

**CORRESPONDENCE RELATING TO THE DIETARY SCALE AND
STRUCTURE OF THE HONGKONG PRISON.**

Papers laid before the Legislative Council, by Order of His Excellency the Governor, 15th October, 1878.

*The Right Honourable the Earl of Carnarvon to His Excellency Governor
Sir Arthur Kennedy, K.C.M.G., C.B.*

[No. 99.]

DOWNING STREET,
5th November, 1875.

SIR,—I have had under my consideration, in relation to the outbreak of February last in the Singapore Gaol, the question of the propriety of subjecting prisoners to what is called "Penal Diet." The conclusion at which I have arrived is that prisoners at hard labour ought not for any period to be confined to a diet of rice, salt, and water, or bread, salt, and water, as those articles do not, in my judgment, contain the elements of nutrition necessary for the sustenance of prisoners at hard labour; and I have to request that you will arrange for some addition to be made to the list of articles of diet supplied to prisoners during the period in respect of which they are now liable to be subjected to penal diet. The addition need not be otherwise than distinctly moderate and I have to request that you will report to me, after consultation with the chief Medical Officer of your Government in what manner you propose to execute my instructions.

I have, &c.,

CARNARVON.

*The Officer Administering the Government of
HONGKONG.*

*His Excellency Governor Sir Arthur Kennedy, K.C.M.G., C.B.,
to the Right Honourable the Earl of Carnarvon.*

[No. 2.]

GOVERNMENT HOUSE,
HONGKONG, 3rd January, 1876.

MY LORD,—I have the honour to acknowledge the receipt of your Despatch, No. 99, of 5th November, 1875, on the subject of penal diet in Singapore. In reply thereto, I beg to transmit an extract from the Prison Rules at which explain themselves and from which your Lordship will observe that no prisoner is subjected to hard labour while undergoing penal diet. These rules have been in operation since 1842, and have been found to work well, and the general health of the prisoners exceptionally good. I may remark that the penal diet proved to be a most deterring punishment to riotous and drunken sailors, with which our Gaol was at one period crowded. With this exception, I shall defer making any alteration till I receive further instructions from your Lordship.

I have, &c.,

A. E. KENNEDY,
Governor.

The Right Honourable
THE EARL OF CARNARVON,
*Her Majesty's Principal Secretary of State for the Colonies,
&c., &c., &c.*

*The Right Honourable the Earl of Carnarvon to His Excellency Governor
Sir Arthur Kennedy, K.C.M.G., C.B.*

[No. 100.]

DOWNING STREET,
29th July, 1876.

SIR,—I have received your Despatch No. 99 of the 7th of June last, reporting that prisoners sentenced to 14 days' imprisonment or under are exempt from hard labour and are kept on penal diet. I concur in the reasons which you have adduced in support of this practice, and I should be glad if you would transmit to me the Report of the Commission which has enquired into the dietary and discipline of the Hongkong Gaol, together with the evidence brought before it.

I have, &c.,

CARNARVON.

Governor Sir A. E. KENNEDY, K.C.M.G., C.B.,
&c., &c., &c.

*His Excellency Governor Sir Arthur Kennedy, K.C.M.G., C.B.,
to the Right Honourable the Earl of Carnarvon.*

[No. 40.]

GOVERNMENT HOUSE,
HONGKONG, 28th February, 1877.

MY LORD,—With reference to your Lordship's Despatch No. 100 of the 29th July, 1876, I have the satisfaction of being able, on the eve of my departure, to inform your Lordship that the questions connected with the discipline and dietary of Victoria Gaol, Hongkong, have at length been satisfactorily settled, and put, I trust, upon a basis which will eventually result in a material decrease in its inmates.

The long delay which has taken place not only in the preparation of the report, but in the final adoption of the regulations and dietary scale, has been owing to the thorough and exhaustive manner in which the Commission prosecuted its enquiries in the first instance, and to the desire by which the Executive was animated to allow every variety of opinion in matters of detail to be thoroughly ventilated and weighed before finally reducing to a system the suggestions recommended by individual members of the Commission.

With these remarks I will leave the report of the Commission, together with the evidence taken by it, and the code of regulations and scale of dietary finally adopted by the Executive in your Lordship's hands.

I have, &c.,

A. E. KENNEDY,
Governor.

*The Right Honourable The Earl of Carnarvon to His Excellency
Governor Pope Hennessy, C.M.G.*

[No. 45.]

DOWNING STREET,
7th May, 1877.

SIR,—I have received Sir A. KENNEDY'S Despatch No. 40 of the 28th of February, forwarding the Report of a Commission appointed to inquire into the discipline and dietary of the Victoria Gaol, together with a Code of Regulations recommended by the Commission.

2. I do not assume that the Regulations which has been drawn up by the Commission. I shall comment on the Regulations which have not yet been promulgated and that it is therefore open to me to comment on the Regulations with a view to their amendment before promulgation.

3. But first with regard to the Report of the Commission itself I have to observe that while I agree in the view that the dietary has hitherto been excessive, experience leads me to be cautious in adopting reductions in face of adverse professional opinion. The fact that the diet of a prisoner is better than that of a free labourer is not necessarily a conclusive proof that it is excessive. The diet of the free labourer may be more ample than is strictly necessary. The human frame may be able to sustain itself on less food when the man is free, than in the depressing circumstances of imprisonment. A Government incurs a grave responsibility if it reduces men to so low a condition that an outbreak of epidemic evil find them an easy prey to its ravages. Altogether the question is surrounded with so many hygienic and medical difficulties, that in examining the question for yourself I have no doubt you will exercise great caution.

4. I am not disposed to disagree with the criticisms of the Committee on the subject of Prison Labour, and, as at present advised, I concur in their recommendation that the eight cranks now in store should be put up and made use of.

5. If it is thought desirable to introduce a tread-wheel, one can be procured through the Crown Agents, and sent out to the Colony, with instructions how to put it together and use it.

6. The Committee seem to have considered the question of the reconstruction of the Gaol upon the separate system beyond the scope of their enquiries, 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.

7. With regard to the proposed Regulations, I have to observe that the power given by the 7th Regulation to the Superintendent to put his subordinates in irons appears to me wholly illegal, and the infliction of fines can only be enforced under pain of dismissal.

8. Rule 83, respecting the cutting of women's hair is at variance with the instructions conveyed in my Circular Despatch of the 22nd of April, 1876.

9. I disapprove the power given by Rule 90 to the Superintendent to refuse to allow a prisoner under remand or committed for trial to see his legal adviser, and the power given by Rule 93 to a Committing Magistrate or Visiting Justice to forbid a prisoner in similar circumstances from seeing his friends; and I have to refer you on this subject to my Circular Despatch of the 27th of April last year.

10. You should consult the Attorney General as to the validity of the power to administer oaths conferred by the 124th Section, and if the power is not effectually conferred by the Rule it should be created by law.

11. The Rules relating to the Turnkey's mess, I consider are out of place and should be removed. There are no rules in the proposed Code as to labour. This important omission should be supplied.

I have, &c.,

CARNARVON.

Governor HENNESSY, C.M.G.,
&c., &c., &c.

*The Right Honourable the Earl of Carnarvon to His Excellency
Governor Pope Hennessy, C.M.G.*

[No. 57A.]

DOWNING STREET,
28th May, 1877.

SIR,—I have the honour to acknowledge the receipt of Mr. AUSTIN's Despatch No. 62 of the 28th of March, respecting the Report of the Prison Commission.

2. You will gather from my Despatch No. 45 of the 7th of May, that as regards the discipline and dietary of the Victoria Gaol, it is my desire that more should be done than merely, "remedying such defects in detail as were incidentally brought to light, and as were capable of immediate amendment."

3. My desire is that you should take into your early consideration the whole question of Prison Discipline on the basis of the recommendations of the Commission, with the modifications indicated in my Despatch No. 45 of the 7th ultimo.

4. With reference to Mr. AUSTIN's request that I would procure for the Government of Hongkong information relative to the use of Cranks, I have directed the Crown Agents, to obtain such information, which will be forwarded to you by an early opportunity.

I have,

CARNARVON.

Governor HENNESSY, C.M.G.,
&c., &c., &c.

*The Right Honourable the Earl of Carnarvon to His Excellency
Governor Pope Hennessy, C.M.G.*

[No. 72.]

DOWNING STREET,
20th June, 1877.

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.

2. I rely on you to review the whole question of Prison Discipline in Hongkong; and to make such proposals as will place the system upon a sound basis for the future.

3. In the letter from the Acting Colonial Secretary, which forms the enclosure to Mr. AUSTIN's Despatch, I observe a direction that the practice is to be discontinued of Turnkeys employing prisoners to cook their meals for them and act as their body servants, "when their quarters are so situated as to necessitate the prisoners passing outside of the office gates whereby they are enabled to communicate with the outside world."

4. I do not know whether any Turnkeys have their quarters within the office gates. If there are any such, then under this letter they may continue to employ prisoners as their cooks and body servants. I consider that they should not be in any better position than those residing beyond the office gates, and should provide for their wants at their own expense. If your experience of climate suggests that it would be expedient to provide them with this assistance from public sources, the boon should be applied equally to Turnkeys residing beyond the office gates, and in some form less objectionable on grounds of discipline than prison labour.

I have, &c.,

CARNARVON.

Governor HENNESSY, C.M.G.,
&c., &c., &c.

[No. 117.]

GOVERNMENT HOUSE,
HONGKONG, 15th September, 1877.

MY LORD,—I have from time to time furnished your Lordship with information showing that the Gaol is not as efficient an instrument in the suppression of crime as it ought to be, and I have also pointed out what seems to me a grave error in the Administration of Justice, that is, the imposition of repeated short sentences on old offenders.

But whilst I hope, in course of time, to make some reforms in those two subjects, there is a third element in the suppression of crime with respect to which I venture to ask for your Lordship's assistance: I mean the establishment of a system of transportation.

In the year 1857, Sir JOHN BOWRING was authorized to transport to Labuan sixty of the worst class of Hongkong criminals. Soon after I arrived at Labuan I applied to the Secretary of State for permission to get a hundred convicts from Singapore. With Sir HARRY ORD'S co-operation this was done; and I found the comparatively large number of Chinese convicts I then had to deal with, could be managed without much difficulty, and that their work was most beneficial to Labuan. The large wharf in the Harbour alongside of which steamers can take in coal, the fish market, the beginning of the railway to Tanjong Kubong, the heaviest part of the overground work at the colliery, the drainage of the land where I put the barracks of the new armed Police Force, all these things were done by the Hongkong and Singapore convicts.

On the other hand, the arrangement was of manifest advantage at the moment to Hongkong and Singapore. But as the system was not kept up, its benefit to the two larger Colonies soon ceased.

What I now propose is that your Lordship should authorize me to arrange with the Governor of Labuan the transportation from time to time of convicts from Hongkong.

To save time, I have written to Governor USSHER asking him to consider the question and lay his views before your Lordship. I have the honour to enclose a copy of the letter I have addressed to him.

The Chief Justice, Mr. Justice SNOWDEN, the Members of my Executive Council and the un-official Members of the Legislative Council, all approve of the idea, and agree in thinking that the transportation from time to time of our worst criminals to Labuan would do more than anything else to put a check to the increase of crime in Hongkong.

I have, &c.,

J. POPE HENNESSY,
Governor.

The Right Honourable The EARL OF CARNARVON,
Her Majesty's Principal Secretary of State for the Colonies,
&c., &c., &c.

[No. 121.]

GOVERNMENT HOUSE,
HONGKONG, 21st September, 1877.

MY LORD,—I have the honour to acknowledge the receipt to-day of a Telegraphic Despatch from Your Lordship in the following terms:—

“Twentieth, Governor (of) Labuan reports arrangements for despatch of Coolies from Hongkong. Grant all proper facilities.”

In reference to this subject I beg to lay before your Lordship copies of the correspondence which has already passed, by which your Lordship will observe that I had long since given instructions that everything should be done in Hongkong to facilitate the despatch of Coolies to work the coal mines in Labuan.

There is also however another method of assisting the Government of Labuan in developing the natural resources of that Colony, and to this I have referred in my Despatch No. 117 of 15th instant in which I have requested your Lordship to sanction the transportation of Hongkong Chinese Convicts to Labuan. Judging from past experience there can be no doubt that the interests of both Colonies would be promoted by such an arrangement.

I have, &c.,

J. POPE HENNESSY,
Governor.

The Right Honourable The EARL OF CARNARVON,
Her Majesty's Principal Secretary of State for the Colonies,
&c., &c., &c.

[No. 164.]

GOVERNMENT HOUSE,
HONGKONG, 22nd November, 1877.

MY LORD,—With reference to my Despatches on the evils of the associated prison system in this Colony, and to your Lordship's instructions in the Despatch No. 45 of the 7th of May last directing me to call on the Surveyor General for plans of the alterations necessary for adapting the Gaol to the Separate System, I have now the honour to transmit to Your Lordship Mr. PRICE'S Report, accompanied by plans and a condensed estimate of the cost.

Your Lordship will perceive that owing to the inadequacy of the actual Gaol accommodation, its necessary enlargement and modifications will involve an expenditure of \$95,000.

The transportation of long sentenced criminals, however, as shown by the Surveyor General, would do away with the necessity for a new detached wing and would reduce the outlay to \$44,800, or less than one half, a circumstance which makes me the more hopeful of your Lordship's favourable consideration of my Despatches Nos. 117 of 15th September, 121 of 21st September, and No. 155 of 7th November, 1877, with reference to Labuan as a convict settlement for Hongkong.

As to the works particularized by Mr. PRICE, I may remind your Lordship that this town is built on a strongly marked slope, and that once a building site has been levelled and laid out, it is a matter of extreme difficulty to effect subsequent extensions. These difficulties of level, no less than the want of room, will account for the somewhat close juxtaposition of the buildings and the absence of more capacious airing yards.

There is no doubt the present Gaol is unfortunately placed. Sir HERCULES ROBINSON'S plan of having a convict prison on Stone Cutter's Island would have prevented some of the serious evils of overcrowding and association to which it has been my duty from time to time to refer. Looking however to your Lordship's instructions, I have confined myself to considering such alterations only as may be essential in the existing Gaol in the Town of Victoria.

I have, &c.,

J. POPE HENNESSY,
Governor.

The Right Honourable The EARL OF CARNARVON,
Her Majesty's Principal Secretary of State for the Colonies,
&c., &c., &c.

*The Right Honourable Sir Michael Hicks-Beach, Bart., M. P., to His Excellency
Governor Pope Hennessy, C.M.G.*

[No. 48.]

DOWNING STREET,
5th June, 1878.

SIR,—I have the honour to acknowledge the receipt of your Despatch, No. 164, of the 22nd of November, relating to proposed improvements in the Victoria Gaol, and enclosing plans prepared by the Surveyor General for this purpose.

2. I am aware that in drawing these plans, Mr. PRICE has conformed to the instructions contained in paragraph 6 of my Predecessor's Despatch, No. 45, of the 7th of May, 1877, and I fully appreciate the care which he has bestowed upon them, but after due consideration of the subject, I am of opinion that they will not provide the accommodation required.

3. I observe that both you and the Surveyor General refer to the question of the reconstruction of the Gaol as dependent on the project of transporting long sentenced criminals to Labuan. It may be convenient, therefore, that I should at once state that I am not at present prepared to entertain this suggestion, and that any scheme for the improvement of the prison discipline in the Colony should proceed on the assumption that Hongkong will have to provide accommodation for the whole of its own criminals.

4. Keeping this decision in view, it will be evident that Mr. PRICE'S plans for the enlargement of the existing Gaol, while they scarcely meet even the present requirements of the Colony, are open to objection on the grounds which he has himself indicated in paragraph 16 of his letter to the Colonial Secretary, viz., that the size of the airing yards, already small, will be still further diminished. Such a diminution of the prison yards together with the crowding of fresh buildings on the present site would be highly detrimental both to the discipline and the sanitary condition of the prison, and on this ground, it will be necessary to abandon Mr. PRICE'S proposal.

5. It has been suggested as a mode of meeting the difficulty that the prisoners should be divided, and a second prison built outside the town, but as at present advised, I consider it wholly out of the question to establish two separate prisons in so small a Colony.

6. Two alternatives present themselves, the one being to enlarge the existing prison by acquiring and building on additional ground in the immediate neighbourhood: the other to abandon the present buildings and erect a wholly new prison on a different site.

7. As regards the acquisition of additional ground, an extension may apparently be sought either above or below the present site; that is to say, it would seem feasible either to resume the leases of the land immediately above Chancery Lane and carry the Gaol up to Caine Road, (at the same time closing Chancery Lane, or making a covered passage between the existing Gaol and the new site), or to resume the houses now occupied for the Civil Hospital and the other premises which are bounded by the Old Bailey.

8. I am aware that the difference of levels may perhaps render it impracticable to carry out either of these schemes, except at a cost which would be prohibitory when added to the compensation payable to the lessees: but I think it right that every possible course should be considered before arriving at a definite conclusion. Either plan would have the advantage of securing the continued protection afforded by the proximity of the Police Barrack; but on the other hand would be open to the objection that such an extension would permanently fix the Gaol in the heart of a very populous quarter of the City.

9. As regards the ground occupied by the present temporary Hospital, it would apparently be necessary to bring the Police Barrack forward to the Street, so as to leave room for a new prison block where the Barrack now stands; and I should add that I am doubtful whether this locality would admit of the Police Courts being also placed there, or whether it would not be necessary to look for a site elsewhere.

10. If either of these plans were adopted, advantage should be taken of the opportunity of increasing the accommodation to improve as much as possible the existing prison. The enlargement of the airing grounds by the removal of the radiating blocks, and the erection of a separate Hospital, are among the improvements which seem most imperatively called for.

11. The only alternative to these extensions being apparently the construction of an entirely new prison, the question of site remains to be considered: and it will be necessary to weigh the relative merits of all available spots, including Stone Cutters' Island, and any vacant Crown Lands within reasonable distance of the town:—or on the face of the hill above the houses.

12. In many respects I am of opinion that the erection of a new prison on a new site will be found to be the best solution of the question, but the expense which it would involve would doubtless be very great, and it will be for you to inquire carefully into the financial conditions of the various schemes which I have suggested. The main elements for consideration appear to be roughly, on the one hand, the cost of acquiring additional land in the vicinity of the present site and of converting the present buildings and erecting those which will be required in addition; and on the other hand, the cost of a new site and the cost of a new prison; against which should be set the amount that would be derived from the sale of the present site and buildings. I need scarcely say that in the event of its being decided to erect a wholly new Gaol, it would be undesirable to spend money on enlarging or converting the present building.

13. In the foregoing remarks it has been my object to set before you what I conceive are the chief elements of the question for consideration, and before I arrive at a final decision on a matter in which the assistance of specific local knowledge is so material, I shall be happy to receive from you a report upon the comparative cost of the several proposals, and upon the sites which seem to you suitable for a new Gaol, together with any further suggestions which you may desire to offer after consulting Mr. PRICE.

I have the honour to be,
Sir,

Your most obedient humble Servant,

M. HICKS-BEACH.

Governor HENNESSY, C. M. G.,
&c., &c., &c.

[No. 96.]

GOVERNMENT HOUSE,
HONGKONG, 3rd October, 1878.

SIR,—In Despatch No. 103 of the 22nd of August, 1877, the EARL OF CARNARVON expresses the opinion that Sir ARTHUR KENNEDY, (in a Despatch he wrote a few months before he left Hongkong), had good reason, in the absence of any other apparent cause, for connecting the increase of crime in the Colony with the cheap fares from Canton. His Lordship, however, was good enough to add, "It is true, however, that as pointed out in your Despatch No. 43 of 22nd June, 1877, the increasing number of recommittals and of convictions generally may be to some extent accounted for by defects in the prison system as especially by the fact of the discipline of the Gaol not being sufficiently severe to act as a deterrent."

2. Next to the serious evils of the associated system, one of the gravest defects I found in Hongkong Gaol was the excessive amount of food given to the Chinese prisoners. The enclosed extracts from minutes of various meetings of the Executive Council contain a record of my views and proceedings on the important question of the prison dietary not being in my opinion sufficiently deterrent.

3. The Regulations on this subject of the Gaol Commission that had been presided over by Mr. SNOWDEN had been adopted and promulgated a short time before my arrival; and Sir ARTHUR KENNEDY, on the eve of his departure, had expressed to Lord CARNARVON, (Despatch No. 40, 28th February, 1877), the opinion that the dietary scale of Victoria Gaol had at length been satisfactorily settled, and finally adopted by the Executive.

4. Nothing but the strongest reasons could justify me in interfering with a dietary scale framed by gentlemen of so much local knowledge as the Commissioners, and adopted as a final settlement by my experienced predecessor. But what I saw in the Gaol when I occasionally paid surprize visits after the prisoners had had their meals, and the accurate information and valuable advice I received from some of the leading Chinese gentlemen in the Colony, as to the average meal of a hard working Chinese coolie outside the prison, induced me to cut down the dietary scale I found in operation.

5. I need hardly say that in the reductions I made, I did not forget the instructions given from time to time by Her Majesty's Government that short sentenced prisoners can be safely subjected to greater reductions of food than long sentenced prisoners.

6. Beginning in August, 1877, and proceeding carefully and with the sanction of Dr. AYRES, the Colonial Surgeon, the enclosed comparative table shows the reductions, I thought it my duty to make in the dietary scale as it existed on my arrival in April, 1877.

7. It will be seen that all the Chinese prisoners that pass through the Hongkong Gaol have been subjected to some reduction in diet, and that this reduction, in the case of the vast majority of the prisoners has not been inconsiderable. In the statistical returns of the Hongkong Prison for 1876 that were laid before Sir ARTHUR KENNEDY, and which appear in Blue Book for 1876, page 168, the following table is given:—

Number of Persons committed to Penal Imprisonment in the Hongkong Gaol, not including Debtors (26) and Security cases (700).

For 5 Years and upwards.	From 1 Year to 5 Years.	From 3 Months to 12 Months.	For 3 Months or less.
20	117	254	2,968

The enclosed comparative table shows that, in the case of all Chinese prisoners committed for six months or under, I have reduced the Dietary Scale of the Gaol Commission to the following extent:—

	Dietary Scale of Gaol Commission.	Existing Dietary Scale.
Common Diet, per day,	26 ounces.	26 ounces.
Fresh Fish, 2 days a week, ...	6 "	4 "
Salt Fish, 3 days a week,	3 "	2 "
Vegetables, twice a week,	22 "	16 "

Thus of the three thousand four hundred criminals that on average subjected to the discipline of the Hongkong Gaol every year, over three thousand come under the above reduction of diet.

8. In the case of prisoners on penal diet, I have also made a considerable reduction in the allowance of food recommended by the Gaol Commission.

9. The Colonial Surgeon has carefully watched and continues to watch the effect of these reductions of diet, and I have made no change without his entire concurrence. On the other hand, bearing in mind what Lord CANARVON says in his Despatch No. 45 of 7th May, 1877, in the case of the comparatively small number of prisoners who are undergoing more than three years imprisonment, I have allowed the Colonial Surgeon to restore the weekly ration of pork that had always been given to them until March, 1877, and which was stopped for a few months in opposition to his professional opinion.

10. Another point on which, as it appeared to me, the discipline of the Hongkong Gaol was not sufficiently deterrent is that of real hard labour. On the last occasion that I brought this question of Gaol labour and prison discipline to the notice of the Legislative Council, (29th of April, 1878) the Senior un-official member, Mr. RYRIE, to whose sound judgment and knowledge I attach great weight, expressed the opinion that the present system was less deterrent than one under which the prisoners would be compelled to do some remunerative hard work. On this subject I shall have the honour of addressing you in a separate despatch.

I have, &c.,

J. POPE HENNESSY,
Governor.

The Right Honourable

SIR MICHAEL HICKS-BEACH, Bart., M. P.,

Her Majesty's Principal Secretary of State for the Colonies,
&c., &c., &c.