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No. 1.

**GOVERNMENT NOTIFICATION.**

Translations into Chinese, for the information of the Chinese portion of the Community, of some of the Government Notifications are inserted herein, but it is to be understood that in case of variance in the sense of the English and Chinese versions, the sense of the English text must be considered as correct.

By Command,  
 C. MAY,  
*Acting Colonial Secretary.*

Colonial Secretary's Office,  
 Hongkong, 3rd January, 1879.

號 一 第 報 憲

署理香港輔政使司 奉  
 督憲諭為憲報英文華文并刊  
 事照得本港報內有憲  
 報由英文譯出華文者俾本  
 港華人週知但須知若由英  
 文譯出華文間有未能照合  
 者仍以英文之意為正此示  
 一千八百七十九年正月初  
 三日  
 戊寅年十二月十一日 示

HONGKONG.

PUBLIC MEETING OF OCTOBER, 1878.

CORRESPONDENCE OF MR. KESWICK AND FOUR  
 OTHER GENTLEMEN RESPECTING THE  
 GAOL ORDINANCE.

CERTIFICATES TO POLICEMEN ON THEIR  
 RETIREMENT.

The following Copies or Extracts of Despatches  
 have been laid before the Legislative Council by  
 Order of His Excellency the Governor:—

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

[No. 100.] GOVERNMENT HOUSE,  
 HONGKONG, 16th October, 1878.

SIR,—In compliance with the request of Mr.  
 H. B. GIBB, who presided at the public meeting  
 on the 7th instant, I have the honour to lay be-  
 fore you a copy of the Reso-  
 lutions that were passed on that occasion.

港 香

以下公文或全抄或選抄均  
 總督香港等處地方兼理水  
 陸軍務水師提督御賜佩帶  
 經遵 三等寶星燕 為  
 督憲飭將陳列與定例局員  
 觀覽即屬去歲十月時羣眾  
 聚集及局紳希士域並四紳  
 月初七日齊集酌議公事主  
 等論及監獄則例所有來往  
 席劫紳士稟請將該緣由轉  
 書函兼有關涉差役退職所  
 呈本部堂理合將當時酌定  
 領憑照等情開列於後  
 各款謹錄咨呈  
 貴大臣

2. Those resolutions fairly represent the views of an influential section of the European residents of Hongkong, including two out of the four non-Official Members of Council. They were proposed and seconded by highly respectable gentlemen. But the larger proportion of the European Community, including (with the exception, I am told, of one individual) the whole of the Portuguese, took no part in the meeting, and I understand disapprove of the resolutions. The Chinese inhabitants, who had been invited by the promoters to attend, did so and far outnumbered the others. Owing to the fact that the Chairman did not think proper to have the resolutions translated to them, the Chinese protested against the proceedings and went away quietly, leaving the minority in possession of the meeting. They subsequently applied to me for the usual authority to hold a public meeting to consider and discuss those resolutions, but I asked them to reconsider the idea, on the ground that I deprecated agitation, and that, in a Colony like this I was not at all certain that public meetings were the most prudent and efficient means by which the inhabitants could bring their sentiments to the knowledge of the Government. I believe they will take my advice, and will be satisfied with giving to me in writing whatever they desire the Government to know.

3. As to the specific allegations set forth in the resolutions, they may be fairly summed up as follows: That for the past year and a half (a period during which I am responsible for the Government of the Colony), the criminal classes have been unusually active, and a feeling of insecurity as regards life and property created, owing to undue leniency on my part, especially as regards the suspension of public flogging, the substitution of the rattan on the breech in lieu of the Cat-o'-nine-tails on the back of Chinese Criminals, and a somewhat more cautious use of deportation. Finally, that all this calls for a Commission of Enquiry, which might also investigate the relations between the Governor and the Officials in every department. The speeches in support of the resolutions are not inaccurately summarized in the following words of Mr. A. P. MacEwen, who moved that the resolutions be forwarded to the Secretary of State for the Colonies:—

“Let the Magistrates, instead of inflicting  
“paltry fines of 10 cents or short terms  
“of imprisonment, have the power to in-  
“flict summary chastisement on all rogues  
“and vagabonds. Let them be taken  
“from the Magistracy and publicly flog-  
“ged at the whipping-post. I see the in-  
“crease of crime in the Colony is put  
“down to the cheap rate of fares now  
“existing between Canton and this port.  
“In my opinion the famine in the Kwang-  
“tung Province has also had a good deal

案此各款可稱體貼駐港之歐洲人中頗有勢位者之意見而定例局四紳士內亦有二位於其間所有倡議贊助各款之人實為極有體面者惟歐洲人甚多不預其事者而葡萄牙人則除一人外據聞絕無又聞陳定各款與他意見不同倡首之人亦嘗邀請居港華人齊集而赴會者較其餘之人更為多眾惟主席者以言語不通傳譯諸形不便為辭故華人心未甘服安靜而散任由其餘之人若何斟酌隨後該華人稟請循例准伊集議各款本部堂批飭三思蓋不欲有騷動徬徨情事且覺在此等藩地羣黎欲將下情上達如此傳眾齊集原非活潑緊慎之方本部堂誠願伊等遵行又見果欲上達輿情則具繕詞章斯亦足矣

致於詳定各款可云合而言之概亦如是即如所稱一載有半已來本部堂有蒞治香港之責斯時違法之流踰常兇湧致使羣黎心恒震摺且生命產業每有不穩之虞良由本部堂太恕所致而停止鞭答示眾之事尤為居多兼之向以作結九尾之鞭答華人罪犯之背茲則代鞭以籐答臂而不鞭背更因慎用充軍之刑致請派員稽察兼查本部堂與各堂官否有和衷共濟倘欲將贊助各款者所言合而言之則馬嬌雲紳士倡言要將各款申呈  
貴大臣者說此未終無由分其美惡彼乃言曰最妙莫如使巡理府毋罰人以一毫之款毋斷案以暫禁之刑又最妙莫如使伊有權飭令當堂答責凡有浪蕩匪徒由巡理府訊斷當堂拘往鞭答示眾蓋有謂本港犯罪者之多都因省港輪船水脚太賤所致然案愚見廣東境內饑荒於此未嘗無涉

“to do with it. You may rest assured that if a Chinaman, bent on depredations in this Colony, knew that if caught he would receive a lash for every cent he paid for his passage-money, he would confine his thieving propensities to his own country. By public flogging, crime would rapidly decrease, and the hordes of thieves at present hiding here would quickly disperse.”

4. That there has been an increase of crime for some time past cannot be denied, but it can hardly be attributed to me, for it commenced before I arrived.\* To-day, there are 512 prisoners in the Hongkong Gaol. On the 16th of October, 1876, there were 545. That there has been in this Colony an increase in crimes of violence since the beginning of the year 1875, is noticed by the Acting Chief Justice in his report on Public Flogging, dated 3rd of August, 1878, which was enclosed in my Despatch No. 95 of the 28th September, 1878. Six months before my arrival, Governor Sir ARTHUR KENNEDY warned Lord CARNARVON that the criminal returns of 1876 would “indicate a serious increase of crime.” He attributed this “apparent outbreak among the population of Hongkong” to the influx of predatory classes from Canton, owing to cheap fares in the river steamers. Those cheap fares have continued ever since, but I am disposed to agree with the gentleman I have just quoted, Mr. MAC EWEN, that the increase of crime is not to be accounted for by the cheap fares alone. Mr. MAC EWEN seems to think that the severe distress which exists in the neighbouring province of China has a good deal to do with it.

5. To those two causes it might be fair to add some others, such as the natural increase of the population, defects in the Hongkong prison system, by which the system was neither sufficiently severe to act as a deterrent, nor based on any good mode of dealing with old offenders, and possibly the fact that the police beats have not been changed since 1874, and have been ever since then inadequately filled, as the Captain Superintendent now admits.

6. The imputation of undue leniency is not supported by the following facts:—

I have considerably reduced the Prison dietary scale that had been framed by the Gaol Commission and approved by my predecessor.

Instead of Criminals convicted of a third or fourth felony receiving perhaps three months' imprisonment only, they now receive three years' penal servitude, in consequence of a suggestion I made last year to the Police Magistrates that incorrigible old offenders might be committed to the Supreme Court, where a severe sentence could be inflicted.

\* 22nd April, 1877.

惟要知倘有華人欲在香港作奸犯科者使曉一經拿獲定必鞭笞計以來港輪船水脚一仙一鞭爲度則欲肆其虎狼之志者將不敢越境而來矣如果用鞭笞示衆之刑多則犯罪案情定必減少且現在港內藏匿之匪徒定必倏然鳥獸散矣如此云云

案邇來犯罪者多斯語未嘗不是惟此事要不能責在本部堂蓋本部堂未蒞任時已然矣查現在港獄繫囚五百一十有二而前二年十月十六日時繫囚至五百四十有五本港逞強作惡之案自一千八百七十五年以來遞年增益即如本部堂於去歲九月二十八日所呈第九十五號公文內附副按察司去年八月初三日報章所稱鞭笞示衆情事亦如是言案本部堂未蒞任時六個月先前任港督部堂堅谷呈藩政大臣嘉嘗將一千八百七十六年犯罪之數附呈聲明逞強作惡之愆所增多甚又云本港居民見有妄作違例者推原其故即因有竊癖者乘輪船水脚便宜每多由省抵港茲查水脚之便宜由當日以迄今茲已如是矣據馬嬌雲意見所稱香港鄰近各省饑饉情事却亦生出此種弊端來即本部堂亦謂馬嬌雲所言未嘗不是但不止此耳

其餘平心而論亦可謂更有別端即如本港居民亦生齒日繁且港獄規條法未盡善蓋威未足以儆獄囚而法未足以馭積匪此外或因差役巡邏之區自一千八百七十四年以來未嘗更變且照巡捕廳亦自認巡邏之區差役實不敷用

致有謂本部堂太恕者其言未免過當觀以下情事便可了然曩時察獄委員所定獄囚伙食前任總督經已准行而本部堂則更爲減少向例有人經被定罪至三四次者斷案繫獄不過三閱月而此輩現在改作三年奴工却以本部堂去歲力勸巡理府凡有不悛積犯宜解臬署訊斷庶可重辦

The number of prisoners liberated before serving two-thirds of their sentences, under my administration, is less than half the number liberated in the corresponding period before my arrival; and of the smaller number so liberated by me, the majority were in connexion with the entirely exceptional case of the *Yesso* calamity, every other case being one in which the liberation was owing to the strong recommendation of the Judge, or where the Medical Officer urged it, on the ground that the death of the prisoner was impending.

7. I may here remark that, when I reported to Lord CARNARVON my intention of having old offenders sent to the Supreme Court, so as to receive, if the Chief Justice thought fit, a really severe sentence, I anticipated that for some time the effect would be to increase the number of prisoners in Gaol. No doubt this has been one of the results, but nevertheless it is satisfactory to see that the number in Gaol at present is not greater than at the same date in 1876.

8. As to the suspension of sentences of public flogging, my Despatch No. 95 of the 28th ultimo will have put you in possession of the steps I took on the receipt of Lord CARNARVON'S Despatch of the 3rd of January last, and of the views on the subject of the various Officials entrusted with the administration of the Criminal Law. The Acting Chief Justice, the Senior Police Magistrate, and the other Officials concerned, agree in saying that the cessation of public flogging in no degree increased crime. The Members of my Executive Council take the same view, and unanimously recommend the entire abolition of public flogging.

9. The Public Meeting did not approve of the action I took when I had before me the professional opinion of the Medical Officer of the Prison as to the injurious effect on the health of Chinese Criminals of flogging them on the back. Clause XIII of Ordinance No. 4 of 1863, however, says:—“No corporal punishment shall be inflicted without the written certificate of the Medical Officer that the prisoner can receive the punishment without injury to his health.” The Medical Officer from time to time certified that floggings might take place with a rattan on the breech, but not with a cat on the back, in the case of Orientals. The Criminals so sentenced have been flogged in accordance with his certificates. I am sorry to say that in the last eighteen months I have sanctioned over fifty floggings. But I have not violated the Law by allowing Chinese to be flogged in such a way as could not be certified by the Medical Officer. The enclosed return shows the number of Criminals flogged from the date of my arrival till July last. It was published in the Hongkong papers on the 2nd and 3rd of September.

又本部堂自蒞任以來所有罪囚繫獄未完罪期三分之二者較本部堂未蒞任以前按時會計則所釋獄囚實不及向來一半之數又本部堂如此釋放些少之人良由雅素輪船突遇奇災所致此外則不論何時本部堂釋放一囚皆由定案官員出自心裁懇請開釋或由國家醫師恐該囚力不能勝至隕厥生起見

論及此事憶本部堂前咨呈  
藩政院嘉大臣請准將積非解送臬署訊斷任由臬司加重罪名當時本部堂預料如此辦理罪囚愈久愈多揆之以理度之以勢實有不得不然者惟幸現在獄囚較前未嘗增多斯心庶幾稍慰耳

致於停止鞭背示眾一款本部堂去月念八日所呈第九十五號咨文業經陳明若何遵行藩政院嘉大臣於去歲正月初三日之咨文又陳明論及此事本港各刑律衙門所有意見即副臬司及巡理府正堂與別員干涉此事者大都心投意合咸謂停止鞭背示眾之事絕無加增犯罪之弊而議政局各員意見允協且同心籲請撤除鞭背示眾之刑

案本部堂所頒行者當時雖有監獄之國家醫師定稱鞭華人之背實屬傷害華人性命而羣庶齊集亦甚不滿意惟是一千八百六十三年第四條則例第十三款有云凡撻人身體須先由醫師給發憑照謂該囚如此受刑不慮傷害性命乃可該醫師亦間有給發憑照可以用籐答腿者惟照他意見華人不堪鞭背故凡獄囚被定此罪須遵國家醫師憑照而行可惜本部堂於此十八個月之間應准答者在五十人以外但本部堂罔敢違法而准華人受答過於國家醫師憑照所許者以下附列自本部堂蒞任日起計至現年七月止所有獄囚受答原由數目一册即香港新報於去年九月初二初三所抄印者

10. The proposal that a Medical Commission should enquire into the matter was made at the Meeting, but it was well known that I had many months ago appointed such a Commission. Since the Meeting, the Commission has reported, and when the Colonial Surgeon has made his observations on the report I shall have the honour of laying it before you. It will then be seen that no undue leniency has been shown to Criminals sentenced to be flogged.

11. As to deportation, I have simply carried out the actual Law of the Colony, and have done so in strict accordance with the views expressed in Lord CARNARVON'S Despatch No. 51, of May, 1877. On this subject I will do myself the honour of addressing you in a separate Despatch.

12. Such being the facts with respect to my alleged undue leniency, the suspension of public floggings, the flogging of Chinese on the breech instead of the back, and the use of deportation only when unavoidable, I cannot see that the Meeting made out any case for a Commission of Enquiry into the administration of the Colony.

\* \* \* \* \*

I have the honour to be,

Sir,

Your most obedient humble Servant,

J. POPE HENNESSY.

To

The Right Honourable

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

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

&c., &c., &c.

HONGKONG, 11th October, 1878.

SIR,—In compliance with the 6th Resolution passed at the Public Meeting held on the 7th instant, I have the honour to enclose copies of the Resolutions which were then proposed and carried, and have to ask that you will be good enough to place the same before His Excellency the Governor, with the request that they may be transmitted to The Right Honourable the Secretary of State for the Colonies.

I have the honour to be,

Sir,

Your most obedient Servant,

H. B. GIBB.

To

The Honourable C. MAY,

Acting Colonial Secretary,

&c., &c., &c.

致於羣庶倡議請派  
醫師委員稽查此事  
本部堂於前數月經  
已派立委員固亦人  
所共知而該員亦嘗  
詳報若何及國家醫  
師繕明照其意見以  
爲可否如是本部堂  
理合照呈  
貴大臣諒蒙洞察如  
此待該應受答責之  
獄囚亦可見本部堂  
未嘗太恕

論充軍一節  
本部堂不過  
將香港定例  
頒行及凜遵  
藩政院嘉大  
臣於一千八  
百七十七年  
五月所行第  
五十一號咨  
文所有之意  
耳此事理合  
另行咨呈  
貴大臣

如此可見彼稱本部堂太恕停止鞭答示衆與及答  
譬不勝又不得已而後充軍等語果實不知羣庶有  
何原故請派委員稽查香港治理政事云云爲此咨  
呈  
貴大臣煩爲查照順候勳安統希衡鑒須至咨呈者  
右 咨 呈  
國會參議藩政院世襲男爵赫

一千八百七十八年十月十六日

敬啟者案本港羣衆於本月初七日聚集之時議  
定條陳六款合將其時倡議立定各款敬錄一册  
照送煩爲轉呈  
督憲大人稟請寄呈  
藩政大臣卽此順候  
署輔政使司縻大人卽安

一千八百七十八年十月十一日 喇字頓

Resolutions proposed and carried at a Public Meeting held at Victoria, Hongkong, on Monday, the 7th day of October, 1878.

1st Resolution.

Proposed by Honourable W. KESWICK.  
Seconded by W. REINERS, Esq.

That during the past eighteen months life and property in this Colony have been seriously jeopardized, and a feeling of insecurity, the result of recent events, has been engendered, which in the opinion of this meeting have been mainly caused by a policy of undue leniency towards the criminal classes.

2nd Resolution.

Proposed by W. H. FORBES, Esq.  
Seconded by G. SHARP, Esq.

That in the opinion of this meeting there is no necessity for any change in the laws and Police Regulations of the Colony, but that the remedy for the existing state of affairs is in a firm and unfettered administration of the laws as they stand, especially those relating to the punishments for crimes with violence. That flogging in public has been found to be the only really deterring punishment for the class of criminals frequenting the Colony, and to its suspension, and the suspension of other necessarily stern modes of treatment, enforced during previous governments, is attributable the daring boldness which has lately characterized crime in Hongkong.

3rd Resolution.

Proposed by D. RUTTUNJEE, Esq.  
Seconded by W. S. YOUNG, Esq.

This meeting views with great apprehension the opinion of the Colonial Surgeon with regard to the effect of the use of the "Cat-o'-nine-tails" on the back of criminals, and the action of His Excellency the Governor in respect thereto, and proposes that a Commission of Medical men be appointed to inquire into the matter.

4th Resolution.

Proposed by H. H. NELSON, Esq.  
Seconded by A. McClymont, Esq.

That in the opinion of this meeting the almost total abolition of the system of deporting habitual criminals, which in most cases means simply returning the deported to the place from which they came to violate the laws of the Colony, is injudicious, and will result in Gaol accommodation having to be provided for an undue proportion of the criminal population of the South of China, at an expense the Colony should not be called upon to bear.

附列香港羣衆於一千八百七十八年十月初七日禮拜一齊集之時倡議立定各款如左

第一款

希士域君倡議  
李呢士君贊助  
前十八個月間本港居民生命產業實遇危險又邇來所遇情事致使衆人驚恐皆照聚集者之意多因前用太恕之法以待囚犯等人

第二款

科庇士君倡議  
雲君贊助  
照聚集者之意不用更改本港之例與及差役規條但欲改現時光景莫若堅定專行現時所有律例又最要者現有論及刑罰強惡之罪除鞭答示衆外別無良法實可儆嚇來港之歹人現在停止此法及停止前任督部堂所頒行更嚴之法俱致來港之歹人猖狂兇湧

第三款

律敦治君倡議  
秧君贊助  
在此聚集之人見國家醫師所批論及用作結九尾鞭以答囚背之形勢及督部堂所頒行者甚是荒忙故在此聚集之人議舉數位醫師專派稽查此事

第四款

聶信君倡議  
麥佳文君贊助  
照在此聚集者之意見向擬將積匪充軍即平時所將來港犯法者解回原藉此例現在幾乎停止撤除殊不合理又使香港監獄必要廣築以接南粵各處罪囚過當致使港費浮於所當支者

5th Resolution.

Proposed by Honourable H. Lowcock.

Seconded by N. I. EDE, Esq.

That this meeting is strongly of opinion that it is desirable that Her Majesty's Government should appoint a Commission from England, or from some Colony other than Hongkong, with full powers to inquire into the present administration of the Government of this Colony; especially as regards the application of the criminal laws, the carrying out of the sentences of the Courts, and the relations existing between the head of the Government and the other officials in every department.

6th Resolution.

Proposed by A. P. McEWEN, Esq.

Seconded by D. C. BOTTOMLEY, Esq.

That the Chairman of this meeting do forward these Resolutions to the Honourable the Colonial Secretary requesting that His Excellency the Governor will forward a copy of the same to The Right Honourable the Secretary of State for the Colonies by the first opportunity.

H. B. GIBB,  
Chairman.

Letter from Mr. Ts'oi Tsán and Mr. Mok Sze-yéung  
to the Acting Colonial Secretary.

64, BONHAM STRAND, WEST,  
10th October, 1878.

SIR,—We have the honour to apply, in accordance with Section 22 of Ordinance No. 8 of 1858. for a written licence under the hand of His Excellency the Governor to be issued to us, for the purpose of holding a Public Meeting of the Chinese residents of this Colony at the Tung-hing Theatre, on Sunday, the 13th instant, at noon, to consider and discuss the resolutions passed at the meeting held last Monday, and other matters, and to pass such resolutions as may be deemed advisable.

We have the honour to be,

Sir,

Your most obedient Servants,

(Ts'OI TSÁN) 贊蔡

(MOK SZE-YÉUNG) 楊仕莫

To

The Honourable CHARLES MAY,  
Acting Colonial Secretary.

第五款

盧覺君倡議  
熱君贊助  
在此聚集者決意謂最妙  
莫如稟求  
英廷由本國派員前來或由  
藩地別埠派來予以全權  
使稽查現在管理香港之  
法最要是若何頒行刑律  
及遵行衙門定案並察現  
任總督與各堂官所有關  
涉者

第六款

馬嬌雲君倡議  
波泵理君贊助  
請斯時主席者將所議定  
各款照送  
輔政使司轉呈  
督憲恩飭謄抄一紙登即  
寄呈  
藩政大臣

具稟人文咸西約六十四號門牌蔡贊莫仕揚等稟為求恩批發憑  
照事竊民等謹遵一千八百五十八年第八條則例第廿二款懇求  
督憲大人親筆發給憑照准本港華民於本月十三日即禮拜一  
日正午在同慶戲園集議前一個禮拜一日眾人聚集所定各款及  
議定照依以為便民各款 呈  
署輔政使司稟大人台前恩准施行

一千八百七十八年十月初十日稟

*Letter from the Acting Colonial Secretary to  
Messrs. Ts'oi Tsán and Mok Sze-yéung.*

[No. 887.]

COLONIAL SECRETARY'S OFFICE,  
11th October, 1878.

GENTLEMEN,—I am directed by His Excellency Governor HENNESSY to acknowledge the receipt of your letter of yesterday's date, asking for the usual licence to hold a Public Meeting of the Chinese residents of Hongkong, to consider and discuss the resolutions passed at a meeting held on Monday last.

2. His Excellency commands me to say that, in common with his predecessors, he has entire confidence in the loyalty and good sense of the Chinese community of Hongkong, whom you represent, but at the same time His Excellency would invite you and your friends to re-consider the idea of holding a Public Meeting to discuss the resolutions to which you refer.

3. The Governor is at all times most happy to receive, either by deputations or addresses, or in any other way most convenient, the inhabitants of this Colony, whether European or Chinese. His Excellency is accessible to all classes, and is ready to hear whatever is to be said on anything that can promote the prosperity and good government of Hongkong.

4. On the other hand, the Governor entertains some doubts as to whether Public Meetings are really the most prudent and efficient means by which the wishes and sentiments of the inhabitants of a Colony like this should be expressed.

5. Of course the Governor would not deny to one class of Her Majesty's subjects the privilege freely accorded to another, and if the Chinese thought it essential to their interests to have a Public Meeting, His Excellency would not refuse his licence. But for the reasons given,—and as he deprecates anything like agitation,—His Excellency trusts, you and your friends will be satisfied with bringing your views to the notice of the Government in the form of writing or by deputation.

I have the honour to be,

Gentlemen,

Your most obedient Servant,

CHARLES MAY,  
*Acting Colonial Secretary.*

To

Messrs. Ts'oi Tsán and  
MOK SZE-YÉUNG.

署輔政使司 奉  
總督部堂燕批回蔡贊莫仕揚等昨日之呈據求遵照常例發給憑照准本港華民集議前一個禮拜一日眾人集議所定各款等情現奉着飭均知案本部堂一如前任督部堂誠心倚賴爾等體貼本港眾華民之忠心識見惟本部堂勸爾及朋儕再三思想集議所指各款本部堂隨時極樂接本港居民不拘歐洲人或華人不諭遣人抑或具稟或用別法各色人等均可隨到本署不論何言本部堂均肯探聞凡可增本港興旺或善理本港之法惟本部堂以為眾人聚集恐非極活潑繁慎之法足使輿情上達然本部堂自亦不樂國家之良民甘心屈服只准此輩易討之情却不准彼輩討領故爾華人若因自己興衰情事邀請眾人齊集視為緊要則本部堂無不給此照者但只因以上所言之故或恐騷動百姓故本部堂仰爾及朋儕知足將爾之意所有各款或繕呈或遣報庶本部堂或可給此憑照此批

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From the "China Mail" of 2nd September, 1878.

FLOGGING OF CRIMINALS IN HONGKONG.

Return of all Prisoners who have been sentenced to be Flogged from  
22nd April, 1877, to 22nd July, 1878.

No.	NAME.	No. OF STROKES.	BY WHOSE AUTHORITY SENTENCED.	DATE OF SENTENCE.	OFFENCE.	WHETHER PUBLIC OR PRIVATE.	WHETHER BY CAT OR RATTAN.
1	Wong Asing, .....	12	Police Magistrate,	30th April, 1877,	Disorderly conduct,	Public,	Rattan.
2	Chan Aluk, .....	20	do.,	7th May, 1877,	Larceny,	Private,	do.
3	Ho Ahoi, .....	20	do.,	12th May, 1877,	do.,	do.,	do.
4	Li A-ng, .....	10	do.,	12th May, 1877,	do.,	do.,	do.
5	Ho Tim Lung, .....	10	do.,	22nd May, 1877,	do.,	do.,	do.
6	Lai Akai, .....	10	do.,	25th May, 1877,	do.,	do.,	do.
7	Ng Akwai, .....	10	do.,	28th May, 1877,	Rogue and vagabond,	do.,	do.
8	Man Ato, .....	10	do.,	4th June, 1877,	Larceny,	do.,	do.
9	Chiu Awan, .....	10	do.,	14th Aug., 1877,	do.,	do.,	do.
10	Yung Atsoi, .....	10	do.,	27th Aug., 1877,	do.,	do.,	do.
11	Cheung Afong, .....	10	do.,	27th Aug., 1877,	do.,	do.,	do.
12	Wong Afuk, .....	10	do.,	24th Sept., 1877,	do.,	do.,	do.
13	Wong Asing, .....	20	do.,	5th Nov., 1877,	do.,	do.,	do.
14	Fu Akwai, .....	10	do.,	2nd Jan., 1878,	do.,	do.,	do.
15	Wong Sung Chan, .....	10	do.,	15th April, 1878,	do.,	do.,	do.
16	Cheung Afat, .....	7	do.,	17th April, 1878,	do.,	do.,	do.
17	Wong Amun, .....	10	do.,	18th April, 1878,	do.,	do.,	do.
18	Leong Ayow, .....	10	do.,	29th April, 1878,	do.,	do.,	do.
19	Wong Achu, .....	7	do.,	1st June, 1878,	do.,	do.,	do.
20	Fung Apak, .....	5	do.,	7th June, 1878,	do.,	do.,	do.
21	Chan Aching, .....	10	do.,	10th June, 1878,	do.,	do.,	do.
22	Hu Ami, .....	5	do.,	10th June, 1878,	do.,	do.,	do.
23	Ip Ayow, .....	10	do.,	13th June, 1878,	do.,	do.,	do.
24	Man Atsung, .....	5	do.,	17th June, 1878,	do.,	do.,	do.
25	Man Atsun, .....	5	do.,	15th July, 1878,	do.,	do.,	do.
26	Au A-Iū, .....	75	Chief Justice,	23rd April, 1877,	Child stealing,	Public,	Cat.
27	Im Aman, .....	75	do.,	26th April, 1877,	Larceny and wounding,	do.,	do.
28	Wong Apo, .....	90	do.,	23rd May, 1877,	Burglary and wounding,	do.,	do.
29	Lau Atsun, .....	50	do.,	1st Oct., 1877,	Highway robbery with violence,	do.,	do.
30	Chan Atsoi, .....	20	do.,	1st Oct., 1877,	do.,	do.,	do.
31	Wong Aloï, .....	10	Acting Chief Justice,	25th April, 1878,	Breaking, entering and stealing,	Private,	Rattan.
32	Wong Achung, .....	25	do.,	21st June, 1878,	Larceny from the person with assault,	do.,	do.
33	Chan Ayat, .....	25	do.,	21st June, 1878,	do.,	do.,	do.
34	Chan Aon, .....	6	Acting Gaol Supt.,	14th May, 1877,	Disorderly conduct,	do.,	do.
35	Fan Asing, .....	6	do.,	16th May, 1877,	Disobedience,	do.,	do.
36	Wong Ayau, .....	6	do.,	17th May, 1877,	Disorderly conduct & using bad language,	do.,	do.
37	Wong Afuk, .....	6	do.,	18th May, 1877,	Using bad language,	do.,	do.
38	Wong Afuk, .....	6	do.,	18th May, 1877,	Disorderly conduct,	do.,	do.
39	Chung Awai, .....	6	do.,	1st June, 1877,	do.,	do.,	do.
40	Hu Aluk, .....	24	Visiting Justice & Actg. Gaol Supt.,	5th July, 1877,	Assaulting a fellow prisoner,	do.,	do.
41	Chiu Awong, .....	6	do.,	18th July, 1877,	Disobedience, refusing to give his name, and inciting other prisoners,	do.,	do.
42	Wong Apo, .....	24	do.,	1st Sept., 1877,	Disorderly conduct,	do.,	do.
43	Mak Alun, .....	12	do.,	27th Dec., 1877,	Insolence,	do.,	do.
44	Cheang Asee, .....	36	do.,	25th Feb., 1878,	Disobedience and insolence,	do.,	do.
45	Lai Alum, .....	10	do.,	10th April, 1878,	Using threats,	do.,	do.
46	Tsang Acheong, .....	6	do.,	7th May, 1878,	General disorderly conduct, &c.,	do.,	do.
47	Wong Aheong, .....	12	do.,	7th May, 1878,	Riotous conduct,	do.,	do.
48	Wong Afuk, .....	18	do.,	9th May, 1878,	Insubordinate conduct and refusing to work,	do.,	do.
49	Lo Aloï, .....	12	do.,	9th May, 1878,	do.,	do.,	do.
50	Tang Aping, .....	12	do.,	9th May, 1878,	Refusing to work,	do.,	do.
51	Kwan Akum, .....	12	do.,	9th May, 1878,	do.,	do.,	do.
52	Lau Atuk, .....	12	do.,	9th May, 1878,	do.,	do.,	do.
53	Yau Akun, .....	12	do.,	9th May, 1878,	do.,	do.,	do.
54	Leong Achoi, .....	12	do.,	9th May, 1878,	do.,	do.,	do.
55	Chan Afuk, .....	15	do.,	4th June, 1878,	Assaulting a fellow prisoner,	do.,	do.
56	Ching Ayan, .....	24	do.,	19th June, 1878,	Violent assault,	do.,	do.
57	Li Atuk, .....	24	do.,	4th July, 1878,	Assaulting a fellow prisoner,	do.,	do.

T. C. DEMPSTER, Captain,  
Acting Superintendent of Victoria Gaol.

Victoria Gaol Office, Hongkong, 9th August, 1878.

NOTE.—Of the twenty-five prisoners sentenced to be flogged by the Police Magistrate, the Governor allowed the floggings in twenty-four cases. The only case in which he interfered was that of Ip Ayow, a little boy who stole a clock

at the Reformatory and was told he would be flogged if he did not confess the theft, whereupon he confessed the theft and was sentenced to be flogged. The Governor declined to allow that part of the sentence to be carried out.

Of the five prisoners sentenced to be publicly flogged with the cat on the back by Sir JOHN SMALE, the Governor allowed the first two to be so flogged, but on discovering the extent of the physical injury that had been inflicted, and on getting a report from the Colonial Surgeon against flogging Chinese on the back, he asked Sir JOHN SMALE to pass in future sentences of flogging in such a form as the Colonial Surgeon could certify might be carried out, that is, with a rattan on the breech. Sir JOHN declined to do this. Thereupon, Mr. HENNESSY referred the next case to the Attorney General, to advise whether he could alter the sentence to meet the Colonial Surgeon's certificate, but the Attorney General said the Governor could not alter either the place (the back) or the instrument (the cat) specified by Sir JOHN SMALE, and that he could only exercise his prerogative of remitting the flogging in toto: and as no flogging can take place without the Colonial Surgeon's certificate, and as the Governor agreed with the Colonial Surgeon, the floggings on three of those sentenced by Sir JOHN SMALE had to be remitted.

The three prisoners sentenced to be flogged by the Acting Chief Justice, Mr. SNOWDEN, were duly flogged. In one of these cases a delay of some days occurred owing to the absence of the Colonial Surgeon's certificate when the papers were laid before the Governor, and this was explained by the fact that Mr. SNOWDEN had forgotten to specify that the flogging was to be with a rattan on the breech. On the papers being returned to him, he explained that it was by an oversight this was omitted, and thereupon the Colonial Surgeon appended his certificate, and the Governor allowed the flogging.

Of the twenty-four flogging sentences passed by the Superintendent or Visiting Justices of the Gaol, Mr. HENNESSY allowed twenty-two to be carried out. One case he referred back to the Visiting Justices for their reconsideration, when they themselves withdrew the sentence of flogging on the ground that the prisoner had been ordered to do shot-drill when on penal diet, which was a breach of rule and of the instructions from Her Majesty's Government; and one other case he investigated himself with the Visiting Justices and the Colonial Surgeon, when it was discovered that one of the arms of a prisoner who had objected to crank-labour was quite withered from an old wound, the elbow joint and one finger permanently fixed, and that he had been just subjected to punishments in prison which the Attorney General reported were not lawful. In this case the prisoner was ordered to do another kind of hard labour, such as the Colonial Surgeon could certify he was physically capable of doing, and, as he obeyed this order, the flogging was remitted.

年英四月十八日答十籐 十八梁有倫竊巡理府斷戊寅年英四月二十九日答十籐 十九王朱倫  
 竊巡理府斷戊寅年英六月初一日答七籐 廿馮北倫竊巡理府斷戊寅年英六月初七日答五籐  
 廿一陳貞倫竊巡理府斷戊寅年英六月初十日答十籐 廿二胡美倫竊巡理府斷戊寅年英六月初  
 十日答五籐 廿三葉有倫竊巡理府斷戊寅年英六月十三日答十籐 廿四文松倫竊巡理府斷戊  
 寅年英六月十七日答五籐 廿五文進倫竊巡理府斷戊寅年英七月十五日答五籐 廿六區耀揚  
 帶人口按察司斷丁丑年英四月廿三日答七十五鞭示眾 廿七嚴文倫竊傷人按察司斷丁丑年英  
 四月廿六日答七十五鞭示眾 廿八王保明劫傷人按察司斷丁丑年英五月廿三日答九十鞭 廿  
 九劉進截徑強搶按察司斷丁丑年英十月初一日答五十鞭 三十陳才截徑強搶按察司斷丁丑年  
 英十月初一日答二十鞭 卅一王來排闖入倫署臬司斷戊寅年英四月廿五日答十鞭 卅二王中  
 槍奪毆打署臬司斷戊寅年英六月廿一日答二十五鞭 卅三陳日槍奪毆打署臬司斷戊寅年英六  
 月廿一日答二十五鞭 卅四陳安妄作妄為署司獄官斷丁丑年英五月十四日答六籐 卅五范星  
 不遵約束署司獄官斷丁丑年英五月十六日答六籐 卅六王有妄作惡言署司獄官斷丁丑年英  
 五月十七日答六籐 卅七王福惡言署司獄官斷丁丑年英五月十八日答六籐 卅八王福妄  
 作署司獄官斷丁丑年英五月十八日答六籐 卅九鍾威妄作署司獄官斷丁丑年英六月初一日  
 答六籐 四十胡祿毆打別囚察獄紳士署司獄官斷丁丑年英七月初五日答二十四籐 四十一  
 招旺不遵約束不報姓名擾動別囚察獄紳士署司獄官斷丁丑年英七月初五日答二十四籐 四十二  
 王保妄作妄為察獄紳士署司獄官斷丁丑年英九月初一日答二十四籐 四十三麥倫厚顏侮慢  
 察獄紳士署司獄官斷丁丑年英十二月二十七日答十二籐 四十四張四不馴侮慢察獄紳士署  
 司獄官斷丁丑年英二月二十五日答三十六籐 四十五賴林危言恐嚇察獄紳士署司獄官斷  
 戊寅年英四月初十日答十籐 四十六曾長妄作諸事察獄紳士署司獄官斷戊寅年英五月初七  
 日答六籐 四十七王亨滋擾鬧事察獄紳士署司獄官斷戊寅年英五月初九日答十八籐 四十  
 八王福違逆不肯作工察獄紳士署司獄官斷戊寅年英五月初九日答十二籐 五十鄧炳不肯作工  
 察獄紳士署司獄官斷戊寅年英五月初九日答十二籐 五十一關金不肯作工察獄紳士署司  
 獄官斷戊寅年英五月初九日答十二籐 五十二劉德不肯作工察獄紳士署司獄官斷戊寅年英  
 五月初九日答十二籐 五十三邱官不肯作工察獄紳士署司獄官斷戊寅年英五月初九日  
 答十二籐 五十四梁才不肯作工察獄紳士署司獄官斷戊寅年英五月初九日答十二籐 五十五徐福  
 毆打別囚察獄紳士署司獄官斷戊寅年英六月初九日答十五籐 五十六鄭仁逞威力毆察獄紳士  
 署司獄官斷戊寅年英六月初九日答二十四籐 五十七李德毆打別囚察獄紳士署司獄官斷戊寅  
 年七月初四日答二十四籐

特授步軍都司兼理司獄譚

為

仲陳香港獄囚定受笞刑事現將自一千八百七十七年四月二十二日起至一千八百七十八年七月二十二日止所有獄囚被定笞刑原由數目備列一冊內有巡理府斷以笞刑者二十五名督部堂批准二十有四其餘童子葉阿有為在養正院偷竊自鳴鐘一案督部堂不准笞刑以審訊時原謂倘不招認必笞不貸迨他招認隨定以笞故督部堂以為未便准行又有奉押者五人由按察使司師定刑鞭背示眾第一第二兩次罪囚總督部堂俱已照准後查此刑傷身實甚及接國家醫師報章據稱鞭笞華人之背此法不良未便照准故督部堂隨即札仰按察使司嗣後倘定笞刑莫若照國家醫師給照以為可行者即答臀以籐而臬司申覆以為得難遵照故督部堂以別案商諸國家律正司問總督可否有權更改臬司所定之案使合國家醫師之意而律正司謂總督未便更改臬司定擬所笞之處及所用之刑但督部堂有權可將笞刑概行赦免案定笞責未有國家醫師憑照不克施刑且總督部堂與國家醫師意見符合故臬司所定五犯蒙赦不笞又有奉押者三人由署臬司司鐸定讞斷以受笞此案內有一件延緩三日未笞以案卷經送督轅而醫師猶未繕就憑照且因署臬司忘註用籐笞字樣故案卷往返直待署臬司詳明始獲批准給照用刑又有二十四案即由司獄官及察獄紳士所定者該案蒙督部堂批准二十二宗其餘一案則督部堂仰察獄紳士三思他乃自行赦免蓋該犯當僅獲水飯之時而司獄官命伊搬運礮彈實與獄內規條未符有違

大英廷命其餘一案則總督部堂督同察獄紳士國家醫師親訊查該犯逆命不肯搖輪良以一手乾萎實因舊傷所致且其脰較尾指運動不靈更以在獄另受別刑律正司以為未嘗合例故令該犯別作苦工即國家醫師以為無碍者及後見伊遵順乃赦笞刑為此合將原由伸陳煩為查照須至伸

陳者 右 伸 陳

香港輔政使司

一千八百七十八年八月初九日

附列笞刑冊 計開 一王星妄作妄為巡理府斷丁丑年英四月三十日笞十二籐示眾 二陳六倫竊巡理府斷丁丑年英五月初七日笞二十籐 三何開倫竊巡理府斷丁丑年英五月十二日笞二十籐 四李伍倫竊巡理府斷丁丑年英五月十二日笞十籐 五何添龍倫竊巡理府斷丁丑年英五月二十二日笞十籐 六黎佳倫竊巡理府斷丁丑年英五月二十五日笞十籐 七吳貴浪蕩流作匪徒巡理府斷丁丑年英五月廿八日笞十籐 八萬多倫竊巡理府斷丁丑年英六月初四日笞十籐 九趙雲倫竊巡理府斷丁丑年英八月十四日笞十籐 十容才倫竊巡理府斷丁丑年英八月二十七日笞十籐 十一張芳倫竊巡理府斷丁丑年英八月二十七日笞十籐 十二王福倫竊巡理府斷丁丑年英九月二十四日笞十籐 十三王星倫竊巡理府斷丁丑年英十一月初五日笞二十籐 十四傅桂倫竊巡理府斷丁丑年英正月初二日笞十籐 十五王送珍倫竊巡理府斷戊寅年英四月十五日笞十籐 十六章法倫竊巡理府斷戊寅年英四月十七日笞七籐 十七王滿倫竊巡理府斷戊寅

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

No. 81.

DOWNING STREET,  
17th July, 1879.

SIR,—I have had under consideration your Despatch No. 100 of the 16th October, 1878, transmitting a copy of the Resolutions passed at a Public Meeting held in Hongkong on the 7th October, 1878.

I have deferred replying to that Despatch until I was in possession of the Report of the Committee which you appointed on the 30th of September, to consider matters connected with the Police Force, and the condition of crime in the Colony.

The return of cases of Serious Crime appended to that Report gives the following results:—

1867.....	1458
1868.....	1249
1869.....	967
1870.....	1357
1871.....	1434
1872.....	1394
1873.....	1316
1874.....	1165
1875.....	1395
1876.....	1485
1877.....	1966
1878 to August 31st ...	1823
1878 to December 31st.	2611

(Gazette, 15th February, 1879.)

The increase during the year 1877-78, coupled (as it appears from the evidence to have been) with a simultaneous advance by the criminal classes in audacity, combination, and the habit of carrying arms, may not unnaturally have caused a feeling of alarm to the residents in the Colony, especially after the occurrence of so daring an outrage as the attack in Wing-Lok Street.

I do not, however, consider it necessary to send out a special Commission as requested in the 5th Resolution of that Meeting.

I feel assured that any cause for fear may and will be removed by the action of the Local Government.

I request you to transmit a copy of this Despatch to the Chairman of the Public Meeting.

I have the honour to be,

Sir,

Your most obedient humble Servant,

M. E. HICKS-BEACH.

To  
Governor HENNESSY, C.M.G.,

§c. §c. §c.

大英國會參議藩政院世襲男爵赫  
咨覆事照得本大臣籌度裁答  
貴部堂戊寅年英十月十六日郵寄第一百號咨文內附香港羣庶於戊寅年英十月初七日齊集議定各款謄抄一紙前來本大臣所以稽遲裁答者因欲先接 貴部堂於英九月三十日所派委員稽查關涉差役情事並罪案若干之公文然後咨覆現准 貴部堂咨文內附該委員申呈開列由戊寅年英二月十五日香港報照抄所有重罪案件即丁卯年一千四百五十八案戊辰年一千二百四十九案己巳年九百六十七案庚午年一千三百五十七案辛未年一千四百三十四案壬申年一千三百九十四案癸酉年一千三百一十六案甲戌年一千一百六十五案乙亥年一千三百九十五案丙子年一千四百八十五案丁丑年一千九百六十六案戊寅年英八月三十一日止一千八百二十三案戊寅年英十二月三十一日止二千六百一十一案由此可見丁丑戊寅二年間罪案增多又查該委員抄集採訪傳言足徵當時匪黨張胆聯結敢用銃礮難怪香港居民一時驚恐案驚恐原由仍以永樂街明火槍劫之事為最惟本大臣未見有何緣故准從羣庶議定第五款所請特派委員前往稽查案本大臣確知前此所有驚恐原故 貴部堂經已力為調處一切消除為此咨覆仰 貴部堂將此咨文抄付羣庶主席一體知照須至咨覆者 右咨覆  
欽命總督香港等處地方兼理水陸軍務水師提督御賜佩帶三等寶星燕  
一千八百七十九年七月初十日

為

The following Despatch from The Secretary of State is a reply to one from the Governor, dated 31st May, 1879, forwarding a letter dated 26th May, 1879, signed by Messrs. W. KESWICK, W. H. FORBES, H. H. NELSON, A. P. McEWEN, C. D. BOTTOMLEY, W. S. YOUNG, D. RUTTUNJEE and A. McClymont, relating to the delay in replying to the Resolutions of the Public Meeting held in October last, which letter, together with other correspondence on the same subject, was published in the local Papers last June.

*The Right Honourable Sir Michael Hicks-Beach  
Bart., M.P., to the  
Officer Administering the Government.*

DOWNING STREET,  
24th July, 1879.

SIR,—I have the honour to acknowledge the receipt of Mr. HENNESSY's Despatch No. 77 of the 31st May, relative to a delay in receiving my reply to the Resolutions of the Public Meeting held in October last, and in reply I would refer you to my Despatch No. 81 of the 17th instant.

I have the honour to be,

Sir,

Your most obedient humble Servant,

M. E. HICKS-BEACH.

To  
*The Officer Administering  
the Government of  
HONGKONG.*

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

[No. 40.]  
GOVERNMENT HOUSE,  
HONGKONG, 29th April, 1879.

SIR,—I have the honour to lay before you, at the request of Mr. KESWICK, an unofficial member of the Legislative Council, copies of some correspondence which he and four other Justices of the Peace have had with the Senior Acting Police Magistrate, Mr. C. V. CREAGH, and the late Acting Colonial Secretary, Mr. MAY.

2. Mr. KESWICK, and the four gentlemen who are associated with him in this matter, desired to hold a meeting of the Visiting Justices of the Gaol, under the provisions of Ordinance No. 4 of 1863. They also wanted Mr. CREAGH to preside. Mr. CREAGH declined, after having obtained through the Executive the Attorney General's opinion. Mr. KESWICK and the four others then demanded a copy of the opinion given by the Attorney General.

以下之公文乃  
藩政院大臣咨覆香港總  
督本年五月三十一日咨  
呈內附希士域科庇士轟  
信馬嬌雲波聚理秧律敦  
治麥佳文等於本年五月  
二十六日稟求示覆去年  
十月間眾人齊集議定各  
款所遲遲久未示覆者該  
函及別公文關涉此事者  
於本年六月間在本港新  
報曾經抄印

國會參議藩政院世襲男爵赫  
咨覆事案准  
香港總督部堂燕五月三十一日所呈第七十七號  
咨文論及遲遲示復去歲十月間香港羣眾聚集先  
定各款茲請  
貴大臣閱本大臣於本月十七日所行第八十一號  
咨文便是此咨  
護理香港總督

一千八百七十九年七月廿四日

香港等處地方兼理水陸軍務  
總督 水師提督御賜佩帶三等寶星 燕  
咨呈事現據定例局紳希士域稟請將伊並西掌法紳士與  
巡理府補及故署輔政使司廳所有來往書函轉呈  
貴大臣案局紳希士域與同幹此事之四侶欲藉癸亥年第  
四條則例所定邀請察獄紳士齊集署巡理府紳主席隨將  
緣由稟請本部堂轉諭國家律政司以為可否旋接報稱未  
便許允而希士域等苦請抄示律正司批詞惟將律政司批  
國家官員若何辦理詞章抄示本部堂以為未便創例爰使

3. As I should not like to establish the inconvenient precedent of producing copies of the Attorney General's opinion given to the Executive for the guidance of an Executive Officer, I caused Mr. KESWICK and his friends to be told that, whilst I would not give them copies of the opinion they wanted to see, I would be glad to invite the Attorney General to express his opinion on any question of law respecting their functions as Justices of the Peace or as Visiting Justices of the Gaol that they might wish, and that there would be no difficulty in giving them a copy of such opinion.

4. As to their desire to hold a meeting, they were told that "The Governor will be happy to authorize and facilitate a general meeting of the Visiting Justices on any day in the ensuing week most convenient to you, subject of course to the provisions of Ordinance No. 4 of 1863." (Acting Colonial Secretary's letter, 23rd December, 1878.)

5. They took no steps however to hold the meeting. As the majority of the Visiting Justices do not approve of their action in this matter, it is not surprising that they abandoned the idea of a meeting.

6. They now confine themselves to requesting that you may ascertain the views of the Law Officers of the Crown on the Attorney General's opinion, and authorize such alteration in the law of Hongkong as would place Justices of the Peace here more in the position of Justices of the Peace in the United Kingdom.

7. I have the honour to enclose copies of the various minutes, including the two opinions given by the Attorney General.

I have the honour to be,

Sir,

Your most obedient humble Servant,

J. POPE HENNESSY.

To

The Right Honourable  
Sir MICHAEL HICKS-BEACH, Bart., M.P.,  
Her Majesty's Principal Secretary of State for the Colonies.  
&c., &c., &c.

(Copy.) 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 3 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.

以意授希士域與其侶俾知本部堂雖未許將他欲看之批抄示但亦樂請律政司詳列照其意見論及由律書所可問及關涉掌法紳士察獄紳士之職者任由欲問何款均無阻止情事並將律正司批詞抄示致該紳等所欲集議輔政司於戊寅年英十二月二十三日之函內有言及本部堂樂准察獄紳士於第二個禮拜內不拘何日隨其方便齊集惟不過此言要遵守癸亥年第四條則例所定奪等語詎料該紳等默然不動絕不傳集良由察獄紳士不悅伊等在此事所行者居多故亦難怪其人捨厥齊集之念現在該紳等只請  
貴大臣轉詢英國律正大臣察奪香港律正司批詞可否有當並請修改香港則例以增香港掌法紳士之權如英國掌法紳士之權稍遜為此本部堂理合將各官紳來往書函及律正司批詞一並附呈煩為  
查咨須至咨呈者  
右 咨 呈  
國會參議藩政院世襲男爵赫

一千八百七十九年四月二十九日

一千八百七十八年十一月初二日

希士域 沙 宣

盧 覺 聶 信

山地文同具

敬啟者現掌法紳士特欲集議關涉監獄各事最要者是現下議定廣築監獄確由不得已否理合請  
貴府恩准邀齊並煩主席倘若方便不碍  
貴府事務煩為邀請於本月初八日禮拜五  
下午三點鐘齊集是幸此請  
巡理府祁大老爺即安

[No. 122, M.]

MAGISTRACY,  
HONGKONG, 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.

To

The Honourable W. KESWICK.  
The Honourable H. LOWCOCK.  
H. H. NELSON, Esquire.  
F. D. SASSOON, Esquire.  
R. H. SANDEMAN, Esquire.

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  $\frac{1}{2}$  past 3 o'clock in the afternoon.

We have the honour to be,

Sir,  
Your obedient Servants,

W. KESWICK.  
H. LOWCOCK.  
R. H. SANDEMAN.  
F. D. SASSOON.  
H. H. NELSON.

To

C. V. CREAGH, Esquire,  
Acting Police Magistrate.

[No. 123, M.]

MAGISTRACY,  
HONGKONG, 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.

敬覆者接閱

諸公初二日一函理宜裁答案監獄則例掌法紳士只可修改獄內規條來函所示本府經詢律正司以為可否現接回札稱我輩藉掌法紳士之權未便干議可否廣築獄內房舍情事案此本府以為邀請掌法紳士齊集未嘗合例此復並請

希士域 聶信  
盧覺 沙宣

山地文列位縉紳先生即安

署巡理府祁

一千八百七十八年十一月初七日

敬覆者接閱

貴府初七日回示不勝欣謝現在理合懇請貴府邀集各位掌法紳士修改獄內規條如果各事方便不碍

貴府事務煩為邀請於下禮拜五即本月十五日午三點鐘齊集此請  
巡理府祁大老爺即安

希士域 沙宣  
盧覺 山地文

聶信同具

一千八百七十八年十一月初九日

敬啟者接閱

諸君本月初九日來函理應裁答第惜未能如命蓋現在獄內規條不過去歲前任督部堂堅大人所立者案本府以為概與

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,

Gentlemen,

Your most obedient Servant,

C. V. CREAGH,  
*Acting Police Magistrate.*

To

- The Honourable W KESWICK.
- The Honourable H. LOWCOCK.
- H. H. NELSON, Esquire.
- F. D. SASSOON, Esquire.
- R. H. SANDEMAN, Esquire.

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 of the body of Justices by a capricious refusal to summon or attend their meetings.

We have the honour to be,

Sir,

Your obedient Servants,

- W. KESWICK.
- H. LOWCOCK.
- R. H. SANDEMAN.
- F. D. SASSOON.
- H. H. NELSON.

To

C. V. CREAGH, Esquire,  
*Acting Police Magistrate,*  
*&c., &c., &c.*

立此規條者原意符合故未便與諸公所欲修

改者舉行此事此復並候

希士域

盧覺

沙宣

聶信

山地位

列位縉紳先生即安

署巡理府祔

一千八百七十八年十一月十一日

敬啟者接閱

貴府本月十一日來函領悉一切但晚等前請邀集掌法紳士一節如此覆示深為可惜照貴府所稱未能照准之故即因尊意以為現在獄內條款概與立此規條者原意符合付思貴府論及獄內條款之功效雖則晚等亦認尊意大佳但亦未足推却晚等所請邀集掌法紳士一節敢煩

貴府再三熟思所定之意晚等亦欲指出甲子年第四條則例第十款所言即晚等所欲藉以舉行者照稱凡有掌法紳士齊集其間必有巡理府乃可但要知立此款者詎欲使巡理府有權任性推却不肯邀請齊集或不親赴齊集致使掌法紳士所有之意盡歸烏有而望空徒歎也耶專此並候

巡理府祔大老爺即安

希士域 山地位  
盧覺 沙宣 聶信同具

一千八百七十八年十一月十六日



MAGISTRACY,

HONGKONG, 28th November, 1878.

GENTLEMEN.—I have the honour to acknowledge the receipt of your letter of 16th instant, and regret that, in consequence of the indisposition of the Attorney General, I was unable to reply to it before.

Before replying to your letter of the 9th instant, I had carefully read the Ordinance to which you refer (obviously 4 of 1863, not 4 of 1864, as quoted) and I understood Section X to empower a Police Magistrate and other Justices of the Peace to meet and revise the Gaol regulations should they consider it expedient to do so. The responsibility of holding such meeting without sufficient necessity appeared to me to rest with the Police Magistrate, without whose concurrence its proceedings could have no legal effect. It was therefore with surprise that I learned from the third paragraph of your last letter that you considered my opinion as to the efficiency of the Gaol Regulations was not sufficient reason for my declining to hold a meeting for their revision. I have, however, out of deference to your opinion, forwarded the whole correspondence to the Attorney General. His memo. reached me today; it contains the following reply to my query. "The Ordinance contains no provision requiring a Police Magistrate to summon and attend such meeting at the request of two or more Justices of the Peace."

I regret that, in view of this opinion, I must, for the reasons already given, decline to summon and attend the proposed meeting.

I have the honour to be,

Gentlemen,

Your most obedient Servant,

C. V. CREAGH.

To

The Honourable W. KESWICK.  
The Honourable H. LOWCOCK.  
H. H. NELSON, Esquire.  
F. D. SASSOON, Esquire.  
R. H. SANDEMAN, Esquire.

HONGKONG, 6th December, 1878.

SIR,—We have the honour to acknowledge receipt of your letter of the 28th ultimo, and beg to express the regret with which we learn from it that you are unable to comply with our request to call a meeting of the Justices of the Peace for the purpose set forth in Section X of Ordinance No. 4 of 1863.

We deem it of very great importance that the Justices if they legally possess the right of meeting should not be prevented from exercising it, and as we presume you do not consider the communications of the Attorney General on the

敬啟者接閱

諸君本月十六日來函備極懇末惜因律正司自恙是以裁答遲遲煩為原諒本府未答初九日來函之先亦嘗詳考足下所指之例當是癸亥年第四條必非照來函所云甲子年第四條查第十款所言加權與巡理府及別位掌法紳士倘見妥便乃可齊集修改獄內規條案本府愚見浸假如此齊集未有十足原故應為巡理府是問且因巡理府苟非同心合意邀請則所議定者照例不得頒行故閱來函第三句所言據稱愚意論及獄內規條之言未足推却眾請邀集修改等語甚為驚愕但本府遜讓

諸君意見爰將來往書函付送律正司迄今現接札覆內有該則例未嘗定奪巡理府必要允從掌法紳士之位或多位所請邀集及親赴齊集等語觀律正司所批之詞及本府所言之故可惜莫能如命邀集親赴奈何奈何專此札覆並候 即安

希士域 沙宜  
盧 覺 聶信

山地文 列位縉紳先生青覽

署巡理府祇

一千八百七十八年十一月二十八日

敬啟者接閱

諸君前月念八日之函理宜裁答請容聲陳哀曲聞

貴府所言謂未准如所請邀集掌法紳士頒行癸亥年第四條則例第十款所定者如果見為確要及掌法紳士照例有權齊集則斷不敢阻用此權等語敬聆之下悼惜不勝忖思貴府諒不以律正司論此事所

subject confidential, or if they be so considered that his permission to treat them otherwise may be obtained we shall be glad if you will furnish us with full copies of the memoranda conveying his opinions on the applications we have made to you.

We have the honour to be,

Sir,

Your most obedient Servants,

W. KESWICK.  
H. LOWCOCK.  
F. D. SASSOON.  
R. H. SANDEMAN.  
H. H. NELSON.

To

C. V. CREAGH, Esq.,  
*Acting Police Magistrate.*

[No. 137, M.]

MAGISTRACY,

HONGKONG, 10th December, 1878.

GENTLEMEN.—In reply to your letter of 6th instant, I have the honour to state that I am unable to supply copies of official documents without the permission of Government. I would therefore suggest that your application for the memoranda you require be addressed to the Honourable the Acting Colonial Secretary.

I have the honour to be,

Gentlemen,

Your most obedient Servant,

C. V. CREAGH,  
*Acting Police Magistrate.*

To

The Honourable W. KESWICK.  
The Honourable H. LOWCOCK.  
F. D. SASSOON, Esq.  
R. H. SANDEMAN, Esq.  
H. H. NELSON, Esq.

HONGKONG, 16th December, 1878.

SIR.—We have the honour to enclose for the information of His Excellency the Governor copy of correspondence which has passed between Mr. C. V. CREAGH, Acting Police Magistrate, and to request that His Excellency will be pleased to direct that copy of the full memoranda of the Honourable the Attorney General on the subject to which this correspondence has reference may be furnished to us, as requested in our letter to Mr. CREAGH, dated 6th instant.

We have the honour to be,

Sir,

Your most obedient Servants,

W. KESWICK.  
H. LOWCOCK.  
F. D. SASSOON.  
R. H. SANDEMAN.  
H. H. NELSON.

To

The Honourable CHARLES MAY,  
*Acting Colonial Secretary.*

批斷者為機密事情縱使以為機密或亦可請原情姑作非機密論權將律正司論及晚輩所求各款所批之詞全文謄抄擲不幸甚 此請巡理府祗大老爺即安

希士域 沙宣  
盧覺 山 terrain 同啟  
聶信

一千八百七十八年十二月初六日

敬啟者接閱

諸公本月初六日一函即此裁答理宜訂明本府

未蒙 國家允准斷不能將公文抄送

諸君故敢陳鄙見請將

閣下欲覽此批詞情節函寄輔政使司較為妥便

此覆並請

希士域 沙宣  
盧覺 山 terrain 列位縉紳先生即安  
聶信

署巡理府祗  
一千八百七十八年十二月初十日

敬啟者現將晚等與巡理府祗所有來往書函附送

煩為轉呈

督憲憲稟 恩准飭將律正司論及此信所批各詞

即晚等本月初六日函請巡理府者全文謄抄擲不

幸甚幸甚此呈

輔政使司摩大人電鑒

希士域 沙宣  
盧覺 山 terrain 同頌  
聶信

一千八百七十八年十二月十六日

[No. 1123.]

COLONIAL SECRETARY'S OFFICE,  
HONGKONG, 23rd December, 1878.

SIR.—I am directed by His Excellency the Governor to acknowledge the receipt of the letter of the 16th instant, signed by you and four other Justices of the Peace, enclosing, for the information of His Excellency, a copy of the correspondence arising out of the application you and the four gentlemen in question made, on the 2nd November, to Mr. CREAGH, the Acting Police Magistrate, "to convene and preside at a special meeting of the Justices, to discuss various matters connected with the Gaol, especially the question of its projected enlargement," an application the Police Magistrate refused, as it was not according to law. Having subsequently modified your application by confining it to that which the Ordinance would permit, the Police Magistrate appears, after having obtained the opinion of the Attorney General on the question of law, to have exercised his discretion and declined to participate in the meeting you wanted to hold, whereupon you now, for the first time, address the Government and apply to His Excellency the Governor for copies of "the full memoranda of the Attorney General on the subject," on the ground that you deem it of very great importance that the Justices, if they legally possess the right of meeting, should not be prevented from exercising it."

In reply, I am to inform you that, whilst it would be unusual to publish copies of such memoranda, the Governor would be glad to invite the Attorney General to give his opinion on any question of law respecting your functions as Justices of the Peace, or as Visiting Justices of the Gaol, that you may be good enough to transmit to me for that purpose; and furthermore, that His Excellency will be happy to authorize and facilitate a general meeting of the Visiting Justices on any day in the ensuing week most convenient to you, subject of course to the provisions of Ordinance No. 4 of 1863.

I have the honour to be,

Sir,

Your most obedient Servant,

C. MAY.

*Acting Colonial Secretary.*

To

The Honourable WILLIAM KESWICK.

HONGKONG, 28th December, 1878.

SIR,—We have the honour to acknowledge receipt on 27th instant, of your letter of 23rd idem, addressed to Mr. KESWICK, and request that you will convey to His Excellency the Governor our thanks for his two offers contained therein.

署輔政使司 奉

督憲諭批回局紳希士域與四位掌法紳士之函並內附彙抄來往書函一牒即由該紳等於十一月初二日請問巡理府一節所致者據內附所有來往書函轉呈督憲因該紳等於十一月初二日函請署巡理府祁主席邀集掌法紳士特議關涉監獄房舍各款情事其中最要莫如現議可否廣築監獄房舍一節案巡理府見未符例不如所請嗣後該紳等改前所請轉擇該則例所准者再為請求據該巡理府除將關涉律書情事詳詢律正司外另自留心裁度卒未允許親赴該紳齊集之所而該紳乃始稟國家求督憲飭將律正司論及此事所有批詞全文謄抄擲示因該紳意此乃最要者設使掌法紳士照例果有聚集之權則斷不得阻用此權等情現奉轉着該紳將此等批詞抄示未合常例而本部堂亦樂請律正司照其意見議定各款遵依律書所定掌法紳士及察獄紳士之職任由開列詳問其餘本部堂亦樂批准務使方便各察獄紳士於第二個禮拜之內任由方便之日齊集但必要遵依癸亥年第四條則例所定奪者乃可為此遵照批覆

一千八百七十八年十二月二十三日

敬啟者月之念

七日接閱

貴司本月二十

三日所行札諭

擲示希士域者

煩為轉謝

督憲大人恩許

照依札內所諭

兩款惟晚等仍

欲陳明現欲辦

理一節依晚等

We, however, have the honour to point out that the question with which we at present wish to deal is the important one—as it seems to us—arising out of the correspondence with Mr. CREAGH, copy of which we had the honour to hand you in our letter of 16th instant. Our proposal was to hold the meeting in association with, not in antagonism to, the Police Magistrate whose presence the Ordinance requires; and we trust that His Excellency the Governor will consider that we, as Justices of the Peace, are in a measure entitled to see the full opinions of the Honourable the Attorney General, whose judication the Police Magistrate invited upon the questions in which he thought his fellow Justices had taken erroneous views, portions of which opinions he quoted in his replies to our letters.

We have the honour to repeat our request that His Excellency will be pleased to direct that copies of the full memoranda of the Attorney General may be furnished to us, not necessarily for publication, but for the information of ourselves and the general body of the Justices of the Peace who are interested in them.

We have the honour to be,

Sir,

Your most obedient Servants,

W. KESWICK.  
H. LOWCOCK.  
F. D. SASSOON.  
R. H. SANDEMAN.  
H. H. NELSON.

To

The Honourable CHARLES MAY,  
*Acting Colonial Secretary.*

[No. 128.]

COLONIAL SECRETARY'S OFFICE,  
HONGKONG, 4th February, 1879.

SIR.—With reference to your note of the 31st ultimo, and your letter of the 28th December, I am directed by His Excellency the Governor to express his regret that you and the four other Justices of the Peace are not satisfied with the decision of the Government communicated to you in my letter of the 23rd December.

2. The proper course for a Justice of the Peace to adopt who may desire to have the opinion of the Governor's law adviser on any matter whatever connected with his powers or duties as a Justice of the Peace, either under Ordinance No. 4 of 1863, or any other Ordinance, is to state the precise points on which he may desire the Attorney General's opinion and to apply to me for it, and there then could be no difficulty in getting it in the usual course.

3. As to the Official Minutes of the Attorney General for which you again ask, the Governor adheres to his decision not to give copies to you; there is no precedent for granting such a request.

I have the honour to be,

Sir,

Your most obedient Servant,

C. MAY,  
*Acting Colonial Secretary.*

To

The Honourable WILLIAM KESWICK,  
and four others.

以爲極要者即由晚等與巡理府祗來往書函所致之情晚等前於十六日函  
內抄一紙送呈致於所欲舉行者並非欲與巡理府齟齬實欲與巡理府同  
赴齊集因該則例定奪必與巡理府同集乃可茲特懇求  
督憲大人俯念晚等幸叨躬身掌法紳士似稍有權可觀律正司所批各語只  
因巡理府意謂其餘掌法紳士意見差謬致請律正司斷定此事若何另付書  
函內引律正司批詞數語似此晚等理合稟請  
督憲恩准飭將律正司批詞全文謄抄擲示非謂必要印報羣黎乃只欲使各  
掌法紳士凡欲觀此批詞者得一覽耳端此並候  
升安統希  
鼎照不備  
輔政使司摩大人電鑒

一千八百七十八年十二月二十八日

署輔政使司摩 奉  
督憲札諭批回紳士希士域等於正月三十一日之呈及去歲  
十二月二十八日所稟求者現奉轉着據該紳與四位掌法紳  
士准到本部堂去年十二月二十三日批語意仍未滿深爲可  
惜案凡有掌法紳士倘欲得督部堂之律正司批詞所有各款  
關涉掌法紳士之權勢職分者遵依癸亥年第四條或別條則  
例照常訂明稟請輔政使司使可領得此批照依常規亦無難  
事惟再請將律正司循分所批詞語抄示本部堂決意執定前  
議不能抄示因前此並未有准如此稟求者爲此理合遵照批  
覆  
定例局紳希士域

一千八百七十九年二月初四日

HONGKONG, 6th March, 1879.

SIR,—We have the honour to acknowledge receipt of letter No. 128 of 4th ultimo, from which we note that His Excellency the Governor, while indicating his willingness to obtain for us the opinion of the Honourable the Attorney General on any "precise points" we may name, declines to furnish us with copies of the full memoranda of that Officer as requested.

2. Our object in asking for these was to be enabled to consider the grounds upon which the Attorney General had based his conclusion, a conclusion appearing to place the Board of Justices of the Peace in the position of having to depend upon the caprice of one of their body for their power to meet, with a legal status, which we cannot believe was contemplated by the Ordinance (No. 4 of 1863). That this position may be avoided by an application to His Excellency—should he be pleased to comply therewith,—to instruct a Police Magistrate to attend a meeting, does not appear to us to be a satisfactory solution of the difficulty.

3. We believe we are correct in stating that the position of Boards of Justices of the Peace in England with regard to supervising the regulation and discipline of the Gaols is clearly defined, and their powers in such matters thoroughly understood. We venture to suggest that the exercise of similar functions was, to some extent, contemplated when Ordinance No. 4 of 1863 was constructed, and that in this Colony the knowledge and experience of the residents who are on the commission of the peace might, if judiciously utilized, be very beneficial to the interest of the Colony in dealing with its large and increasing criminal population.

4. We have the honour to enclose copy of the whole correspondence which has taken place on this subject, and to request that His Excellency will be pleased to forward same to the Right Honourable Her Majesty's Principal Secretary of State for the Colonies, together with a copy of the Honourable the Attorney General's full memoranda thereon, in the hope that the Right Honourable Gentleman will be pleased to ascertain the views of the law Officers of the Crown, and, should he deem it necessary and expedient, authorize such alteration in the law of the Colony with regard to Justices of the Peace as will place them more in the position of such Officers in the United Kingdom.

We have the honour to be,

Sir,

Your most obedient Servants,

H. LOWCOCK.  
W. KESWICK.  
R. H. SANDEMAN.  
F. D. SASSOON.  
H. H. NELSON.

To

The Honourable W. H. MARSH,  
Colonial Secretary.

敬啟者現在奉到  
貴司本月初四日第一百二十八號批語蒙示一切惟 督憲雖有明諭允肯代請律正司將晚等所有訂明欲問各款一概批示但亦未准晚等所求將  
該律正司前批全文抄示蓋晚等切求此款原欲藉觀律正司所立定者有何道理因他所定者實使掌法紳士浮游無定似此任由其中一人任性阻止  
齊集蓋例認之定位如此晚等疑非癸亥年第四條則例實意倘欲改此位次則求 督憲恩准飭巡理府親赴齊集晚等仍以爲未足解此難事蓋在英  
國掌法紳士料理監獄規條與及待人之法明定之位所有之權人人皆得而知者忖思立癸亥年第四條則例者原意亦欲加此權而掌法紳士凡港內  
所有執掌法紳士之權且有識見閱歷港情者亦可慎用此權而使港內隨時增多之罪囚必有益處爲此晚等理合將此來往書函彙抄一紙稟求  
督憲恩准轉呈  
藩政院大臣前求將律正司批詞咨求  
藩政院大臣恩准詳問 律正大臣以爲若何稟求  
藩政大臣倘若見爲方便即求恩准更改香港所有論及掌法紳士之則例俾與英國掌法紳士一般境位端此並候  
輔政使司馬大人即安

盧 覺 山地文  
希士域 沙 宣 聶信 同頓

一千八百七十九年三月初六日

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

DOWNING STREET,  
26th June, 1879.

SIR,—I have the honour to acknowledge the receipt of your despatch No. 40, of the 29th of April, on the subject of a correspondence which has passed between Mr. CREAGH and certain Justices of the Peace relative to the refusal of the former to call a meeting of the Visiting Justices of the Gaol.

I request you will inform Mr. KESWICK and the four other gentlemen, at whose request the matter has been referred to me, that I have not thought it necessary to consult the Law Officers of the Crown respecting the construction to be put on Ordinance No. 4 of 1863, which appears to me to be clear and in accordance with the opinion given by the Attorney General, nor do I see sufficient grounds for advising any alteration of this Ordinance.

I have the honour to be,

Sir,

Your most obedient humble Servant,

M. E. HICKS-BEACH.

To

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

國會參議藩政院世襲男爵赫  
容覆事現准  
貴部堂四月二十九日第四十號咨文案稱論及署巡理府祁與掌法紳士等所有  
來往書函及因該署巡理府未許邀請察獄紳士齊集等因准此合即咨覆煩為轉  
飭該紳希士域及四紳士求將原由轉呈本大臣者均知案癸亥年第四條則例所  
有何意本大臣以為不須轉問律正大臣蓋本大臣見該則例甚明亦與律正司所  
批者符合本大臣亦未見有何原故可請  
貴部堂改該則例為此合即咨復順候  
蕃祉駢增須至咨復者  
右 咨 覆  
總督 香港等處地方兼理水陸軍務 燕  
水師提督御賜佩帶三等寶星

一千八百七十九年六月二十六日

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

[No. 70.]

GOVERNMENT HOUSE,  
HONGKONG, 29th May, 1879.

SIR,—I have the honour to lay before you a letter from the Captain Superintendent of Police, with some minutes thereon, in which Mr. DEANE explains a practice that I have not been able to approve by which a Police Constable on retiring, was to have received a character-roll marked "very good," though within two years previous to his retirement, he had been twice fined for neglect of night duties, one of those fines being for "gross neglect of duty."

2. This case illustrates what seems to me to have been a defect in the Police Regulations of Hongkong, and one not unlikely to account for some laxity in the performance by the Police of night duties. My attention was drawn to it in the following way:—Mr. DEANE, the Captain Superintendent, wrote to the Colonial Secretary on the 1st instant, asking me to decide whether Police Constable JOHN FREEMAN, who was enlisted in our Police Force ten years ago in Hongkong, and who is now retiring on pension, should receive the three months' pay (as a sort of gratuity in addition to the pension) amounting to \$120, being the sum he can receive under section 3 of Ordinance No. 8 of 1869, or whether the greater favour of giving him \$250 (payable to Constables enlisted in the United Kingdom) should be allowed to him.

3. In bringing this question before me, the Captain Superintendent added that JOHN FREEMAN'S character-roll counts for ten years' service as "very good." But on looking through the Police Defaulter's Book, I found eight offences recorded against FREEMAN, one being an offence described as "gross neglect of duty," and on calling for the details, the Captain Superintendent stated, that it was a case in which Police Constable FREEMAN, being in charge of a Police Station, was bound to have sent the Indian Constables on duty at 10 P.M., but that at midnight, the Inspector of the district having occasion to arrest a man, found no Constable on night duty, and on proceeding to the Police Station, he found FREEMAN and the Indians (who ought to have been on duty) in their beds.

4. This incident occurred in the middle of the year 1877, and though FREEMAN was then fined \$6, he had again to be fined (\$5) in the following month for being "asleep on duty." But as I have long been of opinion that, upon the thorough performance of the night duties of the Police Force, we have mainly to depend for the prevention of crime in this Colony, and as I see no reason for doubting the accuracy of the view taken by the recent Committee of the Legislative Council presided over by the late Mr. MAY, that this Colony has been insufficiently policed at night time, and that this has had probably more to do with the increase in some class of offences than any other cause, I could not approve of a Police Regulation, which would give such a Constable the maximum mark of good conduct.

5. I felt that if I were to ratify the Captain Superintendent's certificate, that Police Constable FREEMAN'S conduct has been "very good," and to give him accordingly the suggested bonus of \$250, I should not be encouraging that thorough performance of the night duties of the Force that I consider to be of such importance.

6. I accordingly directed the Captain Superintendent to revise the discharge certificate in this case by substituting a lower mark of conduct for the phrase "very good," and I also instructed him to see that FREEMAN was paid the lower bonus of \$120 instead of \$250.

7. In publishing my decision for the information of the Police Force, I said:—

"This decision may appear to press hardly upon Police Constable FREEMAN, who, knowing "the practice that had existed here for some years past, has not unnaturally calculated "on receiving a discharge certificate marked "very good," though on two occasions "during my brief administration of the Colony, he has been fined for neglect of night "duties, yet I am sure every officer and man in the Police Force will understand, that "this decision points, on the other hand, to the fact that the Head of the Executive will "not be indifferent to the faithful discharge of the night duties of the Police, and that "the award of whatever bonuses or promotions in the Police may be at my disposal, "will depend, in no small degree, on the way in which each individual in the Force "does his work in protecting the Colony at night."

I have the honour to be,

Sir,

Your most obedient humble Servant,

J. POPE HENNESSY.

To

The Right Honourable Sir MICHAEL HICKS-BEACH, Bart., M.P.,

*Her Majesty's Principal Secretary of State for the Colonies,*

*&c., &c., &c.*

[No. 118.]

VICTORIA, HONGKONG,  
1st May, 1879.

SIR.—I have the honour to enclose the pension paper of ex P.C. 33, JOHN FREEMAN.

2. The pension would be payable in London.

3. EX P.C. FREEMAN applies for a passage to England, which would cost \$250; but by § 3 of Ordinance 8 of 1869, he is entitled to three months' pay, or \$120, as he was enlisted in Hongkong.

4. It therefore rests with His Excellency to decide whether the greater favour is to be allowed.

5. I enclose his character-roll, which would count for ten years' service as "very good."

I have the honour to be,

Sir,

Your most obedient Servant.

W. M. DEANE,

*Captain Superintendent of Police.*

To

The Honourable W. H. MARSH,

*Colonial Secretary,*

*&c., &c., &c.*

No. 33, P.C. JOHN FREEMAN, joined April, 1869.

## EXTRACT FROM POLICE DEFAULTER'S BOOK.

DATE.	MISCONDUCT.	DECISION OF SUPERINTENDENT.
1870. April 30'	Losing a Government Revolver.	Revolver to be replaced.
July 12	Disorderly Conduct.	Cautioned.
1871. April 12	Assault on P.C. 59, in Station.	Fined \$1.
May 8	Absent from Drill.	One day's extra Drill.
1874. Sept. 12	Absent from Station.	Cautioned.
1875. Oct. 5	Fighting in Whitfeild Station.	Leave stopped for one month.
1877. May 26	Gross Neglect of Duty.	Fined \$6.
June 15	Asleep on Duty.	Fined \$5.

W. M. DEANE,  
Captain Superintendent of Police.

*Minute by His Excellency the Governor.*

Let me see the record of the enquiry when he was fined \$6 in May, 1877.

J. POPE HENNESSY.  
3rd May, 1879.

*Report by Captain Superintendent of Police.*

Extract from Defaulter's Evidence Book.

"33, FREEMAN, neglect of duty. Mr. CAMERON states at 10 p.m. on 24th, defendant did not put Indians on duty.  
"Fined \$6."

"C. V. CREAGH,  
"Acting Captain Superintendent of Police."

W. M. DEANE,  
Captain Superintendent of Police.

3rd May, 1879.

*Minute by His Excellency the Governor.*

Call on Inspector CAMERON to furnish a more minute account of the neglect of duty in question.

J. POPE HENNESSY.  
8th May, 1879.

*Report by the Captain Superintendent of Police.*

P. C. FREEMAN was in charge of Hung Hòm Station. At 10 p.m. he ought to have sent the Indians on duty. At midnight the Inspector of the District visited the theatre at Tò Kwa Wan, arrested a man, and found no Constable there. He went to Hung Hòm, and found FREEMAN and the Indians (who ought to have been on duty) in their beds.

W. M. DEANE,  
Captain Superintendent of Police.

9th May, 1879.



*Minute by His Excellency the Governor.*

I do not quite understand the last paragraph in the Captain Superintendent's letter of the 1st of May, 1879. Ask him to explain what he means by saying "I enclose his (JOHN FREEMAN'S) character-roll, which would count for ten years' service as very good."

J. POPE HENNESSY.  
14th May, 1879.

*Report by the Captain Superintendent of Police.*

I have the honour to report that the amplified meaning of the paragraph referred to is to this effect:—

JOHN FREEMAN has served ten years and reference to his character-roll shows that during that period of service he has only been fined on three occasions, and that on none of those occasions did the fine amount to \$10 (which sum denotes a "serious offence"). Therefore, as the number of offences are few when the number of years he has served are considered, his character on his discharge certificate would be marked "very good."

W. M. DEANE,  
Captain Superintendent of Police.

*Minute by His Excellency the Governor.*

1. In this case it rests with me to decide whether P.C. JOHN FREEMAN, who was enlisted in our Police Force ten years ago in Hongkong, and who is now retiring on pension, should receive the three months' pay (as a sort of gratuity in addition to the pension) amounting to \$120, being the sum he can receive under section 3 of Ordinance 8 of 1869, or whether the greater favour of giving him \$250 (payable to Constables enlisted in the United Kingdom) should be allowed to him.

2. In bringing this question before me, the Captain Superintendent adds, that JOHN FREEMAN'S character-roll counts for ten years' service as "very good."

3. But on looking through the character-roll I find eight offences recorded, some no doubt not very serious, but one so grave that it is impossible for me to overlook it. It is an offence described in the character-roll as "gross neglect of duty," and on calling for the details, the Captain Superintendent states that it was a case in which P.C. FREEMAN, being in charge of a Police Station, was bound to have sent the Indian Constables on duty at 10 P.M., but that at midnight, the Inspector of the district having occasion to arrest a man, found no Constables on night duty, and on proceeding to the Police Station he found FREEMAN and the Indians (who ought to have been on duty) in their beds.

4. This incident occurred in the middle of the year 1877, and though FREEMAN was then fined \$6, he had again to be fined (\$5) in the following month for being "asleep on duty."

5. Though it appears to have been the practice for the Captain Superintendent to record the character-roll of a Constable of the Hongkong Police as "very good" in spite of such incidents, unless the offence were more numerous, or the fines in each case amounted to \$10, I cannot approve of it.

6. I have long been of opinion, that upon the thorough performance of the night duties of the Police Force, we have mainly to depend for the prevention of crime in this Colony. I see no reason for doubting the accuracy of the view taken by the recent Committee of the Legislative Council presided over by the late Mr. MAY, that this Colony has been insufficiently policed at night time, and that this has had probably more to do with the increase in some class of offences than any other cause.

7. But if I were now to ratify the Captain Superintendent's certificate that P.C. FREEMAN'S conduct has been "very good" and to give him accordingly the suggested bonus of \$250, I should not be encouraging that thorough performance of the night duties of the Force that I consider to be of such vital importance.

8. The Captain Superintendent will, therefore, be good enough to revise the discharge certificate in this case, substituting a lower mark of conduct for the phrase "very good," and he will also see that FREEMAN is paid the lower bonus of \$120, instead of \$250.

9. This decision may appear to press hardly upon P.C. FREEMAN, who, knowing the practice that had existed here for some years past, has not unnaturally calculated on receiving a discharge certificate marked "very good," though on two occasions during my brief administration of the Colony, he has been fined for neglect of night duties, yet I am sure every officer and man in the Police Force will understand that this decision points, on the other hand, to the fact that the Head of the Executive will not be indifferent to the faithful discharge of the night duties of the Police, and that the award of whatever bonuses or promotions in the Police may be at my disposal, will depend, in no small degree, on the way in which each individual in the Force does his work in protecting the Colony at night.

J. POPE HENNESSY.  
17th May, 1879.

*The Right Honourable Sir Michael Hicks-Beach, Bart., M.P.,  
to the Officer Administering the Government.*

DOWNING STREET,  
29th July, 1879.

SIR,—I have the honour to acknowledge the receipt of Mr. HENNESSY's Despatch No. 70 of the 29th May, and to convey my approval of the action which he has taken in regard to the certificates given to Policemen upon leaving the force.

I have the honour to be,  
Sir,  
Your most obedient humble Servant,  
M. E. HICKS-BEACH.

To  
*The Officer Administering the Government of  
HONGKONG.*

No. 6.

PROCLAMATION.

[L.S.] J. POPE HENNESSY,  
*Governor and Commander-in-Chief.*

By His Excellency JOHN POPE HENNESSY, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same.

Whereas a despatch has been received from the Right Honourable Sir MICHAEL HICKS-BEACH, Bart., M.P., Her Majesty's Principal Secretary of State for the Colonies, conveying to me Her Majesty's Gracious Confirmation and Allowance of the following Ordinance; namely:—

No. 3 of 1878, entitled—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to amend "The Markets Ordinance, 1858."*

Now, therefore, it is hereby Proclaimed, that the said Ordinance has been so confirmed and allowed as aforesaid.

By His Excellency's Command,  
W. H. MARSH,  
*Colonial Secretary.*

GOD SAVE THE QUEEN.

Given at Government House, Hongkong,  
this 9th Day of September, 1879.

號 六 第 示 告

輔政使司馬  
出示曉諭街市則例頒行事 現奉  
總督 香港等處地方兼理水陸軍務 札開准  
水師提督御賜佩帶三等寶星  
國會參議藩政院世襲男爵赫 咨文內開香港  
總督督同定例局員議定戊寅年第三條則例修  
改戊午年街市則例恭奉  
天恩  
批准着照頒行准此合將札仰輔政使司備示曉諭等  
因奉此合亟出示曉諭為此示諭闔港商民人等  
週知各宜凜遵毋違特示

己 卯 年 七 月 十 三 日 示