



But before proceeding further, I think it only right to express my great regret that I should not have been able to be present in my seat on Monday last, to reply to any questions that Honourable members might have wished to address to me. I hope that my absence did not cause any inconvenience; in fact I venture to hope it may have been of some advantage in giving us another week to consider this matter with greater deliberation. I read with great interest the reports of the debate, and noticed particularly the very natural objection of the Honourable gentleman opposite (Mr. KESWICK), who appeared disinclined to enter into the discussion of any project until we had before us the estimates of the probable cost. Well, the document I have just had the honour of laying upon the table contains those estimates, and, with the concurrence of the Council, I would venture to review these figures very briefly, so that we may leave nothing behind us to be misunderstood hereafter. I hold in my hand the despatch to your Excellency from Sir MICHAEL HICKS-BEACH, dated 5th of June, and which your Excellency caused to be published in the *Government Gazette*. In that despatch, after condemning the proposal which I had the honour to submit pursuant to instructions from Lord CARNARVON, Sir MICHAEL HICKS-BEACH goes on to suggest to your Excellency three alternative projects which he requests may be investigated, their relative merits and comparative cost carefully weighed, and a further report made to him. These projects are—first, the high level project of extending the Gaol up to the Caine Road; second, the project of extending the Gaol on to the Police precincts, and removing the Central Police Barracks; and third, that of erecting a new Gaol on an entirely new site. With regard to this last suggestion, Sir MICHAEL HICKS-BEACH enjoins that particular care should be taken to compare that at Stone Cutter's Island with any available sites we may possess on this side of the water. Referring to the schedule in their hands, Honourable members will see that the cost of realising the first alternative scheme proposed by the Secretary of State comes to \$150,940. These figures pretty clearly set forth the cost of the project, and admit of no question except perhaps in the case of the item of \$66,440 which represents the cost of the land. With regard to the cost of land in Hongkong, it may be convenient I should explain the principles on which the Government Assessor bases his valuations. The system is one that has been adhered to for many years past in the Department over which I have the honour to preside. First the gross annual rent of the land is taken and from that gross annual rent the assessor deducts such items as insurance, ground-rent, depreciation of buildings, and a landlord's ordinary yearly building repairs, and, making a sum of these deductions, he arrives at the net annual income of the proprietor. This net annual income he capitalises at fifteen years' purchase. In England it is generally twelve years, but here in the East it has always been fifteen years. This capitalisation is set down as the value, *plus* ten per cent. for forced resumption by the Crown. I do not know of any system that could be fairer. At the same time it must be confessed that as often as not, proprietors of land say, "I have no objection to your valuation; you are correct in your valuation of my net income, yet at the same time if I were to adapt my premises to Chinese tenements I would be able to double the proceeds from my land." That may be true or not, but the Government Assessor cannot proceed to value on speculative intentions. It is for the Government afterwards to investigate the proprietor's claim and allow by way of compensation what the facts may justify. That system has been applied to the high level scheme; also to the low level which necessitates the resumption of four lots of land on which the hospital stands. I am led to understand Honourable members believe these items for the purchase of land are insufficient. That I repeat is a matter for discussion, but all I have to say is, if they are insufficient so much the worse for the extension projects, for they are already very expensive projects, and, if we have to pay more for the land than I have estimated, we should not be prepared to recommend your Excellency to entertain them for a moment. Proceeding to the low level scheme, or the extension of the Gaol on to the Police precincts and the removal of the Police barracks on to Hollywood Road or some other site, we find the cost there still higher and less commensurate with the advantages to be attained. It entails the erection of new Police Barracks, at a cost alone of \$73,000, and the total cost of the project is \$195,700. And, again, the same questions apply to this as to the first scheme with regard to the price of the land, which is here valued roughly at \$50,000. There remains only one other alternative to be considered, and that is the erection of an entirely new Gaol on some other site. The cost of this is put down at \$159,900. The estimate provides for a structure with 500 Separate Cells at Stone Cutter's Island. From the estimate of \$183,200 is deducted, in accordance with the recommendation of the Secretary of State, the sum of \$50,000, proceeds of the sale of a portion of the present Gaol and site. This figure, \$50,000, for the land is perhaps low, but it is based on the same scale of assessment as the item that appears on the opposite side of the account for the cost of land; it will be a question for discussion, whether this project recommends itself to Honourable members. In conclusion, I would call your Excellency's attention to a fourth alternative, which is not mooted at all in Sir MICHAEL HICKS-BEACH's despatch, but which appears in the schedule before us; it is that of a proposed extension on the present premises themselves. My instructions from your Excellency were to examine this question exhaustively, and, favourable or unfavourable, to include all possible alternatives in the comparative estimates. Your Excellency will recollect that a project much of the same nature has been recently rejected by the Secretary of State, and this is simply an improvement on that rejected project, inasmuch as it leaves a large airing yard between the old Gaol and the proposed new buildings, and Central Police Barracks, but it also means the sacrifice of the site of the present Police Courts. I have no site to offer you for these in exchange. I do not know where they may be conveniently placed. My learned friend opposite (the Acting Chief Justice) seems to think they might, perhaps, without inconvenience to the Law Courts, be placed in the Supreme Court building. There is also the plan of placing them on the site purchased in 1872 for \$10,000 opposite the Civil Hospital. But I am not altogether prepared to recommend at the present moment, they should be located here, because I am not certain that the space would suffice for the very large requirements and increasing archives of the Police Courts. However, these are all questions to be considered by the light of the estimates setting forth the cost of the different schemes.

Honourable W. KESWICK.—Your Excellency, the discussion which took place when we last met was unexpected by the majority of Honourable members of the Council, but the statement that your Excellency then made, and the remarks which followed, I think, were of great use in bringing forward the subject of Gaol accommodation in a manner calculated to have the merits of the question at issue fully ventilated. The few remarks I made on that occasion must have convinced your Excellency that my views on the question were very decided ones, though at the moment I was not prepared to enter into details. The present Gaol is, in my opinion, one of a most excellent character. Its situation has been described by my Honourable friend on my right (Mr. HAYLLAR) as being in the midst of a crowded town. It is in a town certainly, but not in a crowded part of this city. It is placed on the slope of a terraced hill, and I do not believe that more pure air, or more invigora-

ting breezes are enjoyed in any part of the town than on the site of Victoria Gaol. The building itself is a comparatively new one. It contains, perhaps, every improvement that a modern Gaol is expected to possess, with the solitary exception that it was not designed for prisoners under the new system called the separate system. Well, that system has yet to be tried. I think it is one which recommends itself as being in all probability the most deterrent mode of confinement which can be applied to prisoners. Victoria Gaol also fortunately possesses, although it was not designed for it, a number of cells that might be converted into separate cells for prisoners. At the present time there are twenty-four of these cells completed. There are also twenty-four in course of completion; these make 48, and I understand that in the course of a few months the number might be very readily brought up to between 70 and 80, which would represent a very large percentage of the prisoners in the Gaol, because it is not, I presume, intended that all the prisoners should be confined in separate cells—prisoners, for example, undergoing short sentences. The site is capable of an extension which, I believe, would admit, in the event of new wings being added to the present structure, of an addition perhaps of wards for 250 prisoners. The site of the Magistracy, which is adjacent, is large, while the piece of ground which was bought not very long ago opposite the Hospital might also be taken into consideration. That piece of land, I notice, has the houses in ruins, tumbling down, and unutilised. Such an extension of the Gaol would not be an overcrowding of the site. As I have said, the position of the site would prevent anything of the kind. I conceive, Sir, though Sir MICHAEL HICKS-BEACH, the Secretary of State for the Colonies for the time being, may consider that the Gaol is in the centre of a town, in a densely populated part of the City, it is our duty, I conceive, Sir, it is your duty, to give everyone who takes an interest in this question the plain, unprejudiced, and real truth that, in regard to the site, there is no better in the Island for sanitary purposes. Now, I come to a consideration of the question whether the Gaol is fully adapted at the present time to the ordinary requirements of the Colony, having regard to the great number of criminals who have to be imprisoned. The returns, which I received to-day, show that though there have been occasionally times when the Gaol was densely crowded, or what I should consider unduly crowded—it would be if all the prisoners were European—still there had been times when the numbers had been 305, 357, 340, 333, 353, and 352, and that not for one year, but a series of years. I have not had time to analyse the figures quite accurately, but they have been frequently for a long period together. Curiously enough, whenever there has been in Hongkong an impression that the Executive power is deficient in energy, that the experience of the past is forgotten, that the laws which that experience has caused this legislature to pass have been disregarded, that night passes are ignored, that lanterns are no longer in use, and that thieves, criminals, and others can roam about the town, advantage is taken of it and we find the criminal class increasing. I find that in January, 1876, on the second day of that month there were in Gaol 383; February, 390; March, 373; April, 367; May, 363; June, 414; July, 391; August, 414; September, 426; October, 521; November, 541; December, 516; January, 1877, 451; February, 420; March, 358; April, 339; May, 340; June, 360; July, 339; August, 378; September, 408; October, 405; November, 461; December, 421; then in January of the present year, 433; February, 493; March, 476; April, 550—it should not be forgotten that there was a large delivery in December; in one day 30 prisoners were liberated, I presume, from their time having expired—May, 539; June, 493; July, 494; August, 547; September, 569; October, 524; November, 4th, 517, and November 18th, 519. You will observe that during the greater part of this year there has been a considerable increase in the number of prisoners in the Gaol. One cause of this, I think—although your Excellency did not think so before, I was happy to see that on Monday last your Excellency attached some importance to—is the low fares on the Canton boats. These low fares have always, in my opinion, had some effect on the increase of crime here. Your Excellency was of a different opinion at one time—

His EXCELLENCY.—No, not entirely of a different opinion. What I mentioned before was that I did not believe the cheap fares from Canton were the sole cause of the increase of crime here; I said it was not entirely due to that.

Honourable W. KESWICK.—I am glad your Excellency has explained that, because it has removed a misapprehension on my part. These figures do not indicate that the Gaol is insufficient for the requirements of our criminal population, and I believe it is possible, by a vigorous punishment of prisoners, to gradually reduce their number. We should not forget, and I think it is an important matter which should be invariably insisted upon in correspondence with England, that this Colony is not as it were a part of the Territory of Great Britain. It is not an Island in Mid-ocean where the criminal class could be dealt with within our own borders, but it is an Island small enough to be termed a rock, within a stone's throw of Kwangtung, a Province which of all others is noted for the turbulence of its inhabitants. Well, it should not be forgotten either that the Chinese who come here would be very differently treated in their own country. I maintain that we make our Gaol too comfortable; the prisoners are too well fed, too well cared for in every respect. It must be an inducement to many of them who are starving on the mainland to come here, commit some petty crime, and be imprisoned. Compared with anything they have ever enjoyed in their lives, it is a sort of paradise. I should mention, with regard to the Gaol, there was an opinion given some years ago, I think it was in 1866, by a Governor of Macao who visited Hongkong. He states:—

“I visited this prison, and it appears to me that England, with her spirit of charity and civilization, has not forgotten to unite in this establishment the conditions which, without breach of the end proposed by the institution, are the most salutary to the existence of criminals, severity, work, and possible comfort—such are the features that strike one on inspection of this Gaol. England is civilising even in her prisons. There is always something to be learned in visits made to establishments of Great Britain; such is the impression which I carry with me of my visit to the Gaol of the British Colony.”

Such was the impression stated by the Governor of Macao. Well, the opinion of the Governor of Macao in 1866 has been the opinion I have heard expressed by many visitors to this Colony who have seen our Gaol. I have heard but one opinion on this subject. Only the other day I mentioned to a gentleman who had gone through the Gaol that there was a project to close it and place the Gaol on Stone Cutter's Island, that it was thought insufficient in accommodation, that the air was too confined in the cells, there was not space enough for the prisoners. He did not believe I was in earnest. He said “It cannot be, you are joking. It is impossible surely that such an idea has been broached in the Colony or at home. It should be the duty of those in authority to inform correctly the Colonial Office.” I think it is the opinion of every one who has gone through the Gaol. The corridors and cells are in summer the coolest and best ventilated places in the Colony. I have been frequently in it, and I must admit I have been in no more comfortable place in summer. The cells are not hermetically sealed; there is a current of air through all of them. They are superb places for the criminal to reside

in, particularly criminals of the Chinese class. Now, Sir, with regard to Stone Cutter's Island, I have but one opinion, and that is that it should be utterly condemned. I believe there is no necessity for it. On the other hand, I believe were the Gaol to be removed the cost would be enormous to construct a new one, and the cost would not end there. We should have an annual burden upon the tax-payers for the keeping up of a strong guard, for Stone Cutter's Island is in a distant part of the harbour, also a costly service of communication with Hongkong. We should in addition not get rid of this Gaol. It is, in my opinion, absurd to imagine we could. We must have a Gaol, small or large, in the town. I think that was admitted at the last Meeting. At least several speakers seemed to be of my own opinion that it is absolutely necessary for the administration of justice that there should be a prison in the town. Your Excellency alluded at our last Meeting to a conversation which passed a few months ago. I then heard of this possible scheme of reviving the Stone Cutter's Island Gaol and I ventured to express an opinion that the community would learn of such a project with great dissatisfaction. I also mentioned, if I remember rightly, that they were tired of the manner in which one Governor might propose and execute an undertaking and his successor destroy it. We have had experience of these costly undertakings, and my impression is the Colony is not in love with them. It would be well, it appears to me, that the policy of a Governor—the hobbies or ideas which more or less we all like to air—should be confined within the narrowest bounds when it is a matter which concerns an expenditure of money. There is in this matter an enormous expenditure of money involved, and I think there is reason for this community to view with the greatest possible objection the expenditure of more money on Gaols at Stone Cutter's Island, or even in the extension of the present one. The reasons I have for entertaining such strong opinions are briefly these. That I understand the state of the native town is indescribably bad, that the increase of population to which your Excellency alluded at our last Meeting—which is undoubtedly one of the best signs of the prosperity of the Colony—has also its alarming side, and that is that there has been nothing done, or comparatively little, to make such an influx to the population of the town anything but dangerous. I believe, Sir, that in 1875 the Surveyor General and the Colonial Surgeon were appointed a Commission to report upon the sanitary state of Victoria. Their labours were commenced, but unfortunately soon after the work was begun the Surveyor General was taken ill—

The ACTING COLONIAL TREASURER.—The Colonial Surgeon, I think.

Honourable W. KESWICK.—They were both taken ill at any rate, and their illness was attributed to the very unpleasant and painful duty they had to perform, that of visiting houses which it was almost poisoning to enter. That report, I have no doubt, has been seen by your Excellency. It has not been published.

His EXCELLENCY.—What is the date of it?

Honourable W. KESWICK.—February, 1875. That report, I understand, was of too horrible a character; it was feared the alarm created by it would be too great, and it has not seen the light of day yet, that is, it has not been published. I hope it has gone to the Secretary of State. Some of the facts that were elicited by the gentlemen who investigated the sanitary state of the Colony at that time, you will understand, perhaps, if I mention one or two cases.

His EXCELLENCY.—May I ask, one moment, has this report been laid before the Council?

The ACTING COLONIAL TREASURER.—No.

Honourable W. KESWICK.—I have not got the report.

His EXCELLENCY.—I thought you had.

Honourable W. KESWICK.—No, I was going to say I had some notes.

His EXCELLENCY.—I have not seen the report, I arrived in April, 1877. If it was not forwarded to the Secretary of State or laid before this Council, I am not to blame. Furthermore, if anyone has supplied my Honourable friend with extracts I shall not be able to deal with them. It ought to have been forwarded to me, but I have not seen the report.

Honourable W. KESWICK.—I have no extracts from the report, I have not seen it. What I was going to say was this, that I have no doubt the report contained some such statements as these—

His EXCELLENCY.—May I ask the authority?

Honourable W. KESWICK.—A creditable authority.

His EXCELLENCY.—I hope my Honourable friend will have no objection to state the authority, as this is a public board.

Honourable W. KESWICK.—Mr. ALFORD is my authority.

His EXCELLENCY.—A very high and trustworthy authority.

Honourable W. KESWICK.—If I may be permitted—

His EXCELLENCY.—Certainly.

Honourable W. KESWICK.—The first case I would mention is this:—

“No. 51, East Street, Taipingshan, ground floor 29 feet 6 inches long, 16 feet 1 inch wide, 11 feet high, floor of mud 2 feet 6 inches below street and side channel, kitchen 7 feet by 10 feet with a sleeping room in it, no smoke flue, a back door and a hole 1 foot square. 8 chambers or partitions, 7 families. 18 people including 12 females and children, a loft 8 feet high, containing 6 more people. Rent \$7.50 per month, Chinese landlords, tenant 6 years in possession, sub-tenants of several years' occupation. The cookhouse leaks, the house has not been repaired during tenancy, water comes in at the door. There is a well in the house, and 8 more in its immediate vicinity. It is 7 feet down to the water which stands 1 foot 3 inches deep. The sub-tenants are bricklayers, hawkers, ship-coolies, a cook, and a boat-builder; 2 of them do not come home at night, the others nightly wash themselves in the cookhouse.”

Now, I maintain that these people ought to have their comforts attended to in a sanitary point of view, if they have not the attention the prisoners in Victoria Gaol have. There is another case:—

“10, Lower Lascar Row, Seamen's Boarding House, licensed for 45 men, 18 bunks below, room there 37 feet 3 inches by 13 feet 6 inches by 8 feet 9 inches high. One bunk 6 feet 5 inches by 3 feet 3 inches high. 28 men on the next floor. 163 cubic feet per man.”

There are a number of cases which it would be tedious, perhaps, to read, but I may mention that formerly in one place there were seventy pigs kept. I think there are pigs now in a reduced number. I believe also some of the houses visited showed that there were pigs not on the ground floors only but on the other storeys, and that numbers of them were kept under the beds of the Chinese, and that the water percolated from the top storey down to the lower. In many places throughout the town, too, there are wells. These wells in many cases have a foot and a half depth of water. They are in the close neighbourhood of sewers, sewers of the worst possible kind. That is the state of the town as described there. In 1873 the Honourable gentleman opposite (the Surveyor General), wrote:—

“An inspection of the Chinese districts discloses the phenomenon of a dense mass of people herding together in dark and ill-ventilated dwellings totally devoid of drainage, and where the house sewage, kitchen refuse, and sullage are generally kept standing inside each house in a tub from which is evolved an effluvium that would turn the stomach of a carrion crow. It is true that the vital energy of the occupants of such places is so lowered, and their olfactory nerves either so blunted or so supernaturally fortified against the offence as to render them callous about it, but notwithstanding, the germs of disease lurk there, and are being generated by a pernicious and revolting system which urgently demands reform.”

The description is forcible, and in the present day is true in the main. Little has been done for the amelioration of the condition of these people. I have read the extract from the report on the Water Supply of Hongkong dated 1873. The water supply we know to be inadequate. In many parts of the town there have been additional hydrants put up lately, and the supply is better than it was, but the intermittent supply of water must always be bad. Some people get a sufficient supply, others do not. It is costly to the inhabitants. They have to carry it to a considerable distance, and many of them, I understand, suffer grievously from the want of an efficient water supply. Then, if we come to consider the state of our markets, I think we shall come to the conclusion that if the Colony has money to spend it would be better to spend it in improving them than either in extending the Gaol or building an unnecessary and, I believe, universally condemned new one. These points, the sanitation of Victoria, which of course comprises drainage, water supply, and I believe I may include markets, are in themselves so far more important than the Gaol question that I think I was justified in stating to your Excellency when we had that conversation that I believed the community of Hongkong would be intensely dissatisfied if the Gaol at Stone Cutter's Island were undertaken and the work executed. There is another matter which I beg to call attention to, as being one also that has been present to my mind for a long time as more deserving of attention than the Gaol. I allude to the Central School. The Central School, I believe, possesses the confidence of this community. It is an institution which I am sure they feel proud of, and which may be viewed as the centre from which Chinese boys are sent with a European education and its civilising influences. The old building, long ago planned, the site for it cleared some years ago, and nothing done! Why is it thus? It is well known that the present building is wholly unfitted for the number of pupils it has to accommodate. We are aware that the masters have suffered severely, some of them having contracted disease within its over-crowded walls that has carried them to their graves. I think it is well to be plain in this matter, because it appears to me it should be known if the delay arises. It is said that the opposition of a would be ecclesiastical dignitary has prevented the consummation of the hopes of the Colony with regard to education. Strange, if true, that from the source from whence we should hope for the highest knowledge there should be opposition to the rudiments of education. I have not much more to say, your Excellency, but I trust I have redeemed the promise that I would at this Meeting state the objections which I see to spending the money of the Colony upon either the extension of the present Gaol or the building of a new one. Much may be done, certainly, I believe, to reduce the number of prisoners that are within the Gaol. I don't want to go over again the ground of deportation, of whipping, and of all the necessary punishments, but whether they are approved of at home, or not, they are the only punishments that will suit the class of criminals that we have to deal with. We should hurl back on China the many who are attracted to this place by the clemency of our laws and the comforts of our prison. They come, not as honest men to earn their living; they come most of them to prey upon the Colony. We should get rid of them. I was glad to observe that your Excellency had reduced the dietary, I understand, notwithstanding the statement of your Excellency that it was suggested to you by some Chinese gentlemen, that it was a recommendation contained in a report of the Gaol Committee, and that it had been mentioned by others. Be that as it may, it is a move in the right direction, and I trust it will not be long until we hear of other changes. The Justices of the Peace have taken some interest in this matter of Gaol regulation and addressed a letter, which I have no doubt your Excellency is acquainted with, on the 2nd of this month to Mr. CREAGH, the Police Magistrate. With your Excellency's permission I will read the correspondence—

“HONGKONG, 2nd November, 1878.

“SIR,—We have the honour to request that you will be good enough to convene, and preside at, a special Meeting of the Justices to discuss various matters connected with the Gaol, especially the question of the necessity for its projected enlargement.

“If convenient in all respects we suggest that the Meeting be held on Friday, the 8th instant, at three o'clock in the afternoon.

“We are, Sir,

“Your obedient Servants,

“W. KESWICK.

“H. LOWCOCK.

“H. H. NELSON.

“F. D. SASSOON.

“R. H. SANDEMAN.

“To C. V. CREAGH, Esquire, Police Magistrate.”

The reply to that letter, dated the 7th November, is in these words:—

“HONGKONG MAGISTRACY, 7th November, 1878.

“GENTLEMEN,—In reply to your letter of 2nd instant I have the honour to state that by the Gaol Ordinance Justices of the Peace are only empowered to meet in order to revise prison rules and regulations.

“The Attorney General, to whom I have referred the matter, is of opinion that we have no power by virtue of office to discuss the question of enlarging the building. Consequently I should not be justified in calling a Meeting of the Justices for that purpose.

“I have the honour to be,

“Gentlemen,

“Your most obedient Servant,

“C. V. CREAGH,  
“Acting Police Magistrate.”

On the 9th November, the following letter was addressed to Mr. CREAGH:—

“HONGKONG, 9th November, 1878.

“SIR,—Thanking you for your communication of 7th instant, we have the honour to request that you will convene and preside at a Meeting of the Justices to revise the rules and regulations of the Gaol.

“If convenient in all respects we suggest that the Meeting be held on Friday next, the 15th instant, at half-past three o'clock in the afternoon.

“We have the honour to be,

“Sir

“Your obedient Servants,”

It is signed by the same gentlemen. On the 11th November the following reply was received:—

“HONGKONG MAGISTRACY, 11th November, 1878.

“GENTLEMEN,—I have the honour to acknowledge receipt of your letter of 9th instant and regret that I am unable to comply with your request.

“The present Gaol regulations (which were introduced only last year by Sir ARTHUR KENNEDY) appear to me to answer in every way the purpose for which they are intended. I cannot therefore participate in any measures taken with a view to their alteration.

“I have the honour

to be,

“Your most obedient Servant,

“C. V. CREAGH,  
“Acting Police Magistrate.”

To that letter the following answer was sent on the 16th November:—

“HONGKONG, 16th November, 1878.

“SIR,—We have the honour to acknowledge receipt of your letter of 11th instant, and we regret the answer it conveys to our application to you to call a Meeting of the Justices of the Peace.

“You give as a reason for not complying with our request your opinion that the present Gaol regulations answer in every way the purpose for which they were intended.

“We submit that your own opinion, valuable as we admit it to be, of the efficiency of the Gaol rules is not sufficient reason for your declining to summon a Meeting of the Justices when invited to do so—and we request a reconsideration of your decision.

“We desire to point out that by section 10 of Ordinance No. 4 of 1864, under which we wish to act, it is laid down that at Meetings of Justices of the Peace one of the Justices must be a Police Magistrate, and that it is hardly to be supposed that in framing this section there was an intention to give the Magistrate a right to render nugatory the opinions and powers of the body of Justices by a capricious refusal to summon or attend their Meetings.

“We have the honour to be, etc.”

No reply has been received to that letter. Indeed there has not been time for one to be received, but I hoped that an application by the Justices would have led to their meeting together at the Gaol, together with a Police Magistrate, and becoming fully conversant with this important matter of the regulations of the Gaol. I hope still we may have that opportunity. There is one matter which I had overlooked almost, but which is really so important that I hope your Excellency will allow me to return to it. It was with reference to important rules on the sanitary state of the town. The Chinese have very different ideas from ours on some matters, especially, I should think, on the matter of Gaols and the necessity of keeping their houses clean, and what we should consider the amount of air which tenants should possess or have the means of obtaining. On the 24th of May a Memorial was addressed to your Excellency by a number of Chinese in which they state, after complaining of interference with their rights:—

“Now these habits, although your Memorialists are given to understand that they are condemned by the more recent rules of Western science, are, as a matter of fact, the outcome of a lengthened experience among the Chinese of living in large and crowded cities, and are as deep-rooted as most of their social customs, so that it is quite certain that the tenants for whom these houses are intended as they would not understand the reason, would in no way avail themselves of the facilities for the free access of light and air which the Surveyor General's proposed alterations would provide for them.”

These gentlemen evidently don't like to have the dwellings of the poorer classes in Hongkong improved. But your Excellency's minute on this Memorial is one that should be borne in mind in discussing the matter of putting the Chinese on the same footing in this Gaol that Europeans would be placed on in a Gaol at home.

“This Memorial, which relates to the structure of purely Chinese houses in the Chinese quarter of the town, is signed by nearly all the leading Chinese inhabitants of Hongkong, in fact it is signed by those intelligent and influential Chinese residents whose views with respect to such questions are entitled to the greatest weight. Agreeing with them in the

general principles they have now put before me, I would be glad to learn that the Memorialists could see their way to conforming to the essentially Chinese style of dwelling common both to Canton and Hongkong, and which, while economising space to the utmost, admits of a certain amount of light and ventilation through the small square spaces left at the back called smokeholes."

I would call your attention to that last line again. It is a curious commentary upon all the air the criminal classes are deemed to require. I think, Sir, there are the names in this Memorial of some of the gentlemen connected with the Tung Wah Hospital. That institution, it was hoped, would be a credit to Hongkong. A gentleman well qualified to form an opinion of the Hospital, and who not very long ago visited it, when I inquired of him what his opinion was, wished to be silent, he did not wish to express what he felt. Had he done so I was given to understand the expression would have been that it was utterly abominable. That, Sir, is the state of one of the institutions in Hongkong.

His EXCELLENCY.—I did not intend, gentlemen, to follow my Honourable friend to-day, but to leave to other Members of Council the task of discussing the question which we are met to consider, that of Gaol extension. My Honourable friend complained at the last meeting of Council that I had brought forward the question without giving any notice to the Council, but in fact at the preceding meeting I had informed the Council it was my intention to lay upon the table, which I immediately did, the despatch of the Secretary of State, and then I said the Council would consider the requirements of Her Majesty's Government. That was so far a notice. But what am I to say to the topics introduced by my Honourable friend to-day? We are met to consider Sir MICHAEL HICKS-BEACH's despatch on Gaol extension; but my Honourable friend deals with the drainage of the town, with the Water Supply Report which was sent to the Government in 1873, and not approved of, and for very good reasons, as I will explain presently. He refers to the Central School and to ecclesiastical influences, and finally winds up with a reflection on the Tung Wah Hospital Committee. Now, no notice has been given to me of any of these questions, but I personally take no exception whatever to the Honourable gentleman for not having favoured me with his intention to refer to these topics, because it is my business to be conversant as far as I can with the public business, and every subject he has referred to is connected with our public business, and he is fully entitled to express an opinion upon them and especially at this board. Therefore I have never made it matter of complaint that questions are brought before the Council without notice.

Honourable W. KESWICK.—If I failed in giving notice it was most unintentional. It appeared to me the subject was one of the expenditure of public money and I was bound to state lay reasons, and give good reasons, for my opposition to the expenditure of money on a Gaol at Stone Cutter's Island, or otherwise on Gaol extension, when there were many more important matters requiring attention. To them I called attention as I thought they were fairly within the subject of the debate.

His EXCELLENCY.—As I say, I think my Honourable friend is entitled to express his opinions freely. But at the last meeting I was reproached for not having given notice, and now we have topics introduced without notice, all of interest and importance and to all of which I will, with your permission, say a word or two. With respect to the water supply—

Honourable W. KESWICK was understood to explain that he had only referred to the report incidentally to read an extract from it illustrative of the sanitary state of the town.

His EXCELLENCY.—At the same time it is important for the Council to know the nature of this report and the reasons why it was objected to—

The ACTING COLONIAL TREASURER.—May I be allowed to say that that was laid aside altogether in favour of a more modern project.

His EXCELLENCY.—For the Tytam Works, including the subsidiary water supply, £302,000 was asked. I am now quoting from the Water Supply Report my Honourable friend Mr. KESWICK had in his hands. The estimates sent home amounted to over £300,000. Her Majesty's Government did not wish to have that amount of money spent in the Colony on additional water supply and for very good reasons. The Honourable gentleman referred to the drainage of the town. Even in one of our Ordinances, No. 8 of 1856, I find that the Surveyor General is entitled to insist that every house in this Colony must either have a privy or water closet, and we are told in this report the advantage of the water supply would be immense owing to its utility in sweeping away the house sewage. Now the water supply that might be so used, that might be used if the Ordinances of the Colony requiring water closets were put in force, is it a water supply the Chinese have asked for? No. What do the Chinese themselves think of the proposal? They have told me what they think about it. I asked my Honourable friend who his authority was and he mentioned the name of a high authority and a trustworthy gentleman, but what do the Chinese themselves say? They say—"Nothing alarms us more than your projects of drainage and water supply for flushing house sewage. They are not consistent with our modes of living." And, furthermore, if the Honourable gentleman had elicited that opinion from the Chinese he might then have gone to a man like Dr. DUDGEON, of Peking, who has had many years' experience of Chinese life. He last year wrote a most valuable work on the diseases of China. What does he say? A European goes into any town, the smells at once affect him, he says "this is very unhealthy, these people must all be suffering from typhoid fever." But, adds Dr. DUDGEON, a little enquiry would show him that typhoid fever is very rare in Chinese towns. Why? Because, fortunately for them, they have not made use of the system of water closets. It was only, I think, a few months ago that the book was reviewed in the *China Review*; Dr. DUDGEON also favoured me with a copy. In the review that was then written the very passage in which Dr. DUDGEON denounces, and very properly attacks, the introduction of this so-called Western sanitary system into a Chinese population, was referred to. If my Honourable friend had gone to the Chinese they would have told him nothing alarmed them more than the idea of flooding their houses for the purpose of having water closets or underground drainage. The system by which they dispose of their house sewage is altogether different from ours. It is not by letting their excreta go into the drains that they get rid of it. Junks leave here every day with cargoes of it. It is carried away from the Colony. We know how they keep house sewage, kitchen refuse and sullage in covered tubs in their houses for a day or two or even longer, but the contents of those tubs is carried out of the Colony. When I came here I found it was put in pits at Belcher's Bay. That, of course, was very undesirable, but now it is taken away early every morning to the mouths of the Canton river and sold at a large profit. I am not prepared to allow any alteration in that system, unless, indeed, the Chinese themselves should ask for it; but, on the contrary, they protest against any alteration. To make an alteration would be extremely

expensive and most injudicious. Now that is one reason—and a very good reason—why the Government should reject this Water Supply scheme. They had it all before them; they had also before them the requirements of this prison, and it is the latter that Her Majesty's Government presses on our attention. My Honourable friend remarked it is better to tell the truth about the site to the Minister of State. He thinks Sir MICHAEL HICKS-BEACH imagines the Gaol is built on a plain. Well, my Honourable friend cannot have read, I think, all the despatches that were laid before him recently, or he would find in the despatch I wrote to Lord CARNARVON in November, 1877, forwarding Mr. PRICE's plans and estimates, that I had said:—"As to the works particularised 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." Of course I told the truth to Lord CARNARVON, but I can assure my Honourable friend the Colonial Office did not require to be told by me that the Gaol was on a slope. They have had it before them for years—in fact, it goes with the Blue Book every year—a plan showing the structure of the Gaol, and the height of the land. In one of the earliest despatches I wrote, not important enough to be printed, I said the houses in Chancery Lane overlooked the prison yard. All these things were known to the Government. They know what is required. Whether they are right or wrong, about the necessity for Gaol extension, of this the Council may be sure, whatever instructions Her Majesty's Government may give me, will be given with a full knowledge of the facts. They have had plans from my Honourable friend the Surveyor General and his predecessors, and they know what is required.

Now my Honourable friend (Mr. KESWICK) approved of the change I made in the dietary scale, but I think I gathered from him that he expressed a little doubt as to whether the Chinese made a suggestion to me that the amount of food was excessive.

Honourable W. KESWICK.—Not that they had made a suggestion, but that it had been the first.

His EXCELLENCY.—The Gaol Committee reported before I arrived. The Gaol Committee's report was carried into effect before I arrived as far as the approval of the Government went, and they reduced the amount, I think we may say speaking roughly, from 30 oz. to 26 oz. I was not responsible for what I found when I came here. I found the scale as framed by the Committee and approved by the Governor. The Chief Justice hands me a paper showing the amount was 1 lb. 13 oz. before the time of the Gaol Committee, and they recommended a reduction to 26 oz. Well, that was done before I came.

The Honourable P. RYRIE said some members of the Committee were in favour of a further reduction.

His EXCELLENCY.—I was coming to the fact that I know one member of the Committee did recommend a greater reduction. I know my Honourable friend Mr. RYRIE thought a catty would be sufficient. Well, I visited the Gaol several times. I had a conversation with some of the leading members of that Chinese Hospital my Honourable friend (Mr. KESWICK) has spoken so severely of, and they all, without exception said to me, "You cannot expect to reduce the number of prisoners in your Gaol as long as you give them 26 oz. There are short sentence prisoners who go in for a month or two; why not cut them down more than that?" Well, I had a consultation about that. Then I reduced the Committee's scale by the same amount they had reduced the former scale, which made it 23 oz. The next step I took, which applies to the vast majority of prisoners, was to reduce it to 16 oz., so that therefore I acted on the advice of these Tung Wah Hospital Committee gentlemen, and I find, as far as it has gone, their advice has been very sensible. The Gaol Committee were not disposed to bind themselves to 26 oz., and I believe no gentleman heard with greater satisfaction the change I had made than did his Honour the Chairman of that Committee (the Acting Chief Justice). Well, I reduced it to 16 oz., but I may again remind my Honourable friend (Mr. KESWICK) what I found in existence when I arrived; that was the scale with which I had to deal. It was 26 oz.; I cut it down to 16 oz. Well, the Tung Wah Hospital Committee are responsible for that piece of good advice, but I must tell my Honourable friend that if he refers to the despatches—the ordinary Blue Book reports—of Sir ARTHUR KENNEDY and Sir RICHARD MACDONNELL he will find a very different account given of that hospital from what he has now given. Sir RICHARD MACDONNELL and Sir ARTHUR KENNEDY describe the institution as most creditable to the Colony. It was only the other day that the Surveyor General said in Executive Council, in referring to the buildings of this Colony, by far the best constructed and the finest building in Hongkong is the Tung Wah Hospital. And what did Sir RICHARD MACDONNELL say? In a public address he said "We would indeed be fortunate if the Civil Government possessed an hospital as capacious, and as well ventilated as the Tung Wah Hospital." I do not know who the anonymous authority of my Honourable friend is, but I myself have visited that hospital more than once and I agree with Sir RICHARD MACDONNELL and Sir ARTHUR KENNEDY that it is a credit to the Colony. It is not merely about the dietary of the prison that the Tung Wah Hospital Committee have given good advice to the Government. Now that they have been criticised here to-day I must also remind the Council that on a question that excites a great deal of interest in England, and very justly—Chinese emigration—the Tung Wah Hospital Committee have always given sound and valuable advice to the Government. My predecessors have over and over again borne testimony to the merits of that Committee. But in my own experience what have they done? There were a certain number of emigrants prepared to go to the Sandwich Islands. There came from the Committee of the Tung Wah Hospital a letter calling attention to the fact that the licences under which these men were going were not in accordance with law, and that there was something wrong about the passage tickets. I directed an inquiry by the Harbour Master, and he found on examining a number of Chinamen who had got passage tickets (our Ordinance says, whatever the amount may be it shall be received in full payment), that the passage tickets stated what was not true. Forty-five dollars was put down on each ticket as having been paid in full; but in point of fact they had only given \$3, and, more than that, the \$8 was only to pay for their rice on the passage, and they were expected to enter into a contract of service on arriving at their destination. Well, I did more than that. I sent a letter to the Consul-General at Honolulu asking him about it. He is a great advocate for the emigration. He says the Chinese are the most industrious people they have there, and it is very important they should get Chinese. But he told me this. When a vessel comes in the Chinamen are not allowed to land. There goes on board an agent of the landowners of the Sandwich Islands and accompanying him is a Government officer, and no Chinaman is allowed to land unless he there and then signs a contract of service for two or sometimes three years, but never less than two. More than that, I got a copy from the Consul-General of the contract of service. It contained a clause to which reference had also been made by the Tung Wah Hospital Committee that the men who signed that contract would be compelled, at the option of the landed

proprietor, to work by night instead of day when necessary. In other words, the Chinamen would be detained on board the ship prisoners, not allowed to land until they put their names to a contract of service. And what was the meaning of it? The Harbour Master publishes every year the emigration rules of Hongkong, and one of the rules is this—passed by the Governor in Council at the instigation of the Secretary of State—that there is to be no emigration whatever where there is a contract of service except to British Colonies. That was known to the gentlemen at Honolulu, and to all the officials concerned, and by that which I now publicly state to be a false, fraudulent, and illegal act, these gentlemen endeavoured to evade that regulation. The Sandwich Islands do not constitute a British Colony. No contract service labourers could leave Hongkong for that place but by signing a false paper here—because the licence paper said they were free and under no contract of service—and then having got them into the waters of the Sandwich Islands they would be made contract service labourers, with no British Magistrate to protect them. To whom am I indebted for the *exposé* of that fraud? To the Tung Wah Hospital Committee. In the days of the Macao coolie trade it was they who first exposed it, and over and over again in this Colony there have been abuses exposed by the action of the Tung Wah Hospital. They deserve great credit. And I may say, too, though it concerns their own people, that I think, as the head of the Government here, I may congratulate that Committee on the result of the collection they made this year, for the relief of the sufferers by the famine in China—\$108,000 among their own countrymen in this town. So much for the Tung Wah Hospital. I agree with my predecessors that the building is a credit to the Colony; the Committee I regard as amongst our most useful citizens.

My Honourable friend has also brought forward to-day the question of Education. Now my Honourable friend is fairly entitled to ask why is it that the new Central School, on the purchase of a site for which we have laid out so much money, has not been commenced, and to that a very simple answer can be given. I received not long since from Sir MICHAEL HICKS-BEACH a despatch in which he asks me to furnish him with my recommendations on Education generally in Hongkong. He had, indeed, previously, immediately on coming into office, addressed a similar despatch to me, and therefore I was able to tell him the despatch in which he repeated his previous inquiry had crossed a despatch of mine in which I had given my recommendations to Her Majesty's Government. Now I think it would hardly be fair to Her Majesty's Government—it would be highly impractical—at the very moment when a Governor is called upon to give his recommendations, if we were to proceed at once to have plans and estimates drawn for the new building, when, for aught I know, Her Majesty's Government may not agree with my Honourable friend that the present building is too small. It is possible Her Majesty's Government may say, you must in Hongkong spend a little more money on the children of the poor, you must not confine your grant to a middle class institution, you must devote a little attention to the 12,000 poor children who, Mr. STEWART tells us, are running about the streets uneducated; and it is possible Her Majesty's Government may tell us, when you have done that, when you have grappled with crime at its source, you may spend as much money as your un-official friends may desire. My Honourable friend used the phrase that the Central School was ignored. I venture to think he cannot have paid much attention to what has been done in the Central School since I came to the Colony. The Central School was one in which we all understood the Chinese were taught English, but you remember what I discovered myself on that subject. Have I done nothing at all to endeavour to carry out a little more teaching of English in the school? ~~Has the Honourable gentleman no recollection of an Education Conference that met on the question of teaching English?~~

Honourable W. KESWICK.—It was the building I referred to.

His EXCELLENCY.—Yes, precisely; but if it was a part of our recommendations that there should be five other schools in the Colony—five preparatory schools—does that in no degree lighten the burden that will fall on the Central School? If we are to have five other schools, and that my Honourable friend is aware is a part of the scheme that has been proposed and which I believe he approved—I sent round the papers to him and to all the un-official members of Council—it was a project costing \$10,000 and you have all approved of it. I think it is a very good scheme, but if you have five additional schools costing \$10,000 it may appear to Her Majesty's Government that that to some extent will diminish the number in the Central School. I cannot say what Her Majesty's Government will determine, but being asked to report fully and lay my recommendations, such as they may be, before Her Majesty's Government, and those recommendations being now under consideration, it would be highly improper for me to prejudge the whole case, and enter on a costly scheme which might not be approved. I will go further. My Honourable friend has referred to that great difficulty which exists all over the world—the ecclesiastical question. I shall say nothing as to the ecclesiastical dignitary, to whom my Honourable friend has thought proper to refer; but, if my memory serves me rightly, I did state in public in this Colony my views about the education we should have. I said it, certainly, at an institution presided over by another ecclesiastical dignitary, a man of great learning, of great experience in education, and whose institution I was very happy to attend the day that I did so. I refer to St. Paul's College. It was the first time that I had the opportunity of attending that institution and it was when the annual prizes were being distributed. I attended and distributed the prizes, and in accordance with the custom, I made a few remarks. I was surprised to learn when I went to St. Paul's College, that it was the first time for ten or twelve years that any Governor of Hongkong had been at any similar distribution of prizes at that institution. Sir HERCULES ROBINSON used to attend, and so did his predecessors.

Honourable P. RYRIE reminded His Excellency that for several years there had been no teaching at the College.

His EXCELLENCY.—But it had been in operation for some years before my arrival. Without saying anything now reflecting on any one else, I was the first Governor for ten or twelve years that went there. Well, what did I say? I then publicly announced my views on the education question. I am not sorry, though it is without notice, that my Honourable friend has referred to them, because it is well to have these things discussed publicly and ventilated. Is my Honourable friend prepared to spend as much money on St. Paul's College as on the Central School in proportion to the number of pupils? If it educates 200, and the Central School 400, would my Honourable friend think it fair to spend the money in that proportion? That is, twice as much on the Central School as on St. Paul's College? I think I can answer, that my Honourable friend would say, no, I am in favour of spending by far the larger proportion of the grant on the Central School; but what is the result? It has two results; first, that you destroy the voluntary efforts of St. Paul's College. Bishop BURDON said to me, how can I afford to bring out teachers from England? You give us a paltry grant that may

perhaps suffice to purchase stationery, but certainly not to provide a passage from England, and here you are supporting a middle-class school destroying voluntary effort. This question, as my Honourable friend well knows, has been argued before. The Central School, it is said, is a secular one, and the State, forsooth, is to spend nearly all its money on secular education, and in a country like this, under a Christian Government, we are to say to St. Paul's College, because the Bible is taught there, you must occupy a secondary place, and we shall give the greater part of the grant to a school which is purely secular. My Honourable friend refers to ecclesiastical influences. Let me tell him the most active friends of education in this Colony are the missionaries of all denominations and the societies to which they belong. Who are the men who visit the schools, who are always to be seen at the schools? The missionaries. But, forsooth, in this Colony we are to have another system—a system which, let me remind my Honourable friend, exists in no other part of the British Empire, a system by which we are to support one party, the secular party, in opposition to the ecclesiastical influences he refers to. In Ceylon and Singapore, the Eastern Colonies nearest to us, the rule is, no matter who occupies the school, no matter whether the Bible is taught in the school or not, the Government will give that school the same support as it will to a purely secular institution. The State, you say, is secular, and therefore the school to which you give the vote should be secular. That is a fallacy. It is not accepted in England, and I am happy to say Her Majesty's Government have recognised in my own country the fairer principle of payment by results. If my Honourable friend would endeavour to follow the example of Englishmen he would see at once the thing to be accomplished is Education, and, to achieve that, payment by results. The way to obtain Education is not to taboo a man because he teaches the Bible. But there is something else. Is the Central School purely secular? What is taught in the Central School? The Central School is a school where religion is taught, but it is not the Christian religion. In the Central School there are books in use every day inculcating upon the students who go to that school what is called ancestral worship. They are in the list of printed school books. Every day they are used. In other words, the keystone of the religion of China is taught in that school, and, forsooth, because in a school not half a mile away, in St. Paul's College, because the Bible is taught, the other school which teaches the religion of China is to receive nearly the whole of the Government grant and a miserable pittance be given to St. Paul's College. What is the result to St. Paul's College? Bishop BURDON told me he feared he would have to close it at the end of the year; it could no longer compete with the Central School. I have ventured to a few friends to express a hope that some means may be found to prevent that, but if it should come to pass that that valuable institution, which gave a sounder English education to children in the time of Bishop SMITH, Bishop ALFORD, and the present Bishop than has been given during the whole *régime* of the Central School—I say it will not be creditable to the Colony if St. Paul's College is to be driven from the field on the ground that it did not ignore religion. But I have some reason to hope that St. Paul's College will yet be saved. What does the head of the Church Mission say on this subject? He takes great interest in education. His society all over the British Empire does. What is his objection to the Central School? That it destroys voluntary effort, and that that school is supported by the State because it is supposed to be purely secular. Now, is my Honourable friend prepared to enter the lists against the whole of the religious education party, not only in this Colony but in England, where those who desire that the State education should be purely secular are still a very small number? But there are others to whose views my Honourable friend ought to pay some attention, and they are the parents of those children who go to our schools. Sir ARTHUR KENNEDY, the last time he was at the Central School, said he was prepared in matters of education to pay entire deference to the views of the parents of the children who go to school. Now, has my Honourable friend taken any pains to ascertain the views, first, of the Christian parents, and, second, of the Chinese parents? I have done so with great care, and I can assure my Honourable friend the Christian parents totally differ from him.

Honourable W. KESWICK.—I expressed no opinion with regard to the teaching, and I am not aware your Excellency is acquainted with my views on the subject. I referred to the cause of the delay in the building of the school, and that there was a rumour I should like have set at rest that it was an ecclesiastical difficulty. I do not admit for a moment that your Excellency is acquainted with my views.

HIS EXCELLENCY.—I hope my Honourable friend is in favour of perfect equality in matters of education, and I trust that when the question comes before us, after Her Majesty's Government have considered my recommendations, I may find him then supporting the views I have expressed and which undoubtedly prevail in England and prevail throughout the vast majority of Christian parents in this Colony who send children to school, and throughout the whole body of Chinese who have communicated with me over and over again on the subject. They naturally say we wish to have some little management in the school in which our children are to be educated, and for which we pay taxes. The Chinese inhabitants are entitled, for two reasons, to have some voice in the management of that school. First, they are the parents of the children who attend the school, and secondly, they are by far the largest tax-payers in the Colony, and when they come to me and tell me the objections they have to it and the changes they would like, can I conceal these facts from Her Majesty's Government? I must tell the truth to the Government, and I must let Her Majesty's Government distinctly understand that if they desire to have an education here in accordance with the wants and wishes of the vast majority of the parents of the children, in accordance with the views of the Chinese community, as well as in accordance with the principles followed in every other part of the British Empire, some change must be made in the existing system; and if any change is made it must be a change in the direction of having perfect fair-play and even-handed justice for all. I am not prepared to carry out any scheme that is to be made an agent for still further destroying voluntary effort in this Colony, but I yield to no one in an anxious desire to make the Central School more useful and efficient. I think the Secretary of State was right when, referring to Mr. STEWART's reports on the examination of the boys in English, he referred to the lack of English teaching as a grave defect in the Central School. The reports were sent home, with Mr. STEWART's explanations, and Sir MICHAEL HICKS-BEACH speaks of it as a grave defect. Well, I appeal to you all, whether I did not take steps to remedy it. I laid before you the whole question. We had a Conference on the teaching of English at the Central School, and changes are going on in the direction of teaching English efficiently. Whatever can be done to render it more efficient I am prepared to do, but I am not prepared to recommend Her Majesty's Government to spend more money on the Central School until Her Majesty's Government have fully made up their minds as to the principle on which the money for the education grant is to be spent. My Honourable friend has said not one word as to those little children running about the streets, and if we are to educate them we must not be spending too much money on a middle-class education for people who can afford to pay for it in great measure for themselves.

I have thus referred to the extraneous subjects touched upon by my Honourable friend; the real subject we were called to discuss—the despatch of Sir MICHAEL HICKS-BEACH on the enlargement of the prison—I leave to Honourable members to debate. As I told you at the last meeting, my duty is to hear what you have to say on that subject, and I will give every attention to what you do say. My Honourable friend has studied with great care all the facts and figures it was his duty to study, but there was one point I must say I should have been glad if he had avoided. I took it to be somewhat of a reflection on Mr. CREAGH.

Honourable W. KESWICK.—Not a reflection.

His EXCELLENCY.—I may be wrong, but so I took it to be. I find what the Police Magistrate did was this. That on receiving from certain Visiting Justices an application to take the chair at a meeting to discuss the enlargement of the Gaol he obtained the opinion of the Attorney General, and the Attorney General expressed the opinion that under clause X of the Ordinance he had no power to summon a meeting for that object. Well, I may here remind my Honourable friend that before the date of that letter, signed by himself, by my Honourable friend here on the left (Mr. LOWCOCK) and by other gentlemen—long before that I had laid before you the despatch of Sir MICHAEL HICKS-BEACH, and, in other words, it became a question for the legislature to consider. Now what is the use of a legislature? Why are we here at all if, when a despatch from the Secretary of State is laid upon the table, to be discussed here, my Honourable friends write to the Police Magistrate to have a meeting of Visiting Justices convened to discuss the very matter which we are to-day discussing? Surely this is the place for such things. I could well understand it if the Visiting Justices could say, this matter has been neglected for years by the Governor and Council, but they could not say that, but the first part of their request has been complied with. The Governor in Council not only made alterations immediately before my arrival, but I myself, on the suggestion of the Chief Justice that it would be a very good thing for us to have a Committee of this Council to consider the rules and regulations of the Gaol, had said that that should be done. As it was to be done by a Committee here I have no hesitation in telling my two Honourable friends it would have been better for them to have taken their position as members of the Council, to have paid some attention to the opinion of the Governor and the Chief Justice, that this was a matter to be considered by a Committee of the Council. In a Crown Colony it is important to avoid meetings, except such as are strictly legal and in accord with the constitutions. I quite agree with Mr. CREAGH. He acted very wisely, because he acted legally. On the other hand, was it very respectful to the legislative body of which the Honourable gentleman was a member to endeavour to enter into this question when he knew it had been submitted to me and had been laid on this table? If you were to go back in the history of the Colony you would find no precedent for such a meeting, and you have totally misunderstood the scope of that section. When Mr. MERCER forwarded the Ordinance to the DUKE OF NEWCASTLE, His Grace at once pointed to this extraordinary provision that the Governor in Council was to frame rules or that they should be framed at a meeting of Justices. The DUKE OF NEWCASTLE said the Governor in Council should do it; that it was extremely desirable that the prison regulations should be made, not by a Board of Justices whose proceedings may be guided by no settled principles, but by the Governor in Council. Now Mr. CREAGH acted according to law, he acted as a Police Magistrate and Visiting Justice ought to act, and though I have not seen or heard until now the two concluding letters that have been read, I approve of his conduct, and I have no doubt it meets with the entire approval of the majority of the Council.

The Honourable W. KESWICK said the application of the Justices had no personal reference whatever, and he had brought forward the correspondence merely as a matter of information. He cast no reflection on any man. He was not yet convinced, however, that the application was an illegal one. The answers to Mr. CREAGH were of the simplest character, asking him for a reconsideration, as in the opinion of the gentlemen who addressed him he had taken a wrong view. If the gentlemen who addressed him were in error—if their application could not be legally granted—undoubtedly they were wrong, but he was not certain the interpretation put on that Ordinance was the correct one. He only wanted what was right.

His EXCELLENCY said that, as far as he remembered, Mr. CREAGH did not refer to his (the Governor's) opinion of the Ordinance. Mr. CREAGH referred to the opinion of the Attorney General, and the Attorney General gave his opinion that the application was illegal.

The Honourable W. KESWICK said it might be illegal to grant what was requested, but not illegal to make application.

His EXCELLENCY said that was a delicate distinctive. His Honourable friend admitted it would be illegal to grant the application—

Honourable W. KESWICK said he did not admit this.

His EXCELLENCY said the Attorney General had given his opinion that it was, and any one reading the Ordinance, he thought, would take the same view. They had present the most eminent legal authority in the Colony, the Chief Justice, and he would perhaps have no hesitation in telling them whether it would be legal under the clause. They had also present a Queen's Counsel, a most eminent member of the Bar, and perhaps he would favour them with his opinion. It was a matter of some importance because Visiting Justices should be the first to observe the law.

The Honourable W. KESWICK said perhaps His Excellency would read the application, as he appeared not to have understood it. He made no reflection on any man, and hoped he would be the last person to do anything of the kind.

His EXCELLENCY said the matter was most pertinent to the subject under discussion—the enlargement of the Gaol, but at the same time, as the correspondence was read, and as Mr. CREAGH, who was entrusted with the important Office of Police Magistrate, had expressed an opinion, quoting the words of the Attorney General, that he would have been exceeding his powers according to law if he had complied with the request, it came to this, either that Mr. CREAGH was right or that the gentlemen making the application were right. He had no hesitation in saying Mr. CREAGH was right.

The Honourable W. KESWICK said he did not desire to question the answer to the first application.

His EXCELLENCY said the position of a Police Magistrate could not be lightly brought before the public by any man without a full explanation, and having it made clear who was right and who was wrong according to law. If Visiting Justices think the Police Magistrate is wrong with regard to the interpretation of an Ordinance they had a right to say so, but if the Magistrate was right it was his duty to see that it was made clear. The Honourable gentleman said it might have been illegal for Mr. CREAGH to have complied with the application, but that that did not render it illegal for the Justices

to make it. Well, that was a delicate distinction he did not recognize. Visiting Justices, before asking the Police Magistrate to take a step the Ordinance would not justify, should have taken the trouble to read the Ordinance, and then they would not have put him in the position of having to refuse to comply with a request which he could not lawfully grant.

The ACTING COLONIAL SECRETARY.—I may state, your Excellency, that when Mr. CREAGH received the first letter he brought it to me and asked my opinion as to the answer he should give. I told him, on looking at the Ordinance, I thought he had no power to accede to the application, but I advised that he should send in an official letter to the Attorney General on the face of which the Attorney General could give an opinion. That he did, and the Attorney General gave his opinion that the Police Magistrate had no power to call such a meeting or to preside over it.

The Honourable W. KESWICK said Mr. CREAGH was thanked for his communication, and there was no imputation of his having done anything contrary to what he ought to have done in the letter. The question of discussing the building was not gone into. It was considered entirely settled.

The ACTING CHIEF JUSTICE.—Your Excellency, I have at various times had occasion to consider this Ordinance, 4 of 1863, but I have not considered it with reference to the question now before the Council with any great care. Therefore any opinion I may express must be received with that qualification. As to the first letter I should say this, that, as the Honourable gentleman (Mr. KESWICK) admits, it was not quite within the scope of the Visiting Justices' duties to go into the structure of the Gaol. I think that was beyond their powers, and that Mr. CREAGH very properly declined to preside at a meeting where that question was to be taken into consideration. No doubt that is a question for the Executive to consider, and it would not be for the Justices of the Peace to enter into it. But, I understand that they then requested Mr. CREAGH to convene a meeting for another purpose. I would merely say, with regard to that, I think the Police Magistrate rather went beyond what he was called upon to do in expressing an opinion as to whether the rules were such as met all the requirements of the case, and I think, considering the important position which Justices of the Peace occupy in regard to the Gaol regulations, it would have been better if he had allowed the meeting to take place and had heard what these gentlemen had to say. I don't think it would have been illegal for him to have done that, but, with regard to the first question, I think Mr. CREAGH was decidedly right.

The Honourable H. LOWCOCK.—Your Excellency, we have wandered so far, unconsciously perhaps, from the subject we were called upon to discuss, that I will merely refer now as shortly as possible to what I wished to say on Gaol accommodation, for I need scarcely waste the time of the Council in making many remarks, as I so thoroughly agree with the arguments of my Honourable friend opposite (Mr. KESWICK). I do not believe in the necessity for the Colony being burdened with the enormous outlay and contingent expense that either the enlargement of the present Gaol on the scale suggested by some, or its removal to another site, will throw upon us, for in considering this subject it must be borne in mind that there will not only be the cost of the buildings in either case, but there will be the extra expense of Warders and Turnkeys, and as, if we enlarge the Gaol, it will, under our present system, certainly be filled, there will also be the cost of maintaining the increased number of prisoners, in itself no small item. I do not, I say, believe in the necessity for all this, as I am convinced that with certain changes in the discipline and management of our present Gaol it may be rendered amply sufficient for the requirements of the Colony. If the punishments awarded to crime are not sufficient to prevent it, severer measures must be adopted, and such severer punishments and the carrying into effect of the separate system in the prison, will, I am sure, soon cause a decrease of crime in the Colony and thus do away with the necessity of increased Gaol accommodation. That our Gaol discipline has not been sufficiently deterrent I think is evident from the number of old offenders who persistently return to it and look on it as their home, and I argue that an enlargement to any extent of the Gaol would simply be providing a residence for a still larger number who would look on it as an invitation to Hongkong to commit what crimes they like with the simple alternative, if detected, of retiring to a home of comparative ease and comfort. Should the present building not admit of alteration for a sufficient number of separate cells, I am sure there is ample space on some part of the present site or on some part of the adjacent Government property, on which the necessary addition might be made without any very serious outlay, and if the deportation laws are judiciously carried into effect, there is no reason why we should have to maintain any larger number, if as many prisoners as we do now, while if the present punishment for returning from deportation is not sufficiently deterrent let means be devised for making it so, for I see no reason why those whose presence here is a constant source of danger to the peace of the Colony should be allowed to remain in it. At the last meeting of Council your Excellency made allusion to and gave some particulars of the recommendation of the Magistrates and the Superintendent of the Gaol for deportation, also to the Supreme Court sentences, and from your Excellency's remarks, it would appear there has been some difference of opinion as to the working of the Deportation Ordinances. It seems that several sentences of deportation have been disallowed on the plea of the illegality of the warrants owing to some discrepancy in the dates, and though Sir JOHN SMALE held the warrants were out of order it is believed that the present Acting Chief Justice held a different opinion, and it would be interesting to learn the opinions of the Attorney General and Puisne Judge on so important a matter, and to learn also why fresh legal warrants could not have been granted to meet the cases, as, I believe, in this action Sir JOHN SMALE would have concurred. With the view therefore of throwing as much light on this subject as possible, which I am sure your Excellency will agree is most desirable, I beg to give notice of the following resolution:—

“To move that the correspondence between the Government and the Supreme Court, the Magistrates, and the Police Department, with reference to every case reported or recommended to the Executive for deportation since April, 1877, be laid on the table.”

The Honourable T. C. HAYLLAR referred to the great fluctuations in the number of prisoners to be provided for, and after pointing out that the question really depended on what amount of space would be required for the separate system, suggested that an inquiry might be instituted into that question.

The Honourable P. RYRIE said his great objection to the first three plans which had been submitted was their extreme costliness. He did not think the Colony, with all the other useful and necessary work to be undertaken, was called upon to incur that expenditure. With regard to Stone Cutter's Island, he thought the four miles of water intervening was

another serious objection, as there are days very often in this harbour when it would be impossible to communicate, and advantage might be taken by the prisoners of that. There was also a further objection, the necessity of a Gaol of some sort on this side and in consequence a double staff of officials. He remained of the opinion he expressed at the last meeting in favour of the separate system, but he was not prepared to advocate its being carried out at the expense entailed by the first three schemes. He hoped that it would be decided to adopt the present Gaol to the separate system and that by taking in the Magistracy, a sufficient number of separate cells would be provided, and with reference to the remark in the Secretary of State's despatch that they could not have in the adaptation of the present building sufficiently large yards for exercise, he was credibly informed that the present lower yard in the Gaol could be extended so as to give quite sufficient space; in the separate system the yards were, he was given to understand, only required for exercise, not for work, as they were at present. He did not think there was any necessity for providing accommodation for a larger number of prisoners than that in Gaol at present, as if the separate system was to be a success, crime should diminish and the number of cells obtainable by altering and adding to the present Gaol, as proposed by scheme 4, would be found amply sufficient; if, on the other hand, the separate system did not prove a success, some other plan would have to be adopted for suppressing crime, and there would be the satisfaction that not a very large sum of money had been expended. He was inclined to support the fourth scheme.

The ACTING CHIEF JUSTICE thought that supposing the Colony found itself obliged to build a new Gaol and had in hand an abundance of money, it would be a good thing to place it on Stone Cutter's Island. But the subjects now under consideration were the three schemes of re-construction. As to the high level scheme, the objection was that it would cost far more than the estimate, and seriously injure property in Caine Road. The low level project was not to be thought of owing to the great expense. It would be a great pity to remove the Police Barracks, now so conveniently situated in the centre of the town, for which at great cost a new site must be obtained. The third, the re-construction scheme, was the best, the Gaol might be made to provide separate cells for 500 prisoners. But ought such an expense to be incurred before we have tried the effect of more severe discipline and other forms of punishment? A punishment, the most severe and deterrent known—the dark cell—had never been tried. Flogging had never yet by law been made the punishment for returning from deportation, except for a very short time, by Ordinance 7 of 1870. With such important works on hand as the new Hospital, the Praya Wall, not to mention the Central School as to which His Excellency had addressed some observations, he thought that we were not justified in incurring the great expense of these schemes until we had tried the means we have at hand to check crime and induce deported prisoners to stay at home.

The ACTING COLONIAL SECRETARY said no larger guard would be required for a Gaol on Stone Cutter's Island, and communication would not be required oftener than twice a day.

His EXCELLENCY said the discussion had been a most valuable one, and the Chief Justice had thrown out a hint about the dark cell on which he should at once consult Mr. TONNOCHY, the able Superintendent of the Gaol. The dark cell was in all prisons very deterrent and would especially be so among Chinese. Adverting to the figures quoted by the Honourable member (Mr. KESWICK), that at this date, 18th November, 1878, there were 519 prisoners, Europeans and Chinese, in Gaol, he asked him to look at the returns for which he had moved, and which were on the table, which showed that at the corresponding date immediately preceding his (the Governor's) arrival, that is on the 18th November, 1876, there were 554 prisoners in Gaol. To-day, the number of Chinese prisoners was 479; two years ago, it was 510; and it was instructive to remember that two years ago, the practice of trying to keep down the numbers in Gaol by conditional pardons, and sending out prisoners branded was in full operation, and that floggings and deportations were at a maximum. It was on every ground satisfactory to note that the number of prisoners to-day was less than the number two years ago. Commenting on a remark made by the Chief Justice, that flogging for returning from deportation was only in force a very short time, His Excellency said there had been illegal flogging. When a deported man came back, the Governor (Sir RICHARD MACDONNELL) wrote—"Mr. DOUGLAS knows what to do with this man," and thereupon the man was flogged. It was to these illegal floggings Sir JOHN SMALE and Sir JULIAN PAUNCEFOTE called attention. 383 men had been so flogged. On the subject of conditional pardons, His Excellency said he looked forward to obtaining the unanimous assent of the Council to making every prisoner serve out two-thirds of his time. The returns asked for by Mr. LOWCOCK he would have much pleasure in supplying without a motion. He also looked forward to making the prison here remunerative. In conclusion, he had to thank Honourable members for their advice. He had received a great deal of sound advice which he would consider, and whatever recommendations he might make to Sir MICHAEL HICKS-BEACH would be made only after that consideration.

After some questions as to details had been answered by Mr. PRICE,—

His EXCELLENCY said that on the notice that had been sent round, in addition to the Gaol extension, there were two other subjects, but at that late hour these could not be gone into. One was public flogging, and on that he might say he had been requested by Lord CARNARVON to take the opinion of the gentlemen connected with the administration of justice. They had all reported with one exception, who by some mistake had not received the circular, that they thought public flogging might with safety be abolished. With respect to the other question, the mode of flogging in the Gaol, he would lay before the Council the report of the Commission consisting of the Deputy Inspector-General of Hospitals, Dr. WELLS, and Dr. O'BRIEN, who were appointed early in the year to consider this subject. His Excellency briefly stated the nature of the contents of the report. In consequence of the report, he said, Dr. AYRES had got a lighter rattan for use in the Gaol.

The ACTING CHIEF JUSTICE suggested that the debate might be adjourned.

His EXCELLENCY said that Honourable members would receive the papers he had referred to and when they had had time to consider them they would meet again and discuss, if they desired to do so, the reports he had referred to on Public Flogging, and the mode of flogging in the Gaol.

The Council was then adjourned *sine die*.