUR KENNEDY found the Police Force of Hongkong. No Governor could inherit a more difficult task than the necessary reorganization of the Police; and he has well earned the gratitude of this Colony and the thanks of Her Majesty's Government by his prompt decision to recruit the bulk of the force with Chinese. In his last despatch on this subject, Sir ARTHUR KENNEDY, writing to the EARL OF CARNARVON on the 14th of November, 1876,

said:—

"Shortly after my assumption of the administration of this Government, I arrived at the conclusion that the best mode of increasing the efficiency of the Police Force was to strengthen the Chinese element in it.

"The policy then adopted of developing the Chinese branch of the force has proved most satisfactory.

"The Chinese contingent has done excellent service, and has shown itself capable of being drilled into a high state of efficiency."

It must be admitted, however, that the happy idea of largely utilizing the Chinese as Police was not confined to Mr. HAYLLAR'S Commission and to Sir ARTHUR KENNEDY. Before that Commission assembled, and before Sir ARTHUR KENNEDY became Governor of this Colony, an honourable gentleman, whom I am happy to see seated at our Council table to-day, my friend Mr. KESWICK, as a member of the Legislature, suggested that policy, and pointed out the advantages of having Chinese in the Government service and especially in the Police.

There were a few who doubted it; my honourable friend Mr. MAY did not think it a proper thing to do; but it has turned out a great success. Well, then, my idea of having Chinese Turnkeys in the gaol is nothing more than the natural development of Sir ARTHUR KENNEDY'S policy. I take no credit for it myself, for it was only following out what my predecessor had so successfully done in another and cognate department.

Now, in connection with the state of crime and prison discipline, a Governor is bound to pay very great attention to the opinion of the medical officer of the prison. There occurred in a neighbouring Colony, in the year 1875, a serious event which led to a lamentable destruction of life, and in connection with that, a despatch was addressed by Lord CARNARVON to the Governor of Hongkong, in which he says:—"Sir,—I have had under my consideration in relation to the outbreak in February last in Singapore gaol, the desirability of subjecting prisoners to what is called penal diet," and then Lord CARNARVON suggests that certain changes may be made after consultation with the chief medical officer. In Singapore gaol a system of very great severity to Chinese prisoners was tried. Dr. LITTLE, an eminent Surgeon, and a Member of the Council, happened to be on leave of absence when the change was established, and on his arrival in the Colony he made a remarkable statement. He said, with reference to the change made in the discipline of the gaol, and especially in the matter of penal diet and the way it was applied to Chinese prisoners, "I protest before God against it; it is certain to lead to serious consequences." Well, the solemn, protest of that professional gentleman, and one too with thirty-six years' experience of Chinese, was disregarded. You know the result. With reference to a number of the men who murdered Mr. DENT in the prison, the Judge reported that the prisoners pleaded guilty, they wanted to be hanged,—anything sooner than life in that prison; they were prepared to do anything. They were hanged, for they had committed murder. But it was impossible for the Government to lose sight of the fact that the recommendations of the medical officer had been set at nought. It is not merely that the physical constitution of a prisoner is affected by his treatment in prison; his mind as well as his body is affected: he may be physically altered by prison treatment; so too he may be rendered a fierce, desperate, irreclaimable man. There is nothing an Executive can make a greater mistake in than in assuming medical knowledge they

cannot be expected to have. The Colonial Surgeon of Hongkong has had experience in other parts of the East, and in his first conversation with me he told me in connection with his Indian experience that there was not a doctor in India who would for a moment countenance the flogging of Orientals on the back with the cat as they were flogged in this Colony. I cannot pretend to know what the physiological reason is, but the highest authorities tell us that in this respect Orientals differ from Europeans; we know a slight blow will sometimes kill an Oriental when it might not injure a European.

Dr. AYRES made a report of great gravity to me with respect to flogging the Chinese on the back in this Colony. On the gaol hospital I saw one man, an old man, who had been a long time in prison. This man was pointed out to me by Dr. AYRES as being in hospital for incurable lung disease. He had been a tall, strong man when he came into prison, now he is on the edge of the grave. He had been punished twenty-three times, including three floggings. The Colonial Surgeon assured me that the incurable haemorrhage of the lungs from which this prisoner suffers is entirely due to those floggings. We have returns here of persons who have been recommended to the Governor for clemency by the medical officer on the ground that they had not much longer to live. Dr. AYRES gave it as his professional opinion that in every case where a Chinaman is flogged on the back with the cat symptoms of congestion of the lungs follow, and he says he is never surprised when that congestion passes away and the man is apparently cured at the time from effects of the flogging that the same man in a few months comes back to the hospital spitting blood. He drew my attention also to the fact of the scars remaining on their backs for the remainder of their lives, so that when liberated from prison and working on a day like this, their backs are seen, and they are branded amongst whatever honest men they may be among. The prisoner carries such punishment with him to the end of his life. The law never intended that.

Dr. AYRES having made that report, I felt bound to communicate with the Chief Justice, and after I had considered His Honour's observations, I felt it my duty to point out that I could not allow any man to be flogged on the back in the manner Dr. AYRES mentioned; and I said the only corporal punishment I would permit was that sanctioned by the Colonial Surgeon. Since I assumed the Government of this Colony, the Visiting Justices have sometimes sentenced prisoners to be flogged for prison offences, in every case I have approved that flogging, and upon the whole I have approved, I say it with regret, of something over twenty floggings since my arrival; I say it with regret, because having administered Governments in other parts of the world, I can recollect the fact that during the four years I had to deal with the worst classes of Singapore and Hongkong convicts at Labuan, not a single lash was applied, and crime declined in that Colony, The sixty Chinese convicts that were sent from Hongkong to Labuan, and the hundred Chinese convicts I got from the Straits Settlements, enabled me to study for four years the mode of treating Chinese prisoners. I visited the prison every week. I substituted Chinese Turnkeys for Malay Warders. I made your very worst Honkong criminals amenable to strict discipline. I found that Chinamen could be made to conduct themselves in prison, and that it was not hopeless to attempt to improve their moral condition. By the aid of your convicts, I made the Labuan prison pay all its expenses; and with this, as I have just said, there was no flogging and crime declined in the Colony.

Within the last few months, I have received some printed despatches in which reference is made incidentally to the gaol system in the Bahamas. The previous Governor differed with me and thought that the negroes could only be influenced by

the lash. He said Europeans, Chinese, or Hindoos you might deal with in another way, but not negroes. When I went there Lord KIMBERLEY said to me, "I am giving you a troublesome post; owing perhaps to wrecking, crime is excessive." I endeavoured to see what could be done, and while I applied with strict severity the laws for the protection of life and property, I endeavoured to rectify the prison discipline. I endeavoured to give the prisoners some useful labour and had them informed that the only way in which they could regain their liberty before their full sentence expired was by steady good conduct and hard work. That system was carried out, and what was the result? Not a single lash was applied in the Bahamas from that time, and now Governor ROBINSON writes:—"I am happy to inform your Lordship crime declines," and he adds, "I am very happy to say that I have not allowed a single case of flogging." That able Governor has carried out, not my system, but the system of the British Government, the system laid down by the Secretary of State, that you must combine the two things, severe punishment with reformatory training. The best attempt at reformation is to keep the prisoners employed at useful labour and let them understand best attempt at reformation is to keep the prisoners employed at useful labour and let them understand that any remission of imprisonment will depend upon that labour and on steady good conduct. Unfortunately the opposite experiment was tried here: the gentlemen who framed the Gaol Report not only laid down that reformation was impossible, but also gave up the idea *in toto* of anything like useful prison labour. What is the result? A man is sent in with a knowledge of some handicraft. Has he the opportunity of practicing that for the good of the State and himself? No; he leaves the prison probably ignorant of the little he knew before going in.

Gentlemen, I have said that Her Majesty's Government have an extensive experience, and there is no doubt whatever that no greater mistake can be made than to imagine the local knowledge of any gentleman exceeds or can outweigh the universal experience of Her Majesty's Government in dealing with prison discipline. The principles I have laid down are well established principles, they have been proved almost with the accuracy of a proposition in Euclid, and it is no wonder when those principles were not acted upon, that you have an overflowing gaol, and prison offences increasing in this rapid ratio for the last three years,—426, 1,085, and 2,726.

It has been asserted that the number of prisoners at present in our gaol is actually greater than it was in 1876. Here is a return from the Acting Superintendent, Captain DUCAT; I find, according to this return, the total number of Chinese and Coloured prisoners at this time last year in the prison? It was 430. That is, however, a matter of small importance. The fact that we have less criminals in the gaol to-day than on the 17th of September, 1876, is of itself of little moment, for in the first place, the regulations which I hope ultimately to introduce are, except in some urgent but minor points, not yet in force, and the slight changes I have made are trivial compared to those I will have ultimately to propose. I attach no great significance, therefore, to the fact that at this date there happen to be fewer criminals in the gaol than at this time last year. I have mentioned Captain DUCAT, and I may say I had not the honour of his acquaintance beyond that of any other gentleman who may do me the favour of coming to Government House occasionally, but I sent to His Excellency the General commanding the troops and asked him to select from the officers under his command a strict disciplinarian, for I wanted a man of the kind to deal with the gaol until Mr. TONNOCHY came out. I had no idea who would be selected, but it proved to be Captain DUCAT, who came with strong recommendations of being the strict

disciplinarian I wanted. The returns I receive every day, as well as the weekly reports, are satisfactory as compared with what I noticed on my arrival, and I hope, when the measures I intend submitting to the Council shall have been sanctioned, more will be done to make this gaol a proper engine for the suppression of crime.

With regard to the branding and deportation of prisoners, such as the branding of fifty prisoners in January last, it is not only opposed to all sound principles of dealing with criminals, but Mr. DOUGLAS, a former Superintendent of the Gaol, had pointed out in a minute to one of my predecessors that the branding of a prisoner on the cheek or neck had a bad effect, because the Hongkong brand is well known at Canton and at Macao. They know the meaning of that mark; and the consequence is that the branded man is hunted away by all honest people; he cannot get employment; he is rendered for life ineligible as an Emigrant, and he is driven back again to prey on the property of this Colony, because he has no other means of getting a livelihood. On this subject my honourable friend on my left (the Acting Colonial Secretary, Mr. CECIL SMITH) drew my attention to what a Secretary of State had written to one of my predecessors. He said an indelible mark on the cheek of a criminal is evidently objectionable as fastening on the delinquent a stigma from which he could never be rescued; it consigns him to permanent infamy. Well, I think it must be admitted there is a good deal in what that Secretary of State—it was the late Lord DERBY—said. The views Lord DERBY expressed to the Governor of Hongkong, were subsequently confirmed by the practical experience of Mr. DOUGLAS, the Superintendent of the Gaol. My perusal of the prison archives of this Colony—for not a month has passed for many years without its quota of branded prisoners being deported to the mainland—has convinced me that Lord DERBY was right. I think the Chief Justice and others will agree with me the time has come when we may fairly re-consider this odious part of our prison discipline. Mr. KESWICK'S views and those of the Police Commission have been carried out, and we have a Police force chiefly of Chinese. Not a deported man comes back now but he is very soon known. Formerly we had all Europeans and Indians, but they could not distinguish the Chinese prisoners one from another; now things are very different. It was only the other day a man was brought up before my honourable friend here (Mr. MAY), or Mr. RUSSELL, for returning from deportation. The constable said, "I knew the man perfectly well without the branding." I believe there is not one of those criminals the Chinese constables could not detect without the branding; and if even in a small number of cases we are convinced that it prevents men from obtaining honest employment, and drives them back to petty piracies along our shores, or night robberies in Victoria, I think we might give up the branding system.

Gentlemen, I think when a Governor submits despatches to his Council, he should make a statement of this kind. It is a general statement. I have not gone into full particulars with respect to any measures I may think it necessary to take. There is one that will involve expense, and that is the establishment of the separate system in the prison.

When I visited the gaol for the first time, I found three, five, and seven prisoners in the same sleeping cells, overcrowded in every way. Such a system ought not to exist. On making inquiry from Mr. TOMLIN, I found that it had been even worse in 1876, when the number of prisoners was larger; during the greater part of that year, the Chinese prisoners had only 190 cubic feet of air allowed for each person in the sleeping cells; the Government having over and over again laid it down that each prisoner ought not to have less than 600 cubic feet of sleeping space. It might be

asked, how comes it to pass that the Government have not noticed this, that you had 190 feet only instead of 600 feet? In the Blue Book for 1876, in answer to the usual printed question, which comes out from the Colonial Office, "How many cubic feet of space are there for each prisoner during the hours of sleep?"—there is this answer: "The daily average number of prisoners during 1876 was 432, as against 374 in the previous year; the cubic space for each person was 864 feet as against 982 feet in the preceding year." The space of passages and corridors had been included in the estimate. But it is not only that. Certain wings are devoted to Chinese and others to Europeans. The Europeans were in separate cells of the same size as some of those that were occupied by a number of Chinese, so that although when you struck the average you might get 864 cubic feet, yet the space for the majority of the Chinese prisoners was in reality only 200 feet, and in 1876, 190 feet. The question of cubic space as regards the health of the prisoners is a minor one when compared with the effect of association on the habits, character, conduct in gaol, and future life of the prisoners. In one of his reports, the Superintendent of Police remarks that a large proportion of the prisoners who come before my honourable friend here (Mr. MAY) every year are old offenders, and he truly says, this is a serious thing, to which we ought to direct our attention. How are we to deal with such cases? If we have a gaol on the separates system, where the prisoners must do some useful hard work, and where they know there is not the slightest chance of their release before the end of the Judge's sentence except by steady good conduct, if we provide reformatory and industrial training for juvenile criminals, and if we let it be clearly understood that second offences will be punished with a long sentence, that I think will do more to check the growth of crime than anything else we can devise.

We must keep steadily before us, the one great object, to check the growth of crime. If by certain measures we can succeed in reducing crime, and amongst those measures are some which are open to the imputation of being humane, that is no reason for being ashamed of such measures. We must pursue our real object,—the stamping out of a criminal class, the protection of life and property,—regardless of the charge that in so doing we give certain offenders, and especially that numerous class here, the little boy criminals, some industrial training.

I shall not to-day give notice of any particular measures. The subject I have brought before you is one of some magnitude, and I trust at a not very distant meeting, within the next few weeks possibly, have an opportunity of submitting my plans in more detail. Under the Ordinances of this Colony, the Governor in Executive Council has the power of framing regulations for the gaol. The present regulations he can entirely annul if he pleases, and make new regulations if he thinks fit to do so; but this is a subject of very great interest to the whole community, and I desire to have the advice and assistance of the Chief Justice and of the unofficial members of the Legislative Council, who represent property; and therefore I shall not avail myself of the powers of the Ordinances as they exist, but whatever changes I shall ask you to assist me in making I shall lay before the Legislative Council and invite your opinion on every branch of such changes. Whatever scheme I shall put before you, I will give you ample notice of. You will read the despatches I now lay upon the table. Some further despatches will be printed when the Surveyor General has completed his estimate and plans of what alternations are necessary to carry out the separate system. I shall put these before you also, and invite your consideration of the whole question.

The Hon. H. LOWCOCK, after requesting leave; puts the following question regarding the Praya:—I wish to ask a question, if your Excellency will allow me,

though I think I am rather out of order, but it is on a subject of importance to the Colony, and I think you will allow it should be answered. I refer to the reconstruction of the Praya, or repairs rendered necessary by the typhoon of September, 1874, which have been delayed, I think I may say, in a most unreasonable manner. Last time the subject was mentioned, the Council was informed that the plans had been approved by the Secretary of State for the Colonies, and that the means suggested by the Commission for finding the necessary funds had also been approved, and on that occasion this Council was asked to vote for the commencement of the work. I think the Colony is justified asking why the work has been discontinued. I am not in a position, of course, to press for an answer at present, unless His Excellency shall think fit some reply should be made.

His EXCELLENCY in reply states:—I think my honourable friend was fully justified in asking the question, and it is certainly one of importance. I had hardly arrived in the Colony when the matter was brought to my notice by the Surveyor General and other members of the Council, and I myself very soon saw its vast importance to the Colony. The consequence was that on reading the papers relating to it, I thought it desirable to telegraph to the Secretary of State to ask for authority to have the Surveyor General at once to proceed with the work. I received an answer that Lord CARNARVON was sending out to me a despatch containing the whole of Sir JOHN COODE'S views on the subject, and when they arrived, it would be my duty to put them before the Surveyor General, and move the Surveyor General to make a further report. It was on the 15th June I telegraphed. The despatch has arrived. I lost no time in putting it into the hands of the Surveyor General, and he did not lose a single day in taking up the case and preparing his rejoinder to Sir JOHN COODE'S remarks. No doubt that will be again submitted to Sir JOHN COODE, and I hope by telegraph I may receive instructions to proceed on the modified plan. It would be in order perhaps, if my honourable friend the Surveyor General would add a few words.

The Hon. J. M. PRICE, Surveyor General, then rises and says:—The difference which has existed between my own designs and those of Sir JOHN COODE are due perhaps to a misunderstanding on this part,—of course, I speak with due deference to so high an authority on marine engineering,—but he has conceived the opinion that the sea wall is exposed to the full force of the open sea. I have had to study economy and efficiency combined; he has looked only to efficiency, not conceiving the works are to be carried out in a land-locked harbour like that of Victoria. I have always had the opinion that the plan submitted by myself was fully sufficient to withstand the seas of the typhoons, and the proof is that a few sections I built in 1874, and which the Commission that inquired in to the matter saw, have proved fully efficient. There they stand, and similar works by my predecessor also stood the typhoon of 1874. Therefore, I do not see that our design can be improved upon, and I have no doubt, when this information reaches the Secretary of State for the Colonies, His Lordship will give his consent to the design as amended.

The Hon. H. LOWCOCK thanks His Excellency and the Surveyor General for the explanations.

His Excellency lays on the table Despatch No. 82 of 6th July, 1877, from the Right Honourable the Principal Secretary of State for the Colonies, enclosing the Draft of a Bill "*to relieve a certain class of Passenger Steamers from the Regulations of Schedule A of the Chinese Passenger Act, 1855, and from the Regulations of Schedule E of the Chinese Emigration Consolidation Ordinance of 1874, and to*

Substitute other Regulations in regard thereto," and proposes the first reading of the same.

The Bill is then read a first time.

The Acting Colonial Secretary reports that the Finance committee passed the following Votes:—

PAYMENTS AUTHORISED IN EXCESS OF THE ESTIMATES
OF 1877, REQUIRING LEGISLATIVE AUTHORITY.

ESTABLISHMENTS:—

Surveyor General.

Chair Allowances to 3 Inspectors of Nuisances for 5 months,
during the hot season, at \$12 each per month, \$ 180.00

Educational.

Temporary Salary for an Acting 3rd Master, during Mr. GAIR'S
absence on sick leave, 4 months at \$80 per month, \$ 320.00

SERVICES EXCLUSIVE OF ESTABLISHMENTS:—

Works and Buildings.

Addition to Police Station No. 7, (West Point), \$ 400.00

Miscellaneous Services.

Additional Gas Lights in certain Streets, \$ 280.00

Subscription to Reuter's Political Telegrams, for 3 months further,
(from the 26th August), 600.00

\$ 880.00

His Excellency adjourns the Council *sine die* at 4.30 P.M.

J. POPE. HENNESSY,
Governor.

Read and confirmed, this 12th day of November, 1877.

J. M. D'ALADA E CASTRO,
Acting Clerk of Councils.