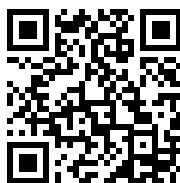


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REPORT  
OF THE  
DISCIPLINE AND MANAGEMENT  
OF THE  
CONVICT PRISONS,  
AND DISPOSAL OF CONVICTS,  
1852,

WITH NOTES ON THE  
CONVICT QUESTION, CONSTRUCTION OF PRISONS,  
HARD LABOUR,  
&c., &c.

By LIEUT.-COL. JEBB, C.B.,  
SUBTENOR-GENERAL OF PRISONS, CHAIRMAN OF THE DIRECTORS, &c.

*Presented to both Houses of Parliament by Command of Her Majesty.*



LONDON:  
PRINTED BY GEORGE E. EYRE AND SON, AT OTTISWOODE,  
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.







*St. Hild. Surveyor-General.*

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1853.

June 19 1924

## C O N T E N T S.

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	Page
<b>RETURN showing the Accommodation in the Convict Prisons</b>	<b>2</b>
<b>Statistical Return, showing Embarkations, Pavilions, &amp;c.</b>	<b>3</b>
 <i>Convict Discipline.</i>	
Extracts from Mr. Crawford's Report on Prisons in America	4
Experiment of Solitary Confinement in New York	5
Distinction between Separate and Solitary Confinement	5
Extracts from Reports of Commissioners of Pentonville	6
Appointment of a New Commission	7
Period for which Separate Confinement may be adopted	7
Change in the Description of Prisoners sent to Pentonville	8
Extracts from Report of Medical Officer of Pentonville	8
Increased Amount of Exercise at Pentonville	9
Extracts from Chaplain's Report	10
Remarks of the Physician of the New Jersey Penitentiary on Separate Confinement	11
Remarks of Mr. Francis Gray on Separate Confinement	11
Separation applied to all Convicts	12
Establishment of Portland Prison	13
Remarks of Mr. Gray on the present System of Separation and subsequent Association	14
Second Probationary Period on Public Works	14
Portland Breakwater	14
Description of Portland Quarries, &c.	15
Industry of the Men at Portland	16
Satisfactory Results of the System	17
 <i>The Convict Question.</i>	
Present System of Discipline	17
Expense of the present System	18
Modification of the present System by the Establishment of District Prisons	19
Number sentenced to 7 and 10 Years' Transportation and to Imprisonment	19
Deterring and Reformatory Effects of Imprisonment not yet tried	20
Resolutions of the Select Committee of the House of Commons on District Prisons	20
Additional Accommodation required	20
Separate Confinement previously to being sent to a District Prison	21
Expense of a Modified System	21

	Page
Discontinuance of Transportation and substitution of Imprisonment at Home and in certain of the Colonies	22
Changes necessary in substituting Imprisonment for Transportation	22
Classification of Convicts	24
Annual Numbers, and Terms of Sentences of Transportation in England	24
Sentences of Imprisonment compared with Sentences of Transportation	25
Average Period of Imprisonment	25
Convict Question full of Difficulties	26
Expense of Imprisonment as the Secondary Punishment of this Country	26
Assumed Annual Maximum of Prisoners	26
Expense of a Maximum of 12,000 Prisoners	27
Number and Expense of Convicts in Ireland	28
Abstract of the Estimates for 18,450 Male and Female Prisoners	28
General Abstract of the Expense of the Three Systems	29
Distribution of the 17,350 Male Prisoners	29
Locality of District Prisons, and Application of Convict Labour	29
Value of Convict Labour at Portland for the last Four Years	30
Works suitable for the Application of Convict Labour	30
Prisons in Agricultural Districts	31
Penal Establishment for the Worst Classes of Convicts	31
Cost of additional Accommodation	32
Probable Effect on the Annual Estimate of carrying out a General System of Imprisonment	33
First Year's Estimate for Maintenance	34
Second Year's "	34
Third Year's "	34
Fourth Year's "	35
Fifth Year's "	35
Erection of Additional Accommodation	35
Additional Wing at Portland	36
Females—Number annually transported	36
Purchase of Brixton Prison for Females	37
Cost of 1,200 Females	37
Disposal of Convicts	37
Former Treatment of Men sentenced to Seven Years' Transportation	38
Release in this Country of certain Classes of Criminals harmless	39
Conditional Pardons, &c.	39
Some of the Restrictions imposed on a Ticket-of-leave to be applied to Con- ditional Pardons in this Country	39
Number of Offenders tried in England and Wales in 1851	40
Manner in which the 27,960 Offenders were disposed of	40
Extract from Sixth Report of Commissioners of Pentonville	41
Number contributed by Middlesex to the Gross Total of Offenders	42
Formation of Companies of Labourers under Military Discipline	42
Extract from a Despatch from Sir W. Colebrooke respecting Tickets-of-leave in Barbadoes	43
Institution for assisting Discharged Prisoners	44
Insufficiency of Private Benevolence	45
Remarks of Sir W. Colebrooke on the Necessity of giving Assistance to Dis- charged Prisoners	45
Probable Number to be annually discharged	46
Release in this Country with <i>conditional</i> Pardons	46

	Page
Observations respecting Employment of Convicts in Western Australia	47
Ditto in Van Diemen's Land	48
Earl of Chichester's Evidence as to an intermediate stage previous to final discharge	49
Construction of Prisons	50
Remarks of Mr. Reynolds, Chaplain at Wakefield Prison, on Separate Stalls in Chapel	50
Remarks of Mr. Shepherd, Governor of Wakefield Prison, on Separate Stalls in Chapel	51
Hard Labour in Prisons	51
Resolution of the Committee of the House of Commons on Hard Labour	52
Enactment in 4 Geo. 4, c. 64, s. 10, relative to Hard Labour	52
Cells suitable for Hard Labour	52
Profitable and Attractive Labour	53
Extracts from Report of Sir John Kincaid, on the Changes in the Discipline of the Scotch Prisons	54
Comforts of Prisons	55
Remarks of Mr. Frederick Hill on the comforts of Prisons	56
Observations on Diet	57
 <i>Millbank Prison.</i>	
Number and Disposal of Prisoners	58
Remarks of the Chaplain on the Moral and Religious Improvement of Prisoners	59
Health of Prisoners	61
Unfavourable Situation of Millbank Prison	61
Expenses and Earnings of Prisoners	62
 <i>Pentonville Prison.</i>	
Separate Confinement desirable for the shorter Terms of Imprisonment	63
Number and Disposal of Prisoners	63
Chaplain's Remarks on the Moral and Religious Improvement of the Prisoners	64
Expenses and Earnings of Prisoners	64
 <i>Portland Prison.</i>	
Number and Disposal of Prisoners	65
Conduct of Officers	65
Treatment and Conduct of Prisoners	66
Description and Value of Labour	66
Earnings and Expenses of Prisoners	67
Chaplain's Remarks on the Conduct of Prisoners	68
 <i>Dartmoor Prison.</i>	
Accommodation at Dartmoor	70
Number and Disposal of Prisoners	70
Conduct of Officers	70
Chaplain's Remarks on the Conduct of Prisoners	71
Extract from the Governor's Report, showing the manner in which the Convicts are employed	71
Tickets-of-leave in Prisons	72
Expenses and Earnings of the Prisoners	74

	Page
<i>Portsmouth Prison.</i>	
Period of its Opening	75
Number and Disposal of Prisoners	75
Conduct of the Officers	75
Treatment and Condition of the Prisoners	76
Description of Labour	77
Earnings and Expenses of Prisoners	77
Governor's Remarks on the Conduct of the Prisoners	78
Chaplain's Remarks on the Moral and Religious Improvement of the Prisoners	79
Successful Results of the substitution of a Prison on Shore for the Hulks	80
 <i>Convict Hulk Establishment.</i>	
State of the Hulks	81
Number and Disposal of Prisoners	81
Chaplain's Remarks on the Conduct of the Prisoners	82
Description of Labour, Industry, &c.	83
Daily Distribution of Time	84
Earnings and Expenses of the Prisoners	85
 <i>Parkhurst Prison.</i>	
Governor's Remarks on the Effects of the recent Change in the Routine	87
Chaplain's Remarks on the Moral and Religious Improvement of the Prisoners	88
Number and Disposal of Prisoners	89
Prison Officers	89
Chaplain's Remarks on Prison Officers	90
Higher Class of Officers desirable	90
Farming Operations	91
Expenses and Earnings of the Prisoners	91
 <i>Conclusion</i>	 92
 <hr/>	
 <b>APPENDIX :—</b>	
Extracts from the Report of the Chaplain of Pentonville Prison, relative to Separate Confinement	93
Extracts from the Report of Dr. Baly, on the Effects of Separate Confinement	94
Remarks of Dr. Campbell, Medical Officer of Dartmoor Prison, on the effects of Separate Confinement	97
Remarks of the Physician of the New Jersey Penitentiary, on the Effects of Separate Confinement	98
Extracts from the Report of the Warden, on the Discipline of the State Prison of Rhode Island	99
Extracts from a former Report, referring to separate Confinement and Em- ployment, and Industrial Training on Public Works	102
New Penal Colonies	103
Extracts from a former Report, on the Formation of New Colonies	103
Order in which Probationary Periods should be enforced	105

	Page
Incentives to Industry and Good Conduct	106
Records of Conduct and Character	107
Badges and Classification	108
Gratuities to well-conducted Convicts	109
Application of Convict Labour	110
Value of Convict Labour	111
Extracts from "Notice to Prisoners"	112
Extracts from "Report on the Durham Refuge for discharged Prisoners"	114
Table showing the Number committed for Trial in England and Wales in 1851	120
Return of the Employment of Convicts at Portsmouth	121
Extract from the Speech of the Rev. John Clay	121
Remarks of Mr. Thomson on the relative Expense of training neglected Children, or of leaving them to themselves	123
Extract from a Petition from the Liverpool Magistrates on the same subject	123
Observations on Drunkenness as a Cause of Crime	124
Drunkenness in the Army	125



R E P O R T  
ON THE  
DISCIPLINE AND MANAGEMENT OF THE  
CONVICT PRISONS,  
AND DISPOSAL OF CONVICTS,

1852,

*With Notes on the Convict Question, Construction of Prisons,  
Hard Labour, &c.*

BY LIEUT. COL. JEBB, C.B., SURVEYOR-GENERAL OF PRISONS,  
CHAIRMAN OF THE DIRECTORS, &c.

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TO THE RIGHT HON. VISCOUNT PALMERSTON, G.C.B., &c.  
*Secretary of State for the Home Department.*

My LORD,

45, Parliament Street,  
June 14, 1853.

I HAVE the honour to submit a Report for the year 1852 on those general subjects connected with the discipline and disposal of convicts, which fall under my superintendence as Chairman of the Directors of Convict Prisons, together with such information on the construction of prisons as further experience enables me to afford.

I have noticed the different subjects which appeared deserving of attention in the following order:—

1st. The Accommodation at the Disposal of Government,—and the Distribution of the Convicts in the different Establishments.

2d. The General Statistics of the Year, showing the Number remaining in the Convict Prisons on the 31st December 1852—the Number received into the different Prisons, or

Order in which  
the subject is  
treated.

embarked for the Colonies, or who have died, during the Year.

3d. Convict Discipline—Observations on Separate Confinement, its Moral Effects, &c.

4th. Second Probationary Period on Public Works.

### CONVICT PRISONS.

Prison accommodation.

With regard to the first point, the accommodation at the disposal of the Government, and the distribution of the convicts, are detailed in the following Return, which gives these particulars for the 31st March of the present year:—

#### ESTABLISHMENTS AT HOME FOR MALE CONVICTS.

<i>Prisons for Separate Confinement.</i>		
Millbank	-	1,100
Pentonville	-	561
Wakefield	-	412
Preston	-	50
Leeds	-	50
Leicester	-	112
Northampton	-	60
Bath	-	24
Reading	-	40
Bedford	-	70
Perth	-	180
		For Scotch prisoners.
		2,659

#### *Prisons and Hulks for Public Works.*

Portland	-	1,070
Portsmouth	-	1,020
Dartmoor ; able-bodied	-	650
Hulks at Woolwich	{ "Defence" -	530
	"Warrior" -	450
		3,720
Parkhurst (for Juveniles)	-	625

#### *Invalid Depots.*

Dartmoor	-	626
"Stirling Castle Hulk, Portsmouth	-	400
		1,026

Total in England and Scotland	-	8,030
Ireland, including Males and Females	-	5,246

#### *Abroad.*

{ Gibraltar, say	-	600
Bermuda, say	-	1,700
Western Australia	-	550
		2,850

General Total	-	16,126*
---------------	---	---------

\* Exclusive of 200 females at Millbank and of all the accommodation in Van Diemen's Land. At the date of the last half-yearly Report, 31st December 1851, there were 4,762 males and females at the different establishments in that island.

## GENERAL STATISTICS.

## GENERAL STATISTICS and Disposal of Convicts for the Year 1852.

General  
Statistics.

On the 1st of January 1852—

The number of Prisoners remaining in Convict Prisons was	-	6,572
Received during the year 1852	-	2,953
Total convict population during the year	-	9,525
Disposed of during the year	-	2,658
Remaining on 31st December 1852	-	6,867

Embarked for	Name of Ship.	Date of Ship's leaving.	Condition of Convicts in the Colonies.			Total.
			Ticket- of- Leave.	Public Works.	Further Pro- bation.	
Van Diemen's Land	"Fairy"	1852				
	"Pestonjee Bomanjee" {	March 10	294	-	-	294
		April 18	290	-	1	291
	"Lady Montagu"	August 3	250	-	2	252
	"Equestrian"	August 25	258	-	36	294
	"Oriental Queen"	October 25	245	3	22	260
Western Australia	"St. Vincent"	December 23	71	-	39	110
	"Wm. Jardine"	April 30	-	212	-	212
	"Dudbrook"	November 15	70	189	-	259
Norfolk Island	"Lady Montagu"	August 3	-	38	-	38
Bermuda	"Edward"	December 27	-	-	-	
Gibraltar	"St. Vincent"	December 23	-	-	-	100
			1,468	412	100	2,000
		Total	-	-	-	2,845
Removed to—						
Lunatic Asylums						18
County Gaols						5
Society's Farm School						17
Ireland						3
						43
Pardoned—						
Free						80
Conditional						6
On Medical Grounds						13
On expiration of half sentence, and one sentence expired						26
						125
Escaped Deaths						14
						131
Total Number disposed of						2,858
Remaining in the Convict Prisons 31st December 1852						6,867
Total Convict Population						9,525

## CONVICT DISCIPLINE.

The question of penal discipline applicable to convicts under sentence of transportation is very complicated, involving, as it does, the home and colonial interests, and being, also, a great moral and financial question. If, in practically attempting its solution, any one of the great interests concerned be allowed to preponderate, to the exclusion of measures likely to have a favourable influence on the others, the general result, considered in a national point of view, cannot fail to be prejudiced.

Different views  
on the subject  
of convict dis-  
cipline.

In looking practically into details, the question is further complicated by the very different views which are entertained, not only as to the object itself, but on the measures to be adopted for obtaining it.

Some will advocate simple penal punishment; others, reformation, as the chief end and prominent feature of any system: some would advocate chains and slavery; others, affectionate and assiduous instruction.

Between these extremes, the safest course would appear to be, to avoid any one idea, and to hold fast by experience. In this view, it may be desirable to inquire how far the two main elements of the system, namely, *Separate Confinement* and *Associated Labour*, can claim any preference over other schemes which may be suggested for the resolution of this important question.

I have so fully entered into all the details in former reports, that it would only be necessary very briefly to bring them under your Lordship's notice, were it not that the question of enforcing strict separation for indefinite and lengthened periods has again been mooted, and an attempt been recently made to show that certain modifications, which have been introduced into the discipline of Pentonville prison, have had a prejudicial effect on the health of the prisoners.

### *Separate System.*

Separate  
system.

When the separate system was first urged upon the attention of Parliament in the very able Reports of the late lamented Inspectors of Prisons, Messrs. Crawford and Russell, (1836 and 1837,) little or no experience of its effects had been gained in any country. Mr. Crawford had seen it in operation in the Eastern Penitentiary at Philadelphia; and thus expresses his opinion in a Report on the prisons in America, dated 1834:—

"In regard to the moral effects which have hitherto resulted from the Eastern Penitentiary, it is impossible to adduce any strong evidence. The institution has been only four years in practical operation.

" In 1830 there were confined in the prison	-	31
1831        "	-	67
1832        "	-	91
1833        "	-	123"

He goes on, however, to add the favourable opinion he had formed, in the following terms:—

"Upon a careful review of every part of the Eastern Penitentiary, after seeing the whole, and examining a considerable number of the

Extracts from  
Mr. Crawford's  
Report on  
Prisons in  
America.

individuals confined in it, I have no hesitation in declaring my conviction that its discipline is a safe and efficacious mode of prison management, that it has no unfavourable effects on the mind or health, and that with the addition of moral and religious instruction, in which this penitentiary is eminently deficient, solitary imprisonment thus enforced may be rendered powerfully instrumental, not only in deterring, but also in reclaiming the offender."

It will be admitted by those who have given attention to the subject, that these conclusions rested upon very slender data; and that so far as regards the assertion, that discipline, as enforced at that prison, would have no unfavourable effect on the mind or health, or the inference that it could be safely enforced in the case of all prisoners for lengthened periods, experience has since shown, that the anticipations he entertained have not been altogether realized.

*Solitary confinement had previously been made the subject of experiment in New York.*

Solitary confinement in America.

In pursuance of a law passed in 1821, eighty convicts were selected, and, as a matter of experiment, were placed in *solitary* cells, which had been prepared for the purpose, under the direction of the Inspectors of the State Prison at Auburn.

In 1823, about eighteen months after the commencement of the experiment, it was found that the most disastrous results had followed, especially as regarded insanity. With the exception of a few whose sentences were about to expire, and others who were sent to labour, all the remainder were then pardoned.

Disastrous effects of solitary confinement.

The total failure of this experiment led to the establishment in that prison of labour in association, under a rule of silence, as distinguished from the separate system, which was afterwards established in 1834 at Philadelphia.

It is probable that the results of this experiment of *solitary* confinement on the mind and health of prisoners, led to the existing limitations by which it is not lawful to award or enforce a sentence of solitary confinement for more than 28 days at a time or for more than three such periods during 12 months.

### *Distinction between Separate and Solitary Confinement.*

The distinction between *solitary* and *separate* confinement, and some of the precautions to be adopted in the construction of prisons, and in the administration of the discipline, are laid down in the 2 & 3 Vict. cap. 56; and Pentonville Prison was erected as a model of construction, and with a view to

Object of Pentonville Prison.

try an experiment on separate confinement in this country under the provisions of that Act. Some observations on this subject appear in my Second Report.\*

Selection of  
prisoners for  
Pentonville.

From the year 1843 to 1848, with a slight exception on the first opening of the establishment, the prisoners admitted into Pentonville were most carefully selected from the whole body of convicts ; and the results of the discipline are fully detailed in the Reports of Commissioners. A change in the class of convicts, as a cause of some adverse results in 1848, is, however, incidentally noticed in a Report for that year, dated May 1849, and signed by Earls Devon, Chichester, and Harrowby, Sir W. Molesworth, Sir B. Brodie, and Dr. Ferguson.

The following are extracts :—

Extracts from  
Report of Com-  
missioners of  
Pentonville.

“ Since the date of our last Report, dated May 1848, we have no new circumstances to notice. The following statements will show that the system continues in efficient operation, and that its effects upon the prisoners are highly satisfactory.”

With regard to the health and mental condition of the prisoners, however, they observe,—

“ We are sorry that, as to the health and mental condition of the convicts, we have to make a much less satisfactory report than in any of the former years since the prison was established.

“ The daily average number of sick has indeed been smaller than in the year 1847 ; and there has not been a single case of Asiatic cholera.

“ But there were six deaths from disease within the walls of the prison ; and five convicts received pardons on account of their

---

\* “ It must first be premised that the law requires ‘that no cell shall be used for the separate confinement of any prisoner which is not of such a size, and ventilated, warmed, and fitted up in such a manner as may be required by a due regard to health ;’ that its fitness in these respects shall be certified to the Secretary of State ; that a prisoner shall have the means of taking air and exercise, and be furnished with the means of *moral* and *religious instruction*, with books, and also with *labour* or *employment*.

“ It is difficult to define by any regulation the *amount* of the moral and religious instruction which shall be given, or the *precautions* which shall be adopted in the general administration of the separate system. But when it is remembered that the *basis* of separate confinement is *solitude*, the necessity of following up not only what the law has clearly indicated, but what experience has proved to be absolutely essential, will be apparent.

“ The Commissioners of Pentonville advert generally to the subject in the following terms :—‘ In carrying out any system of separate confinement, we are of opinion that it is quite indispensable to secure a constant and vigilant medical superintendence, and those mitigations of absolute solitude, which we believe to have operated so beneficially for the bodily and mental health of the prisoners at Pentonville : we mean, chiefly, a regular and frequent visitation by the superior officers, moral and religious instruction judiciously imparted, employment that will interest the mind as well as occupy the time of prisoners, and regular exercise out of doors.’

“ As far as regards confinement prolonged beyond the average period of a few weeks, the faithful performance of the duties referred to, combined with ‘employment that will interest the mind as well as occupy the time of a prisoner,’ constitute those mitigations of absolute solitude which are quite indispensable in order to establish the broad distinction which ought to exist between *solitary* and *separate* confinement, and to secure the advantages of the system.”

labouring under such disease as rendered a prolonged term of imprisonment dangerous. Of these last, four laboured under some form of scrofula, and one under an organic disease of the brain.

“There was one case of death from suicide ; and it is worthy of notice that this is the first example of suicide that has occurred in the prison.

“The proportion of mortality, including three-fifths of those who were pardoned on account of the state of their health, among the deaths is as 18·75 to 1,000.

“There have been also five cases of insanity.

\* \* \* \* \*

“It may be difficult to offer a certain explanation of the great number of cases of death and of insanity, as compared with that of former years. *We have, however, reason to believe that, in the earlier years of this institution, the convicts sent here were selected from a large number, and that the selection was made with a more exclusive regard to their physical capacity for undergoing this species of punishment.*”

They remark in conclusion,—

“The longer the period of separation, the more watchful must be the exercise of medical superintendence, to guard against the failure of mental or physical health, which should always be anticipated as a possible result with prisoners of certain temperaments and dispositions, and in proportion to the keenness with which they feel their punishment.”

Subsequently to the date of this Report, the functions of <sup>New commis-</sup>  
the Board were transferred to a new commission, of which I  
had the honour to be appointed Chairman, Captain O'Brien  
and Mr. Voules being associated with me.

The experiment on prison discipline which had been in full operation from 1843 to 1849, was thus brought to a close, and the accommodation in Pentonville Prison was rendered available for the general purposes of the convict service.

From circumstances, we were all sufficiently familiar with the working of the discipline at Pentonville, and its effects, to enable us to form our own conclusions upon the subject.

For myself I had previously expressed them in my Second Report, 1847, to the following effect :—

“My own independent conclusion, founded on a close observation of the system as carried out at Pentonville, Wakefield, and other prisons, is that separate confinement, with very few exceptional cases, and with ordinary precaution, may be safely and *generally* adopted for periods extending from six to twelve months, or rather more.

“Beyond twelve months I think it requires greater care and watchfulness than would, perhaps, be ensured under *ordinary* cir-

Periods for  
which separate  
confinement  
may be adopted.

cumstances. And there are grounds for believing that it is neither necessary nor desirable to extend it.

"It is not the *use*, but the *abuse of separate confinement* that is to be guarded against ; that is, pressing it beyond the limits within which advantage is derived from placing a prisoner under favourable circumstances for reflection and receiving instruction,—or of continuing to enforce it, in the case of any individual whose health of mind or body appears to suffer under separate confinement in a greater degree than he would under a system of association."

**Precutionary  
measures.**

Under any circumstances, however, the experience of 1848, as already detailed, would naturally have led to the adoption of any precautionary measures, which afforded hope of mitigating the evils. This responsibility was especially forced upon our attention from the circumstance that it had been determined by the Government to subject *all prisoners* to a period of separate confinement, instead of the very small proportion which up to that period, including 1848, had been selected for the purpose.

The first Report of the new Board is for 1849, and is dated 25th February 1850. Some extracts from a subsequent Report, bearing on the question, are inserted in the Appendix, page 102.

The experience of the year 1849 was such as to call for increased watchfulness and precautions ; for we had commenced dealing with a description of prisoners far less able to bear separate confinement than those who were made the subjects of the original experiment ; and this discipline was about to be enforced under the responsibility of the Secretary of State at Wakefield, and in other prisons where cells had been rented by the Government for the purpose. Up to the end of 1849, however, no alteration in the routine, of any consequence, had been made, although prisoners of good conduct, who had been six months in the prison, had been previously selected for employment in the kitchen, bakery, and in other work, chiefly with a view to economy.

Mr. Bradley, the Medical Officer, in his Report for 1851, observes on the general question of health under the less favourable circumstances in which the discipline was carried out :—

**Extract from  
Medical  
Officer's Report  
for 1851.**

"The admission of ordinary convicts for the purpose of undergoing punishment would naturally tend to increase the proportion of both mental and bodily disease. This anticipated result, however, has not obtained, as the medical statistics show, with regard to mortality and disease in the prison ; while, if the condition of the prisoners at the expiration of their imprisonment be regarded, and a comparison in this respect be made between those formerly embarked on board the convict ships, and the men who have been sent during the last

two years to the public works, the observation will be in favour of the latter as being more healthy in appearance, and possessing, for the most part, unimpaired strength, and activity of both mind and body.

"The circumstance which has been mainly instrumental in counteracting the tendency to disease and in maintaining health will be found to be that the term of imprisonment in Pentonville has been shortened ; the time to be passed in separate confinement having been reduced from 18 to 12 months."

With regard to mental health, he observes that it may be considered to have been highly satisfactory, whether the diminished number alone be regarded, or the character of the cases themselves.

### *Increased Amount of Exercise and Results.*

At the commencement of 1852, however, there had occurred at Pentonville so unusual a number of cases of mental affection, as to cause the Directors much anxiety ; and I stated in my last Report that they had instituted an inquiry into all attendant circumstances, and had arrived at the conclusion, that the greater amount of mental disease at that establishment, as compared with Wakefield and other prisons, was mainly due to a *difference in the administration of the system.*

Cause of un-  
usual number  
of cases of  
mental affec-  
tion.

Whilst, therefore, adhering, as far as possible, to the principle of separation, they deemed it their duty to increase the amount of exercise in the open air ; and, partly with this object, and partly to secure other advantages, they caused the prisoners to take exercise on the plan which had been found to answer so well at Wakefield. Their view is explained in the following resolution :—

Increased  
exercise.

"That the exercise in the separate airing yards does not appear so well calculated to promote the bodily or mental health of prisoners as the plan pursued at Wakefield ; and that brisk walking exercise under such arrangements as will effectually prevent communication should be substituted for it."

This change, which was brought into operation about 1st April 1852, has had a most marked and beneficial effect on the general health of the prisoners, as will be seen in the following table, showing the mean daily per-centge of sick in each month, and quarter, of eight preceding years, as compared with 1852 :—

Daily per-centages of sick.

	Mean of 8 years.		1852.	
	Months.	Quarters.	Months.	Quarters.
January - - -	3·48		3·83	
February - - -	3·39		3·23	
March - - -	3·60	3·49	4·21	3·75
April - - -	3·16		2·61	
May - - -	3·17		1·52	
June - - -	3·40	3·24	2·27	2·13
July - - -	3·75		1·79	
August - - -	3·61		1·25	
September - - -	3·23	3·53	1·64	1·56
October - - -	3·27		1·28	
November - - -	2·99		1·90	
December - - -	3·13	3·13	1·82	1·66
Annual mean - -	3·34	—	2·27	—

The gradual diminution in the per-cent-age of sick, shown in this return, notwithstanding the very different and less favourable classes of prisoners which are now sent to Pentonville, can, in my opinion, only be accounted for by a difference in their treatment, combined with a shorter period of confinement.

Extract from  
Chaplain's  
Report.

With regard to the moral effects produced by this and other ameliorations of the discipline, the Chaplain observes as follows:—

"The beneficial moral results of the discipline and instruction of the prison have in no degree been lessened, in my opinion, by the mode of exercise adopted during the year past, in lieu of the separate yards. There has been actually less communication between the prisoners. The good effect of the change upon the mental condition of the prisoners has been, to my perception, most marked. From an early period in the history of this prison you are aware I was led to advocate a mitigation of the rigorous character of separate confinement, originally instituted in Pentonville; and I have hailed with no small satisfaction, on the ground of humanity, every approximation to such a course of treatment as should secure a better prospect of continuing what is useful in this discipline without perpetuating the serious evils which a growing experience led me to apprehend from its indiscriminate application. I am now enabled, by very distinct recollection of my early impressions, to compare the convicts of the first years, in their general appearance and manner, with those of the last; and I would have no hesitation in affirming that the present healthful mental aspect of the prisoners forms a complete contrast to the nervous, agitated condition of the first, allowance being made for the many cases of debility and age now admissible to the prison, which were so carefully excluded at the first."

It has been well remarked by the Physician of the Penitentiary in New Jersey:—

"The more rigidly the plan is carried out, the more its effects are visible upon the health of the convicts. A little more intercourse with each other, and a little more air in the yard, have the effect upon the mind and body that warmth has on the thermometer; almost every degree of indulgence showing a corresponding rise in the health of the individual. That an opinion to the contrary should have been advocated at this time seems like a determination to disregard science in support of a mistaken but favourite policy."

Remarks of the physician of the New Jersey penitentiary on separate confinement.

Besides the more obvious effects of separate confinement, as exhibited in the development of pulmonary consumption and mental affections, there can be no question that the vigour of mind and body of the majority of convicts, who are subjected to strict separation for periods extending beyond 12 or 15 months, is impaired.

My own conclusions upon this subject were thus expressed in my Second Report for 1847, in which, referring to the occurrence of convulsions on embarkation, and the general subdued, tractable manner, which had been reported by several surgeons-superintendent as the invariable characteristic of the prisoners from Pentonville, I observed that—

"Though there may be no evidence that any *permanent* injury has been sustained, such *indications* must not be disregarded. From whatever cause they proceed, it appears highly probable that an extension of the period of confinement would be calculated to increase them, and it is to be apprehended that if increased the result might be some permanent injury to the majority of the prisoners. It has been remarked that such effects show that we have arrived 'at the beginning of the end of good health.'

Mr. Francis Gray, the author of a work on Prison Discipline, also observes upon this point:—

"Sir George Grey expressed his concurrence in the opinion of Sir Benjamin Brodie and Dr. Ferguson, who had both been on the Commission for the Management of Pentonville Prison, that the *utmost watchfulness and discretion* on the part of the Governor, Chaplain, and *Medical Attendants*, would be requisite in order to administer the system established there with safety, and Sir James Graham repeated the same sentiment. If there is great danger that the bodily and mental health will, in many cases, be so deranged as to require medical interference, is there not a certainty that, in many more, there will be a *degree of debility and depression not amounting to positive disease?* These effects, when perceived, may, perhaps, be deemed hereafter, as they have been heretofore, to be evidences of reformation. But it is a capital error to suppose that they promote or indicate any real improvement of the morals or of the intellect."

Remarks on separate confinement by Mr. Francis Gray.

On this latter point Mr. Kingsmill remarks in his last Report :—

**Chaplain's  
remarks.**

"Depression of spirits is not contrition ; remorse is not repentance ; resolutions and vows of amendment, made whilst suffering the penalty of transgression, imply no change of principle—no real reformation of character. The weakening of man's physical and mental energies does not generate piety. Religion cannot be in a healthy state which originates in any disturbance of the mental powers."

**Results of pre-  
cautionary  
measures.**

The best evidence, however, of the results of the plans which have been pursued, in giving effect to the precautionary measures introduced into the routine of discipline in the course of the last twelve months, is, that during the year between the 1st of April 1852 and 31st March 1853, there has been no case whatever of mental disease.

The foregoing explanations will, I trust, have satisfied your Lordship that the determination of the Government in regard to limiting the term of separate confinement, was not hastily or unnecessarily adopted, and that the ameliorations, which, under a change of circumstances, the Directors have felt it to be their duty to recommend, are such as are calculated to diminish the objections which may be entertained by some to this system of discipline, whilst they do not entail any sacrifice whatever of its advantages.

### *General System of Convict Discipline.*

**Limitation of  
period of sepa-  
rate confine-  
ment.**

When the question of establishing a comprehensive system of discipline, applicable to the great body of convicts under sentence of transportation, was under consideration of the Government in 1846-7, the whole subject was most anxiously and carefully considered in all its bearings.

**Separation  
applied to all  
convicts.**

The experiment at Pentonville had been so conclusive and satisfactory as regarded the moral effects of separate confinement, that it was determined to secure for the whole body the advantages which up to 1847 and 1848 had been confined to a small section, and thus realize the anticipations of those most interested in the treatment of convicts, by applying that experience in establishing an improved and comprehensive scheme of prison discipline, which might be equally applicable to all convicts and under any circumstances.

The result was the determination, that the period of separate confinement should be limited to an average of about 12 months, followed by strict penal discipline in association and employment on public works, for a period proportioned to the original sentence.

In order to carry out these views, I was authorized by Sir George Grey to rent from the Magistracy in counties and boroughs, where new prisons had been erected, any spare accommodation they were inclined to place at the disposal of the Government, at the rate of 6*l.* per annum for each cell. Nearly 800 additional cells were obtained in this manner. A portion of Millbank was appropriated for modified separation, and Pentonville was somewhat extended. Instead, therefore, of 500 prisoners only being subjected to separate confinement, arrangements were made by which upwards of 2,000 are now undergoing that discipline.

It was further determined to establish a large convict prison at Portland, with a view to bring to the test of actual experiment, not only the measures calculated to assist in the reformation and industrial training of prisoners, but to ascertain the best mode of applying convict labour at the disposal of the State, in the execution of works of national importance or acknowledged utility; with a further view to the final abolition of the Hulks and the substitution of an organized and improved system of discipline, on public works, at home and abroad.

With regard to the general results of the combined system, sufficient experience has now been gained of the great advantages of separate confinement, as a preparation for the subsequent stage in association. The details of the discipline, though described in the reports, can, however, only be understood by an inspection of the prisons at Pentonville and Wakefield, and of other prisons where the separate system is enforced.

A careful study of the whole discipline and management at Portland, Portsmouth, or Dartmoor, would, in like manner, enable any one to form an opinion, as to whether the arrangements for combining the reformation of the prisoners with the punishment due to crime, are calculated to promote the objects which the Government have in view.

Should alterations appear desirable, there exists every facility for making them. So far, however, as my experience goes, I do not see that any change, either in principle or routine, could be made without creating *some evil or difficulty which requires to be guarded against.*

As regards the present system of subjecting every prisoner to 12 months' separate confinement and subsequent association on public works, Mr. Gray, the author before quoted, remarks in a work published at the time when the present plan was first settled:—

Cells rented in  
county and bo-  
rough prisons.

Establishment  
of Portland  
Prison.

Best method of  
becoming ac-  
quainted with  
details of  
discipline.

No change  
practicable.

*Remarks of  
Mr. Gray on the  
present system.*

"The British Government, enlightened by experience, has determined to make an important change in its whole system of secondary punishments, and, last June, a plan was submitted to Parliament for this purpose, which will undoubtedly be definitively acted on at the next session. \* \* \* \* \*

"It appears that the new system now proposed to be established there, provides for one year of Pentonville discipline, followed by a term of *social labour*. During this latter period, we are told that the prisoners are to receive moral and religious instruction, and to be entirely separated from each other by night. This is well. And if it is designed, also, to furnish them, during the intervals of labour, with the means and opportunity of such intellectual culture as they are capable of receiving; to guard carefully their intercourse by day; and to prevent their having free and uncontrolled conversation by night, it is a *design worthy of the greatness, the wisdom, and the benevolence of England.*"

## SECOND PROBATIONARY PERIOD ON PUBLIC WORKS.

*Second Probationary Period  
on Public Works.*

We now come to the consideration of the second probationary period of discipline on public works; and as the moral result of the discipline to which convicts are now subjected during the period of their imprisonment mainly depends upon the arrangements made for the men working in association after a period of separate confinement, I have felt more than ordinary interest and anxiety that it should be placed on the most effective footing; and with this view I have spared no pains to render Portland a model on which to form similar establishments.

### *Portland Breakwater.*

Before entering into the different questions which are of interest with reference to the results of the discipline and management of Portland Prison, it may be convenient briefly to advert to the further object of constructing a breakwater, for the formation of a harbour of refuge in Portland Roads, and to the mode of carrying on the work.

The attention of the Government was called to the subject of "Harbours of Refuge" in 1843; and, in consequence of the recommendation of a Select Committee of the House of Commons, a Commission was appointed to inquire into the most eligible situation for forming a harbour or harbours of refuge in the Channel.

*Formation of  
harbours of  
refuge.*

*Opinion of  
Commissioners  
on Portland  
Bay as a Har-  
bour of Refuge.*

The great natural advantages of Portland Bay—its important relative position—and the facilities for accomplishing the proposed object, could not fail to claim the attention of the Commissioners, who stated in their Report,—“Our next

and last visit was to Portland, which, from its situation with reference to the Channel Islands, and as the boundary of the narrow part of the Channel in this direction, came naturally within the range of investigation."

The result was, the recommendation of the Commissioners "that a breakwater be constructed in Portland Bay, sheltering an area of 1,200 acres." Breakwater in  
Portland Bay.

The quarries which produce the well-known Portland stone are situated on the summit of the island, from 300 to 400 feet above the level of the sea; and the best kind of stone, such as has been used in the construction of St. Paul's, Whitehall, and other buildings, lies under several strata of hard but inferior quality. The quarries were in consequence encumbered with vast piles of refuse stone, which had been removed for getting out the "best bed," as it is termed. This débris is made use of in the construction of the breakwater, and some of the coarse beds are quarried for the same purpose. Description of  
quarries, and  
means for re-  
moving stone.

The stone is removed from the quarries by means of several lines of railways, which are arranged in a series of inclined planes, from the summit to the point where the breakwater joins the shore. The waggons are raised and lowered by wire ropes, working on "drums" placed at the head of each "incline," the loaded train in its descent drawing up the empty one from the breakwater.

The waggons, previously to being lowered down the incline, pass over self-registering weigh-bridges, by which the precise quantity of stone sent down is ascertained.

The convicts, besides constructing all the branch lines into the quarries, repair the "plant," and are otherwise usefully employed, and will be enabled when the arrangements are complete to send down from 1,500 to 2,000 tons of stone a day or more. Work in which  
convicts are  
employed.

The expense of constructing this great national work, securing a naval station in time of war, or affording shelter and safety to the commercial marine in the long line of coast extending from Plymouth and Torbay to Portsmouth and the Downs, might in consequence be greatly reduced, as almost the whole of the works might be executed by convict labour. Expense of  
construction  
reduced by  
application of  
convict labour.

### *Results of the Present System.*

As regards the results of the discipline and industrial training at Portland, which, as before stated, has been more or less dependent upon the means of instruction afforded

to the men during their probationary discipline in separate confinement, they may, I trust, be considered to be highly satisfactory.

As a body, the men show a spirit of willing and cheerful obedience. The strictest discipline is maintained, with a very small proportion of punishment. The industry of the working parties is remarkable; and the fact that they exert themselves at their laborious occupation is manifested by the circumstance that those who are employed, constituting only about four-fifths of the whole body, execute work of a value nearly equal to the entire cost of the establishment.

Of their moral condition the Chaplain, and those who have the best opportunities of forming an opinion, speak in very favourable terms.

**Results of the present system.**

On the whole, though I felt very hopeful of success when Portland Prison was first occupied, the results have far exceeded my expectations; and, as I have frequently stated before, I would now repeat that, under Providence, it is due to the principle of *encouragement* held out in the rules and regulations sanctioned by the Secretary of State, and to the judicious and admirable manner in which they have been carried out by Captain Whitty and the Governors and Chaplains, who have had the immediate responsibility of administering the discipline.

The foregoing observations will, I trust, have given your Lordship a comprehensive view of the present system; and I trust it will also appear that, taken as a whole, it may claim to be founded upon broad and intelligible principles, and on past experience of much that has to be avoided, and much that affords encouragement to follow.\*

The records of Parliament may be appealed to in proof of the fact, that there have been periods in the history of the convict system of this country when, speaking humanly, the demoralization of every individual sentenced to transportation was certain. No matter what might have been his previous character, what the amount of his contrition, or what the sincerity of his efforts and resolutions to retrace his steps, he was placed within the influence of a moral pestilence, from which, like death itself, there was no escape.

Any candid and dispassionate inquiry into the condition and prospects of the convicts who have passed through periods of penal and reformatory discipline at Pentonville and Portland, will prove beyond doubt that, to say the least

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\* For further observations on different points connected with Portland, and generally with the probationary periods of discipline on Public Works, see Appendix, p. 106.

of it, the *majority* of those now serving are likely, on their release, to be respectable in their station of life, and useful to those who engage their services, thus realizing the anticipations of the Pentonville Commissioners, that "a large proportion of our convicts would be qualified on their discharge to occupy an honest position in their own or any other country."

## THE CONVICT QUESTION.

The importance at the present moment of the different questions connected with "transportation," and the difficulties which will have to be provided for in consequence of its more limited application, imposes upon me the duty of laying before your Lordship such statistics and details, as will be required in the consideration of the subject.

I propose to notice the various points in the following order :—

Convict question.

Points to be noticed.

1. Present system of convict discipline, and its expense.
2. A modification of the present system by the establishment of district prisons, and the estimated expense.
3. Discontinuance of transportation, and substitution of imprisonment at home, and in certain of the colonies, with the estimated expense.
4. Additional prisons, and their probable cost.
5. Probable effect on the annual estimates of carrying out a general system of imprisonment.
6. Females.
7. Disposal of convicts.
8. Measures for assisting discharged prisoners.

### 1. PRESENT SYSTEM OF DISCIPLINE, AND EXPENSE.

As regards the general routine of the management, an extract from the notice which is placed in the cell of each prisoner received into the Government prison is annexed in Appendix, page 112, and will give a brief but comprehensive view of the system, which, at least up to the end of 1852, was in operation.

It may be observed that it consists of three probationary periods of discipline, viz. :—

Notice in each cell.

1st. Twelve months' separate confinement.

2d. Labour in association on public works for a period proportionate to the sentence.

Three probationary periods of present system.

3d. A ticket-of-leave in one of the colonies, followed by a pardon, conditional or otherwise.

Pentonville and Portland Prisons may be taken as examples of the first and second periods of probation. The third is a *revocable* pardon, and it will be observed that the holder of it is subject to certain very salutary restrictions, calculated to deter him from crime, and thus protect the interests of others.

The system, though not yet fully developed, may fairly be assumed to have fulfilled, both at home and abroad, the different objects which require to be provided for. It has been a punishment severe in its aspect, but mild in its practical operation ; and there can be no doubt, that, whilst the men have been disposed of greatly to their own advantage, the Imperial interests have gained some benefits, without materially prejudicing those of the colonies.

### *Expense of the Present System.*

Estimates for  
1852-3.

#### Abstract of the Estimates for the Convict Service for 1852-3.

The total number of convicts provided for in the annual estimates is 21,932, and the expenses of all the services, as detailed under the separate heads, may be thus stated :—

Gross estimates for the convict prisons in Great Britain, for 7,824 prisoners	£ 182,331
Gross estimates for the convict prisons in Ireland, for 5,246 prisoners	53,912
Estimate for the removal of prisoners	12,424
Gross estimates for convict service at Gibraltar and Bermuda, for 2,650 prisoners	48,842
Estimates for transport services to the Australian colonies	95,000
Estimate for transport services to Bermuda and Gibraltar	6,041
Estimates for the Australian colonies, &c.	<u>188,744</u>
Total gross cost to be laid before Parliament	<u>£587,294</u>

Assuming, however, that the labour of the convicts is judiciously and profitably applied, the real cost to the country will be reduced by the value of their work at home, which may be thus stated :—

Brought forward - - £587,294

Deduct earnings of 15,720 prisoners as follows\* :—

7,824 in Great Britain, at 12 <i>l.</i> per head	-	£ 93,888
5,246 in Ireland, at 5 <i>l.</i> per head	-	26,230
2,650 in Bermuda and Gibraltar, at 18 <i>l.</i> per head	-	47,700
	<hr/>	<hr/>
		167,818

Total estimated net cost to the country for the current year, deducting the prospective value of labour	-	£ 419,476 †
	<hr/>	<hr/>

## 2. A MODIFICATION OF THE PRESENT SYSTEM BY THE ESTABLISHMENT OF DISTRICT PRISONS, WITH A VIEW TO A REDUCTION IN THE NUMBER OF CONVICTS TO BE SENT ABROAD.

The probable effect of acting on the recommendation of the committee of the House of Commons in regard to the establishment of *District Prisons* is thus adverted to in my Fifth Report :—

“ Few persons beyond those whose duties bring them into immediate connexion with prisons, are aware of the great inequality of sentences passed in the different courts for similar offences ; nor is it generally known that so few are sentenced to long terms of imprisonment, and so large a proportionate number to short terms of transportation, thus omitting altogether such an intermediate and lengthened term of imprisonment as would give a more just and proper gradation of punishment for different offences.

“ It will appear by reference to the Criminal Tables, that, taken on the last ten years, the average number of prisoners sentenced to 7 and 10 years' transportation has been 2,626, and that the average number sentenced to imprisonment has only been as follows :— 3 years, and above 2 years, 5 ; 2 years, and above 1, 473 ; 1 year, and above 6 months, 2,380. There are now so many country prisons, &c., in which separate confinement for 12 months might be enforced, that I believe if district prisons for carrying out the *remainder* of long sentences were established, a sentence of 2 to 3 years' imprisonment would have a sufficiently deterring effect, and the difficulties arising from the great number sentenced to transportation would be materially diminished.

\* Prisoners in separate confinement at - - - 5*l.* per head. }  
 " on public works - - - 18*l.* " }  
 Invalids and juveniles - - - 5*l.* and 3*l.* " }  
 Prisoners in Ireland - - - 5*l.* " }  
 " Bermuda and Gibraltar - - - 18*l.* " }  
 Average, about - - - 12*l.* " }

A portion only of this sum would be applicable to a reduction of the estimates laid before Parliament, as hereafter explained.

† This sum is irrespective of the value of labour bestowed on works in the colonies by the employment of the convicts who are now there, viz., 4,762 in Van Diemen's Land and 1,450 in Western Australia.

Deterring and  
reformatory  
effect of im-  
prisonment not yet  
tried.

" As regards sentences passed in court, it would appear proper that imprisonment should be carried to its fullest extent before recourse were had to transportation ; but, practically, neither the deterring nor the reformatory effects of imprisonment have ever had a trial on a sufficient scale to test their efficiency, excepting in the case of convicts under sentence of transportation. The experience, however, of the last few years carries with it the most conclusive evidence in favour of such a system ; and if it were only to avoid the inconvenience and expense of transportation, it is well deserving of attention, especially in an economical point of view.

" Lengthened periods of imprisonment have not hitherto been resorted to, partly from their being no existing prison where sentences exceeding 12 months could be properly carried into effect, and partly from a sentence of transportation up to a recent period affording so easy a solution of all difficulty both as regards expense to counties and final disposal.

" With a view, however, of providing a remedy for this defect, and, at the same time, the means of reducing the number of convicts sentenced to transportation, it appears to have been the object of the Select Committee of the House of Commons in 1850 to press on the attention of the Government the importance of erecting district prisons expressly for the reception of all prisoners sentenced to periods *exceeding* 12 months. The resolutions of the Committee are as follows :—

Resolutions of  
the Select Com-  
mittee of House  
of Commons  
on District  
Prisons.

" 14. That after prisoners under long sentences have undergone a period of separate confinement, the remainder of their sentences ought to be passed under a system of combined labour, with effectual precautions against intercourse.

" 15. That this object would be greatly facilitated by erection of district prisons, at the national cost, for the reception of prisoners under long sentences after they have undergone such previous separate confinement.

" 16. That such district prisons should be maintained at the national cost, and the government of such prisons and all appointments and salaries of officers ought to be under the control of Her Majesty's Government."

The measures necessary to give effect to these important recommendations were under the consideration of Sir George Grey, and by his direction I prepared a memorandum on the necessary details. The following is an extract :—

Additional  
accommodation  
required.

" With regard to the additional accommodation which may be required, it may be assumed that, if facilities existed for carrying into effect sentences of imprisonment extending from 18 months to 3 years, without expense to the counties and boroughs, a large proportion of the present sentences to 7 years' transportation would be changed to imprisonment.

" The following statistics may serve as data for calculation :

In the year 1850 there were sentenced to

7 years' transportation	-	-	-	1,369
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To imprisonment of 3 years and above	2	-	-	4
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To imprisonment of 2 years and above	1	-	-	551
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" If of these we take 1,000 of the sentences for 7 years, and allow 600 to cover the sentences of imprisonment, the number to be provided for in district prisons will amount to 1,600.

" The average sentences on this number might probably be assumed at  $2\frac{1}{2}$  to 3 years.

" It is recommended by the Committee, and it is an important condition to enforce, that all prisoners, previously to being sent to a district prison, shall have undergone a probationary period of separate confinement in the county prison. This period would probably vary from 6 to 12 months, and might be taken at an average of 9 months, leaving from 21 to 27 months of the entire sentence to be passed in a district prison. From this period there would be deducted a small proportion to be remitted as an encouragement to good conduct, leaving from 18 to 24 months as the actual period of confinement.

" On these data the entire accommodation required in the district prisons would amount to one and a-half or twice the number annually sentenced, that is, from 2,400 to 3,200."

Separate confinement previously to being sent to District Prison.

### *Expense of a Modified System.*

The estimates for a modification of the present system, in substituting imprisonment for a proportion of the sentences of transportation, may be taken as follows:—

Abstract of estimates for a modified system.

Gross estimates for convict prisons in Great Britain, 8,524 prisoners	£
Ditto in Ireland, 5,246 ditto	53,912
Ditto for the removal of prisoners	13,000
Ditto for transport services	37,500
Ditto for the Australian Colonies	152,600
Ditto for convict service at Gibraltar and Bermuda, 2,300 prisoners	46,500
Ditto for voyage to Bermuda and Gibraltar	6,041

Gross estimated cost of 16,070 prisoners      507,284

#### Deduct earnings,—

Great Britain, 8,524 prisoners, at an average of 12 <i>l.</i> per head	£
	102,288
Ireland, 5,246, at 5 <i>l.</i> per head	26,230
Gibraltar and Bermuda, 2,300, at 18 <i>l.</i> per head	41,400

169,918

Total estimated net cost of 16,070 prisoners,  
under the present system, modified as proposed      337,366

### 3. DISCONTINUANCE OF TRANSPORTATION, AND SUBSTITUTION OF IMPRISONMENT AT HOME AND IN CERTAIN OF THE COLONIES.

Discontinuance of transportation, and substitution of imprisonment.

Arguments of those who oppose transportation.

Changes necessary.

Alteration in sentence.

Transportation no longer dreaded.

The diminution in the number of convicts to be removed from Great Britain and Ireland, if imprisonment to the extent contemplated by establishing district prisons were adopted, would still leave perhaps 1,500 men to be annually transported. These would be men under the longest sentences, and assumed to be the worst class of criminals.

In the consideration of the details a difficulty presents itself. The opponents of transportation make use of two arguments : one, that the mother-country has no right to pollute a colony with her worst and most dangerous characters ; another, that in doing so she is rewarding crime, instead of punishing it. There is much force in both these arguments ; and any modification of the present system which is calculated rather to increase than remove these objections, will not, I fear, enlist the cordial co-operation of any colony, and will thus fail in being a permanent settlement of this vexed and important question.

For these reasons I am led to the conclusion that some more extended changes than a reduction in the number sentenced to transportation will be found to be absolutely necessary.

With this view it appears deserving of consideration whether it would not be expedient to alter the terms of the sentence, abolishing *transportation*, and substituting *long terms of imprisonment*, to be carried out chiefly in this country, but *with power to enforce them* at Gibraltar, Bermuda, Western Australia, or other colony where suitable arrangements for the purpose may have been previously made.

This, at first sight, may appear to be a very sweeping change, and to be open to the most serious objections. Transportation has for so long a period been looked upon as the most severe of the secondary punishments of the country, that great importance is attached to it. This, however, I am persuaded, is more from the force of habit and old associations, and from forgetfulness of the progressive changes that have been going on, than from any more substantial considerations.

As regards the majority of convicts, there is little doubt that the change of circumstances in the Colonies, together with the public mind becoming familiarized with emigration, has deprived this main element of the sentence of much of the deterring effect it may formerly have possessed, and hence its value in that light can no longer be relied upon.

If a clear, practical view of the *present* mode of carrying into effect such a sentence be also taken, it will be seen that it entails, or is commuted into, a long term of imprisonment, extending from 2 to 3 years, in the case of a 7 years' man, to 6 to 12 years, in the case of a life sentence, (the time being prolonged in case of necessity to the full period of the original sentence), to which is added such a mode of subsequently disposing of a prisoner, as will place him in a favourable position for earning his livelihood.

To obtain the last object, it will be seen, on reference to the estimates, that the mother-country incurs a large additional expense, from which she only derives the advantage arising from the ultimate removal of a proportion of the men.

From these considerations it appears that in substituting sentences of *Imprisonment* for sentences of *Transportation*, the only change that will be required is a modification in the means of *subsequently disposing of the convicts on the expiration of their sentences*, which, as already observed, is the only point of difficulty in the convict question.

To provide for this, I would venture to submit that, with a view to relieve the Secretary of State from responsibility in the exercise of his power, the practice of his determining, according to his discretion, the place of imprisonment, and granting *conditional pardons* to prisoners, should be fully recognized by Parliament. Beyond this, I conceive there would be no necessity to make the least change in the present mode of dealing with convicts, under the first and second probationary periods of discipline, excepting, perhaps, an alteration (such as that suggested, p. 24) in the scales for regulating the sentences and periods of detention.

At a certain minimum period of the sentence, a convict, whether imprisoned in this country or in a colony, would become eligible to be recommended to the Secretary of State for a pardon, to which might be affixed such conditions as appeared expedient.

It may be urged that it would appear necessary that a convict should be a party to the conditions on which he receives a pardon. This may be provided for by the periods of imprisonment being such, that the *minimum*, which it may be expedient to enforce, shall be sufficient, when taken in connexion with the conditions of the pardon, as a punishment or the offence.

The remission of the remaining period of the imprisonment will ensure, as a general rule, the consent of a convict to any reasonable conditions, or powers may be taken in any altera-

Transportation,  
as now carried  
out, virtual  
imprisonment.

Change neces-  
sary in substi-  
tuting impi-  
sonment for  
transportation.

Convicts re-  
commended for  
pardon.

tion of the law, which will give the Secretary of State greater facilities for exercising his discretion.

*Classification of Convicts.*

**Classification of convicts.** In connexion with the subject of a modification of the present system, or other changes, I would submit the expediency of establishing a more severe system of discipline, and of enforcing a more protracted term of imprisonment, in the case of men convicted of heinous offences, especially such as were accompanied by violence. This plan has already been partially acted upon by the removal of desperate characters, such as those in the Frimley gang, direct from separate confinement to Norfolk Island, and to the penal gangs in Van Diemen's Land. But it would appear desirable that it should be introduced as part of the system.

It would relieve the Secretary of State from much responsibility if a classification of criminals were made by the judge in passing sentence, who would exercise his discretion according to the character of the individual and the attendant circumstances, in the same manner as is now done in the case of the different classes of debtors and misdemeanants. Under such an arrangement, it might be necessary to send certain classes direct to the severest kind of penal discipline, and from thence remove them, to commence the ordinary routine in separate confinement and public works, so as to preserve in their cases, as in all others, a due gradation of punishment.

In connexion with this subject, I would again press the importance of the Secretary of State's receiving more accurate information, than at present, concerning the characters of convicts, and the crimes of which they may have been convicted.

*Sentences of Imprisonment compared with Sentences of Transportation.*

The average annual number, and respective terms, of sentences of transportation, in England and Wales, from 1844 to 1851 inclusive, have been as follows:—

Life	-	-	-	-	-	74
Above 15 years	-	-	-	-	-	26
15 years and above 10 years			-	-	-	254
10 years and above 7 years			-	-	-	743
7 years	-	-	-	-	-	1,231
Total	-	-	-	-	-	<u>2,328</u>

As regards the sentences of *imprisonment* proportionate to the present sentences of *transportation*, it may be convenient to show the scales by which detention in this country is now regulated. Exclusive of the restrictions of a ticket-of-leave, it is as follows :—

Present periods  
of detention in  
this country.

Sentence of Transportation.	Ordinary term of Imprisonment.	Minimum term of Imprisonment.
7 years	-      3 years	-      2 years
10 „	-      4½ „	-      2¾ „
15 „	-      7 „	-      4 „
20 „	-      9½ „	-      5 „
Life	-      11½ „	-      6 „

In considering this subject, I would venture to submit the following scale of sentences of imprisonment corresponding to the above sentences of transportation, and of the remissions which it might be found desirable to grant on the principle now in operation :—

Sentences of  
imprisonment  
corresponding  
to those of  
transportation.

Sentences of Transportation.	Average Sentence of Imprisonment.	Average Period to be enforced.
7 years	-      4 years	-      2 to 3 years
10 „	-      6 „	-      3 to 4 „
15 „	-      8 „	-      4 to 5 „
20 „	-      10 „	-      5 to 6 „
Life	-      12* „	-      6* „

Taking into calculation the numbers sentenced to transportation, as above, for the various terms, and assuming that the same number will be sentenced to imprisonment, the average period, which I have adopted in this scale, will produce an average of between 3 and 4 years of actual imprisonment, previously to the commencement of any arrangements for the disposal of prisoners.

Average period  
of imprison-  
ment.

If the periods of actual imprisonment appear short, I would observe that they include all casualties arising from deaths, and pardons on medical grounds, or otherwise, so that the terms of imprisonment would in reality be protracted to a longer period in the case of the remainder, and would mainly be determined by the conditions which it might be expedient to annex to a pardon.†

\* In some few cases I consider that the imprisonment should be extended to the whole period of life.

† In the United States the majority of the sentences for serious crimes range from 2 to 4 or 5 years' imprisonment, but they extend to 10 years and intermediate periods exceeding 10 years, and in some few instances to life. Committals for "safe-keeping" are also recognized.

*Convict question full of difficulties.*

The solution of the convict question will always present many difficulties, arising from the important and complicated nature of the objects, both social and financial, that have to be provided for. It involves a *choice of evils*, but if the Government be forced to make a change, the more simple the alteration in the law, the more effectually will the difficulties be met and provided for, and the nearer will be the approximation to the advantages, which up to this period have been secured under the present system.

### *Expense of adopting Imprisonment as the Secondary Punishment of this Country.*

Having made these preliminary observations, I will proceed to consider the probable expense of adopting Imprisonment as the secondary punishment of this country.

Assuming that an average period of 3 to 4 years' imprisonment were substituted for the present sentences of transportation, (and considering that a large proportion of those who now receive a sentence of 7 years' transportation would be well disposed of with a sentence of 2 years' imprisonment, I believe this to be a fair average),\* the following may be assumed as data on which to calculate a *maximum* number and the expense. First, as regards England and Scotland.

If, as an assumed maximum, we take 3,000 as the number sentenced annually, and an average period of four years imprisonment, the following may be taken as data :—

*Assumed annual maximum of prisoners.*

Sentences of imprisonment extending from 18 months to life	- - - - -	3,000
Total number in confinement, on an average of 4 years' imprisonment, showing the total accommodation required	- - - - -	12,000

Of this number there might be 2,000 in separate confinement, and 10,000 on public works and in invalid establishments, &c.

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\* Deaths and pardons on medical and other grounds would also tend to increase the average term of imprisonment of others.

**EXPENSE OF AN ASSUMED MAXIMUM NUMBER OF 12,000 PRISONERS SENTENCED IN GREAT BRITAIN, OF WHOM ONE-SIXTH IN SEPARATE CONFINEMENT.**

Maintenance of 2,000 prisoners in separate confinement, at 24 <i>l.</i> per head	<i>£</i>	48,000
Maintenance of 7,500 able-bodied on public works, at 23 <i>l.</i>	-	172,500
Maintenance of 1,500 invalids, at 25 <i>l.</i>	-	37,500
Maintenance of 1,000 juveniles, at 20 <i>l.</i>	-	20,000
Total gross cost of 12,000 prisoners	-	278,000
From this must be deducted the earnings of 12,000 prisoners, say at 12 <i>l.</i> per head	-	144,000*
Total net cost to the country	-	134,000
Add net estimate for 1,200 females (p. 37)	-	19,200
Total net cost of 13,200 male and female prisoners	<u><u>£</u></u>	<u><u>153,200</u></u>

In the foregoing calculations it is assumed that a proportion of the prisoners would be employed on public works at Gibraltar, Bermuda, and Western Australia, in the following proportions :—

Gibraltar and Bermuda	-	2,300
Western Australia	-	550
Total	-	<u><u>2,850</u></u>

Assuming an average period of imprisonment of 3 years at each of these places, there would be an annual relief of one-third of these numbers.

Average expense of passage to Bermuda and Gibraltar, say 7 <i>l.</i> 10 <i>s.</i> ; this for 800 prisoners would amount to	<i>£</i>	Transport expenses.
Expense of voyage to Western Australia for 200 prisoners, at 25 <i>l.</i>	-	6,000
Total annual expense for transport of convicts to Gibraltar, Bermuda, and Western Australia, to be added to the maximum calculation	-	5,000
	<u><u>11,000</u></u>	

\* Of this 144,000*l.*, the earnings of 12,000 prisoners, a portion of it will be applicable for the reduction of the Convict Estimates; the remainder, resulting from the labour on public works, will go in diminution of the estimates for such works under other departments, but is a real saving on the expenses of the country.

## IRELAND.

Number of  
convicts in  
Ireland.

It may also be assumed that the present number of convicts in Ireland will not be materially increased; and the following is given as an approximate estimate of numbers and expenses:—

	£
Number of convicts	- - - - 5,250
	<b>57,750</b>

*Abstract of the foregoing Estimates of an Assumed Maximum Number of 17,250 Prisoners sentenced in Great Britain and Ireland.*

Abstract of the  
foregoing  
estimates.

Gross estimate for 12,000 prisoners in England, and at Gibraltar, Bermuda, and Western Australia	£ 278,000
Gross estimate for 5,250 prisoners in Ireland	57,750
Estimate for transport services to Bermuda, Gibraltar, and Western Australia, as before	11,000
Total estimated gross cost of 17,250 prisoners	<hr/> 346,750
Add estimated gross cost for 1,200 females	24,000
	<hr/> 370,750
Deduct earnings of 12,000 prisoners, at 12 <i>l.</i> per head as before	£ 144,000
Deduct earnings of 5,250 prisoners in Ireland, at 5 <i>l.</i> per head	26,250
Deduct earnings of 1,200 females at 4 <i>l.</i> per head	4,800
	<hr/> 175,050
Total estimated net cost of 18,450 male and female prisoners	<hr/> £195,700
	<hr/>

**GENERAL ABSTRACT** of the **EXPENSE** of the Three Systems, as before detailed.

Abstract of the expenses of the three systems.

	Present System. 15,720 Prisoners.	Modified System.	Discontinuance of Transportation.
		Imprisonment for a proportion. 16,070 Prisoners.	Assumed Maximum No. of 17,250 Male Prisoners and 1,200 Females.
Gross Estimate - - - Real cost to country, after deducting value of labour on public works, &c.	£ 587,294 419,476	£ 507,284 337,376	£ 370,750 * 195,700 *

*Distribution of the foregoing Number of Prisoners, and application of Convict Labour.*

It may be convenient that I should submit my views as to the distribution of this large number of men (17,250).

Distribution of the maximum number of prisoners.

The present establishments at home and at Gibraltar, Bermuda, and Western Australia, will accommodate, on the present footing, as shown at page 2, 16,126 convicts.

The additional number to be provided for, therefore, only amounts to 1,124, which I should propose to place generally, in the most advantageous position for the profitable application of their labour.

Locality of District Prisons and application of convict labour.

With regard to the general locality of additional convict prisons and their extent, much would depend upon the means that might exist for the profitable application of the prisoners' labour.

On this point, which will be one of great importance in any change of system, I would beg leave again to submit the few observations which occur in my Third Report for 1849 :

" There can be no question that if it be necessary from any cause to carry into effect probationary periods of discipline in this country, and that, in consequence, a body of 10,000 or 12,000 men are to be maintained by the Government, they ought to be usefully employed. *It is a confiscation of labour in which the Crown has a vested interest.* "

" This, as a matter of finance, will not in the opinion of some be regarded as the least of the questions to be considered, and by all will be acknowledged to be of some importance.

" One of the objects at Portland is, to show to what extent this can be done consistently with other and more paramount consi-

\* These sums do not include any expenses, either present or prospective, which may be necessary in the Australian colonies (Western Australia excepted). Such expenses will be only temporary, and will undergo some diminution each succeeding year, until finally extinguished.

derations, and when the system shall have been tested by experience, I hope, with the co-operation of the Admiralty and Ordnance authorities, to be enabled to render the labour in the dockyards and arsenals much more useful and valuable than it ever has been."

The experience since gained at Portland has more than realized all my expectations, both as regards the moral improvement of the men and the amount of work executed.

The ascertained value of the work performed by the convicts at that prison for the last four years has been as follows :

	£	s.	d.
1849	7,214	6	11
1850	14,067	16	7
1851	20,541	15	5
1852	20,568	0	0

During the past year the earnings have nearly equalled the entire cost of the establishment, and there is no reason to doubt that, wherever there exists the same facilities of employment, a similar result will be obtained.

I have carefully considered the subject, and am of opinion that, whenever the nature and extent of any work required the employment of from 500 to 800 men, for a period of five or six years, it would justify the erection of a removable prison, and the formation of a convict establishment for the purpose of executing it. It is in this way that prisoners under long sentences might be employed to the greatest advantage.

**Works suitable for the employment of convict labour.** Harbours of refuge, fortifications, docks, &c., are the description of works the most suitable for the employment of convicts, from there being a large proportion which could be executed by unskilled labour. The works now in progress at Holyhead and the Channel Islands are of that nature, and the large docks, recently executed at Portsmouth and Devonport, would have been well adapted for the purpose.

The records of the public departments will, doubtless, show that there are many such works of acknowledged importance in a national point of view, which have been deferred or objected to, on the ground of the expense ; and, if the Government be obliged to maintain the men, it becomes a matter of necessity, in order to carry out a sound system of penal and corrective discipline, that they should be *usefully* employed.

"The third and last duty of a Sovereign," says Adam Smith, "is that of erecting and maintaining those public institutions and those public works, which, though they may be in the highest degree advantageous to a great society,

are, however, of such a nature as that the profit could never repay the expense, and which it cannot, therefore, be expected that any individual should erect and maintain."

It will be admitted that our insular position has ceased to afford the means of defence on which we formerly relied, and that where, in former days, our merchantmen might ride safely at anchor, they would now be exposed to sudden and rapid incursions of hostile steamers. It will also be admitted, that no adequate measures have yet been adopted for meeting a change of circumstances so disadvantageous to us as a nation.

The relative position we formerly occupied can only be regained by a great addition to the standing army,\* or by the construction of such works as will place the force at command in the best position to resist an enemy. The improvement of our national defences, the erection of a large work between London and the south coast, and a harbour of refuge half-way between Portsmouth and the Downs, to fulfil the same object as Portland, which occupies that position between Portsmouth and Plymouth, are of obvious and pressing importance.

These works alone, and others having similar objects, would furnish useful employment for many years, for all the labour that the Convict Department could spare, and with the assistance of one or two companies of Sappers, they might be executed with but little further expense, excepting for materials.

### *Prisons in Agricultural Districts.*

In the event of there being no public works, to which the labour of the prisoners could be devoted, with a view to promote the objects to which I have adverted, the less profitable application of it to agriculture might be resorted to. In such a case, my general view would be to obtain two or more tracts of good land, in a dry and healthy locality, contiguous to a railway, and in such a situation as to be conveniently accessible from the more densely populated parts of the country, so as to reduce to a minimum the cost of the removal of prisoners.

Prisons in agricultural districts.

### *Penal Establishment for the Worst Classes of Convicts.*

In considering the means necessary for giving effect to any change of system affecting the continuance of transportation, it is deserving of consideration whether it would not, in many

Penal establishment.

\* It will be remembered, that when Napoleon threatened an invasion, our militia were as effective as the regular army, and ready to take the field on any emergency.

respects, be desirable to form a penal establishment *in this country*, for convicts convicted of the worst classes of crime, and for incorrigible convicts, and if any are sent abroad, to make a selection of the *best* and most deserving of the convicts, instead of the *worst*.

In former times, when emigration was almost unheard of, the being transported beyond the seas carried terror into every gang of thieves in town or country ; but my own impression is, that looking to the main object of punishment, which is to deter others from crime, this end would be more effectually obtained by imprisonment for a long series of years, or for life, in a convict prison at home or at Bermuda or Gibraltar, than, as heretofore, in a remote place like Norfolk Island, where a criminal and his fate are alike soon forgotten.

#### 4. COST OF ERECTING ANY ADDITIONAL PRISON ACCOMMODATION.

*Cost of additional accommodation.*

With regard to the expense of providing any additional accommodation, so much depends on the facilities for erecting buildings, the cost of transport of materials, the expense of sites, &c., that I cannot venture to state with any precision, what would be the expense per cell, on the plan of Portland; but, under favourable circumstances, and exclusive of the site and houses for the officers, the cost of a prison on that plan, with chapel and all necessary offices, boundary walls, &c., would probably not exceed 35*l.* to 40*l.* per head, especially if convict labour could be applied in reduction of the expense, as at Dartmoor.

As regards officers' quarters, a rent equal to 3 per cent. on the outlay is paid on a proportion of them. Houses are, also, furnished to the superior officers in place of lodg-money, to which they would otherwise be entitled. Any outlay for these objects is not, therefore, capital entirely sunk, as in the case of prisons.

The expense of providing quarters for officers and barracks proportioned to 1,000 prisoners might amount to from 16,000*l.* to 20,000*l.*, or to be taken at about 16*l.* to 20*l.* a man, averaged on the number of prisoners. The total outlay for new prisons, therefore, might be assumed at about 50*l.* to 60*l.* per head, subject to the foregoing considerations; and, on these data, the cost of erecting the additional accommodation for prisoners *on public works* could be reckoned.

A certain proportion, say one-fourth or one-fifth, of every additional 1,000 prisoners would, however, be in separate

confinement. If, therefore, additional prison accommodation were required for them, the cost, including officers quarters, would be on a higher scale. Cost of additional accommodation.

The calculation for 1,000 prisoners, exclusive of site, might be taken as follows :—

250 cells for separate confinement, added to other prisons, at 120 <i>l.</i> per cell	- - -	<i>£</i> 30,000
750 cells for public works in new prisons, at 55 <i>l.</i> per cell	- - -	<i>£</i> 41,250
Total for 1,000 prisoners	- - -	<i>£</i> 71,250
Equal to an annual charge at 5½ per cent. for liquidating Principal and Interest on Capital borrowed for the purpose	- - -	<i>£</i> 3,918

## 5. PROBABLE EFFECT ON THE ANNUAL ESTIMATES OF CARRYING OUT A GENERAL SYSTEM OF IMPRISONMENT.

During the first few years, and until such a system were fully developed, the annual expenses would vary, and be subject to no very precise calculation, chiefly arising from the uncertainty in what proportion the expenses in Van Diemen's Land would diminish. Effect on estimates of a system of imprisonment.

The following may afford data for forming an opinion. Sir W. Denison, in his despatch dated August 21, 1851, furnishes a return of the number of convicts holding tickets-of-leave, and those who are maintained at the expense of the Government respectively. Subjoined is the general summary :—

Maintained by Government, males	-	3,536
females	-	1,226
Not maintained by Government, males	-	11,978
females	-	3,329
Grand total	-	<u>20,069</u>

If no additional convicts be sent to Van Diemen's Land, their number will gradually be reduced by expiration of sentence, and by a less number being under the restrictions of the tickets-of-leave, the infraction of which, probably, causes many to be returned on the hands of the Government.

For the purpose of calculation, it may be sufficient to assume that the majority would be disposed of in four or

34. *Effects in the Estimates of a System of Imprisonment.*

five years, and the estimates would decrease in some regular proportion.

As regards the consequent accumulation in convict prisoners at home, Gibraltar, Bermuda, and Western Australia, considered as a whole, the following data may be taken as affording an approximation to the truth.

*First Year.*

First year's  
estimates for  
maintenance.

During the first year it would be necessary to extend the period of imprisonment, and but few would become eligible for pardon.

The numbers, therefore, exclusive of Ireland, which will probably remain on its present footing, might be taken as at present, viz.:—

	Prisoners.
At home - - - - -	7,824
Gibraltar, Bermuda, and Western Australia - - - - -	3,200
	<hr/> 11,024
Add 3,000, supposed to be the maximum number sentenced during the year.	
To provide for this increase it would be necessary <i>as regards maintenance</i> only to take for one-half for the whole year, viz. - - - - -	1,500
	<hr/> 12,524
The estimates for the first year would therefore be for - - - - -	<hr/>

These might be taken at an average of 22*l.* per head.

*Second Year.*

Second year's  
estimates for  
maintenance.

During the second year it may be assumed that one-fourth of the original number would be disposed of, and that 1,500 would be added to the 3,000 which would have been received during the first year.

The estimates for the second year would therefore be,—

$$\frac{11,024 \times 3}{4} + \begin{array}{l} \text{of the} \\ \text{1st year.} \end{array} + \begin{array}{l} \text{of the} \\ \text{2d year.} \end{array} = 12,768 \text{ prisoners.}$$

*Third Year.*

Third year's  
estimates for  
maintenance.

During the third year, another fourth of the original number would be disposed of, and a similar increase take place. The estimates for the third year, therefore, would be—

$$\frac{11,024}{2} + \begin{array}{l} \text{of the first} \\ \text{2 years.} \end{array} + \begin{array}{l} \text{of the} \\ \text{3d year.} \end{array} = 13,012 \text{ prisoners.}$$

*Fourth Year.*

With the same arrangements as in previous years, the estimates for the fourth year would be—

$$\begin{array}{r} \text{of the first} \\ 11,024 \\ \hline 4 \end{array} + \begin{array}{r} \text{3 years.} \\ 9,000 \\ \hline \end{array} + \begin{array}{r} \text{of the} \\ 1,500 \\ \hline \end{array} = 13,256 \text{ prisoners.}$$

*Fourth year's estimates for maintenance.*

*Fifth Year.*

In the fifth year, the 11,024 prisoners with which the new system commenced, would be, under the assumed arrangements, entirely disposed of, and for this year the estimates for *maintenance* would be,—

$$\begin{array}{r} \text{4 years'} \\ \text{accumulation.} \\ 12,000 \times 3 \\ \hline 4 \end{array} + \begin{array}{r} \text{of the} \\ 1,500 \\ \hline \end{array} = 10,500 \text{ prisoners.*}$$

*Fifth year's estimates for maintenance.*

If to the number as above shown in each year be added the number of prisoners in Ireland, assumed to be the same as at present, viz., 5,246, the result will show the number on the hands of the Government in each year. The assumed maximum number being 12,000, when the system is in full operation, the total number would be 17,246.†

*Erection of additional Accommodation.*

In connexion with the probable operation on the estimates of an extensive change of system, the subject that will claim the first consideration and prompt action upon any decision of the Government, will be the erection of the necessary accommodation.

*Erection of the necessary accommodation.*

It would appear desirable to take a comprehensive view of all that will be required during the next four years, and to obtain the sanction of Parliament to the necessary outlay.

The probable annual accumulation of convicts during the next four years has been shown in the foregoing calculations, in which it will be observed that the numbers will increase in a regular ratio. When, however, those convicts who are now in confinement shall have been disposed of, the permanent number, who will have been sentenced in Great Britain during the above period will fall to about 12,000.

\* This is the number whose *maintenance* would require to be provided for in the estimates; but before the expiration of the fifth year, accommodation would be wanted for 12,000. It must also be remembered that these calculations, both as regards maintenance and accommodation, are exclusive of females, of whom, judging from the number at present annually sentenced, and taking three years as an average period of imprisonment, I suppose there will be an accumulation of 1,200.

† The present number on the hands of the Government at home and in the Australian Colonies may be assumed to be 21,932. This number is exclusive of females in England, which have been assumed at 450.

Accommodation likely to be required.

On these data, it would appear that, in addition to the accommodation now at the disposal of the Government, viz. 10,880, as shown at page 2, there will not, probably, be permanently required more than from 1,200 to 1,500 cells; but that during the third and fourth years a greater number will be needed. Hence, the necessity of at least taking immediate measures for the erection of the amount of accommodation which will be necessary as a *permanent* provision, and of adopting some *temporary expedient* for the excess above this amount, as the exigency arises.

It would be prudent not to determine too hastily, but the Secretary of State should have the power of meeting any emergency, and of immediately providing for it.

In accordance with your Lordship's directions, I have already made arrangements for the erection of an additional wing at Portland, which will raise the accommodation in the important prison from 1,070 to 1,500; and the appropriation of Brixton for females will give additional accommodation for about 400 male convicts at Millbank.

It is, also, under consideration to erect prisons at Chatham and Devonport, or Gosport.

## 6. FEMALES.

### Females.

In the foregoing calculations I have, generally speaking, excluded females, for whom there has existed separate accommodation at Millbank, which has not been included in the general returns, but the females in Ireland are included.

The number annually sentenced to transportation cannot be ascertained from any returns to which I have access; but those who have been received at Millbank Prison, after an average detention of about six months, have been embarked with tickets of leave for Van Diemen's Land.

An average number of 450 have been sent out annually from Great Britain on this plan, and about 400 from Ireland making a total of 850.

Assuming sentences of imprisonment to be substituted for transportation in the case of females, I conceive they might be subjected to a few months' separate confinement, according to circumstances, and then be employed in modified association at suitable industrial occupations, for periods proportioned to their respective sentences.

If the present average number of 450 were sentenced to various periods of imprisonment, and an average of about  $2\frac{1}{2}$  to 3 years were taken as data, accommodation for about

Number sent abroad.

Substitution of imprisonment for transportation.

1,000, in addition to that which now exists, would be found sufficient.

Under your Lordship's authority, the Prison at Brixton, formerly belonging to the county of Surrey, has been purchased for 13,000*l.*, and the additions and alterations which are now in progress, will render it capable of accommodating from 700 to 800 females. Any excess above this number may, probably, be conveniently provided for in county prisons.

Purchase of  
Brixton prison.

The cost of an assumed maximum number of 1,200 females might, therefore, be taken as follows :—

Expense of  
1,200.

Maintenance at 20 <i>l.</i>	-	-	-	24,000
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Deduct earnings of 1,200 females at,				
say, 4 <i>l.</i>	-	-	-	4,800

Total net cost of 1,200 females	-	-	-	<u>£19,200</u>
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In the event of any large number of well-conducted convicts being selected for conditional pardons, and embarked for Western Australia, or any other colony, I think it would be desirable that a proportion of females should from time to time be selected for the same destination, and that this point should be specially provided for in any arrangements that may be made for affording a colony the advantage of convict labour. This plan would be calculated to reduce the amount of accommodation required at home.

Disposal of  
females.

## 7. DISPOSAL OF CONVICTS.

The foregoing explanation of the present system of discipline and management to which convicts are subjected in this country, whilst undergoing the first and second periods of probationary discipline, will, I trust, have satisfied your Lordship, that the measures which have been adopted are generally calculated both to deter and reform.

Disposal of  
convicts.

The real difficulties in the solution of the "Convict Question," commence on the *termination* of the penal discipline, when it becomes necessary to release the prisoners from direct control. A ticket-of-leave in Van Diemen's Land, or Western Australia, has hitherto fulfilled several objects, and proved of the greatest advantage and convenience to almost all the parties concerned. The liberated prisoner has been placed in a sphere where he would have the opportunity of doing well for himself—the mother-country has been relieved from all anxiety as to his future career; and the colonies, however much they might object,

Difficulties on  
the termination  
of the penal  
discipline.

on principle, to receive the refuse of a population, have unquestionably derived great and permanent benefits.

Result of discontinuance of transportation to Van Diemen's Land.

The discontinuance of transportation to Van Diemen's Land will, however, close the main outlet by which these advantages have been hitherto secured. It may be said that we have only to send convicts to some other colony, or to found a fresh one, for the purpose of continuing the system. In taking a practical view, however, of the means of obtaining all that is required, it will be apparent that it is only in a *settled, prosperous* colony, that there exists the means of absorbing the labour of a convict, whether under the modified freedom of a ticket-of-leave, or when he receives his pardon, or is released on expiration of his sentence.

On this point, the only question that arises is, whether any colony, so circumstanced, is willing to receive the convicts on the same conditions as Van Diemen's Land. If no such colony can be found, it remains to be considered whether, with a view to combine the deterring effects of transportation with the future disposal of the convict, any fresh penal colony could be founded.

If a *settled* colony urges objections which are admitted by the mother-country, there remain only the alternatives of founding fresh colonies which will receive them or releasing them at home, where, if really dangerous to society, they can be more effectually controlled than anywhere else.

The objection to a purely penal colony is, that the same difficulty which is now under consideration will be sure to arise on the expiration of the sentence. If the neighbouring colonies will not willingly receive such a class of convicts, the mother-country would be obliged to fetch them home, or otherwise dispose of them as is now done in the case of the convicts at Bermuda, Gibraltar, and Norfolk Island.

In considering the alternative, however, of releasing them at home, our own past experience is not, after all, so very discouraging. It must be remembered that until within a very recent period all convicts under sentence of transportation for seven years were indiscriminately sent to the hulks, where it is notorious they were placed in circumstances that could not fail to be in the highest degree demoralizing.

After this course of training, they were, very generally, released with a *free pardon* at the expiration of about one half the period of their respective sentences. The number so released was very considerable. In the years from 1841 to 1847, there were discharged by free pardon no less than 3,450 so circumstanced. There can be no doubt that the

Former treatment of men sentenced to seven years' transportation.

greater proportion of them, if not originally bad, had become so, and, generally speaking, more *dangerous* than men who had been subject to a better discipline.

There could have been little chance of any such obtaining employment by their own exertion, and no steps were taken by others to procure it for them ; and yet, though it might fairly have been anticipated that the consequences of such periodical additions to the criminal population would be seriously felt, so far as I have been able to ascertain, no material effect was produced.

Since the subject of Convict Discipline has engaged the anxious attention of the Government, and ameliorations have been introduced, which would render the release of certain classes of criminals in this country comparatively harmless, there have existed great facilities for the disposal of all convicts in the colonies with tickets-of-leave. This has rendered unnecessary the consideration of any measures calculated to remedy the evils which might naturally have been expected from the former practice of granting *free pardons* after a course of training in the hulks.

Release in this country of certain classes of criminals harmless.

#### *Conditional Pardons and other Means.*

The change introduced of late years into the convict prisons, and experience of the favourable effects which have been produced on the general character of the convicts by an improved discipline, confirm the opinion I expressed in my third Report for 1849, that—

Conditional pardons, &c.

" Looking to my own experience, and to the opinion of others who have had better opportunity of judging, I do not hesitate to express my conviction, that it would be quite possible, without detriment to the public interests, materially to reduce the number of convicts to be annually sent abroad, *by granting conditional pardons to the best-conducted men*, after periods of confinement proportioned to their respective sentences, on showing that they had the means of earning their livelihood, or obtaining securities for their good conduct."

In the event of its becoming necessary to dispose of convicts on discharge in this country, I would further venture to repeat the suggestion that, as a means of giving more effectual security to the public, *some of the restrictions* enforced in the colonies on the holder of a ticket-of-leave might be advantageously applied to a convict receiving a *conditional pardon* in this country ; and that the system of demanding sureties for good behaviour might be more extensively acted upon.

It is impossible to state the precise operation of such

Conditional pardons, &amp;c.

measures, or the extent to which they might be applied, but if the very worst characters were imprisoned for the whole term of life, or during their respective sentences at some penal establishment at home, or in Gibraltar, or Bermuda; others disposed of by tickets-of-leave in Western Australia; others released with *conditional pardons*, or encouraged to emigrate; and a portion drafted into companies of labourers under military discipline, as suggested further on; I believe that no sensible inconvenience could possibly be experienced.

My opinion is founded partly on a general knowledge of the character of the convicts, the reformatory effects of the moral and industrial training to which they are subjected, and the means that would exist of dealing with individuals *according to character and circumstances*. My convictions also rest on a consideration of how very small is the proportion of this proscribed race when compared with the majority of criminals, who, without any advantage of moral training during their confinement, are turned loose upon the country after their imprisonment, to commence again their career of crime.

An abstract of one of the valuable returns compiled by Mr. Redgrave will illustrate my meaning. I have given it in the Appendix, page 120, but the following is the substance of it.

In 1851 there were tried in England and Wales 27,960 offenders, divided into classes as follows:—

Number of offenders in England and Wales.

1st Class.	Offences against the person, including murder, attempts to murder, manslaughter, rapes, assaults, &c.	2,218
2d    "	Offences against property, committed with violence, including burglary, assaults with intent to rob, menacing letters to extort money.	2,060
3d    "	Offences against property, committed without violence, including cattle and horse-stealing, larceny, receiving stolen goods, &c.	21,906
4th    "	Malicious offences against property, including arson, killing and maiming cattle.	30
5th    "	Forgery and offences against the currency -	808
6th    "	Other offences not included in the above classes.	663
<b>Totals</b>		<b>27,960</b>

Of the above number, 2,895 were sentenced to various periods of transportation; 18,695 were imprisoned, fined, &c.; and 6,359 were acquitted. From the number sentenced to

transportation must be deducted one third, as having been disposed of in various ways in this country, so that not more than 2,000 out of the 27,960 offenders were actually transported. It is further deserving of remark, that of this number only 379 were under sentence for more than ten years, just one in 70 of the total number.

To the gross total of 27,960 offenders, as shown in the abstract, Middlesex, including London, contributed as follows :—

Disposal of offenders in 1851.

Number of offenders in Middlesex in 1851.

1st Class	-	-	333
2d „	-	-	168
3d „	-	-	3,138
4th „	-	-	8
5th „	-	-	222
6th „	-	-	105
<hr/>			
Total	-	<hr/>	<u>3,974</u>

Of the above number 422 were sentenced to various periods of transportation, 2,810 were imprisoned, fined, &c., and 742 were acquitted. Deducting one-third from the 422 sentenced to transportation, leaves only about 280 actually sent abroad.

It appears from the above figures that not more than one in 14 of those who are tried in the course of a year are sent abroad. It cannot be denied that there is far greater danger to be apprehended from the release of the remainder, who are returned upon society; and yet this circumstance appears to be altogether overlooked.

My impression is, that if 1,000 prisoners who had undergone an average period of four years' corrective discipline and industrial training, were released in this country, they would not do so much mischief to society in a given time as another 1,000 taken indiscriminately from among those who are discharged at the gates of some of our large prisons, from which as many as from 8,000 to 10,000 are released in the course of twelve months.

In former times when convicts were confined in hulks, it would have been otherwise, but circumstances are altogether changed.

From the foregoing considerations, I am led to the conclusion that the extensive change of system, which has been under consideration, is not likely to entail any sensible inconvenience; and I am supported in my opinion by the views of the Commissioners of Pentonville, recorded in their Sixth

No great inconvenience from projected change of system.

Report, signed by the Earls of Devon, Chichester, and Harrowby, Sir W. Molesworth, and others, &c. They say—

“ We conclude these general observations by a remark suggested by the joint consideration of the favourable and unfavourable circumstances in those reports.

“ These appear to us to demonstrate, that whilst the discipline and instruction at Pentonville have not in all cases prevented the exiles from relapsing into crime when exposed to severe trials and demoralizing associations, by far the greater part of them have become useful and valuable servants, superior, as we are told, to the average of free emigrants.

“ We regard this view of the subject as highly encouraging ; for it seems to prove that if this system were generally introduced a large portion of our convicts would be qualified, on their discharge, to occupy an honest position in their own or any other country ; and if so, we believe that, under ordinary circumstances, there would seldom be wanting motives of self-interest and benevolence to afford them that employment which would enable them to become useful and exemplary members of society.”

Degrees of  
moral turpitude  
in convicts.

It is a great though a very common mistake to regard all who receive a sentence of transportation as being irreclaimably bad, and as being of one class, and sunk to the same depth of moral turpitude. The fact is not so. There is every shade of difference in character, as well as in the circumstances of temptation under which their crimes may have been committed.

The experience of all who have the best opportunities of judging will, I am satisfied, coincide with the opinion of the House of Commons, 1850, as expressed in the following resolution :—

“ That the Committee concurs with some of the most experienced witnesses that have been examined, in the opinion that a great majority of convicted prisoners are open to the same good motives and good impulses which influence other human beings, and, therefore, that a system of encouragement to good conduct, and endeavours to inspire feelings of self-respect, self-reliance, and hopefulness for the future, which have been tried in some of our largest establishments, ought to be adopted, so far as it is practicable, without impairing the penal and deterring character essential to any system of imprisonment.”

### *Formation of Companies of Labourers under Military Discipline.*

Companies of  
Labourers  
under military  
discipline.

In considering the means of disposing of men who have gone through a proportion of the imprisonment that may have been awarded, and are eligible for conditional pardons, the formation of a corps of labourers under military disci-

pline for service in the West Indies, or in Africa, or in other of the colonies, is not undeserving of attention.

The moral results of the present system of discipline are such as to remove all doubt as to obtaining good and efficient service from a body of men selected for such a purpose.

My view would be to carry out certain minimum periods of probationary discipline, as at present. When the men might have become eligible for a ticket of-leave, the remaining term of their respective sentences should be commuted into service as military labourers. As they would all have been trained to certain trades, such a corps would be invaluable in colonies where labour was high, as the men might be employed at their respective trades and occupations in the same manner as the Royal Sappers and Miners and the late Royal Staff Corps.

Military labourers.

There would be great objections to their taking duty with the regular troops, but the same objections might not possibly hold good with regard to West India regiments. It would, however, be an object not to degrade them by the name of a "condemned regiment," but to adopt measures for rendering them thoroughly efficient. By means of military discipline a more efficient control would be maintained over all who were so disposed of, than under any other plan yet tried, and I should not hesitate to recommend their services being applied wherever they might relieve regular troops, or be otherwise useful.

Whilst on this subject I cannot but advert to an objection which was urged at a recent period, when the possibility of an invasion was talked of, and which if the number of convicts were increased, would have greater force.

It was held by some to be dangerous to have large masses of convicts assembled at Portland and in our dockyards and arsenals, and being required to offer an opinion upon the subject, my experience of the character of the men enabled me to state, that out of 6,000 who were then under sentence, 4,000 could be produced who might be relied upon to go wherever they were ordered, and be as serviceable in the field as others who had an equal time for drill and exercise. Further reflection has not caused any change in that opinion.

#### *Tickets-of-Leave in Barbadoes.*

Sir W. Colebrooke, Governor of Barbadoes, who has brought his great ability and experience to bear on this

Tickets-of-leave in  
Barbadoes.

point, thus advert's to the operation of a system of tickets-of-leave in that island.

Extract from a Despatch from Sir W. Colebrooke.

His Excellency states in a despatch to Earl Grey, dated June 9, 1851 :—

" Of the number of those discharged with tickets-of-leave under the Act (13 Vict. ch. 21), and the reports made to me of their industry and good conduct, none have been recommitted for any offence, and the grant of good-conduct badges to prisoners has tended further to encourage orderly behaviour in the gaol.

" The success during the last two years of the Act for granting tickets-of-leave has proved that under a reformatory system of prison discipline, by which incentives to good conduct are held out to prisoners, it is practicable, with the assistance of the magistrates, aided by a rural constabulary, to guard against the renewal of bad habits, to which discharged prisoners are exposed in populous places : and advert'ing to the difficulties attending the deportation of convicts, arising from the reluctance of other communities to receive them as such, it is *important to have ascertained that they can be corrected and controlled at home, although in many cases their voluntary emigration may be afterwards encouraged with advantage to themselves and the public.*

" One effect of a reformatory system of discipline in prisons acting on the habits of convicts, and holding out to them the means and motives for improving their own characters, may be expected to be the *removal of the popular objection to employing them when discharged* with favourable testimonials of their conduct from the prison authorities, and especially when withdrawn from the influence of evil associations by the surveillance exercised over them as holders of 'tickets-of-leave ;' nor is it improbable that the reluctance to receive them as emigrants, in other communities where labour is in greater request, would yield to acknowledge that they had been previously restored to society, without a renewal of their depraved habits and associations."

#### 8. MEASURES FOR ASSISTING DISCHARGED PRISONERS.

Measures for assisting discharged prisoners.

In my Second Report published in 1847, I observed that the difficulties inherent in the treatment of Juvenile Criminals were " increased by the consideration that it is of no use instructing criminal children, unless they are provided for in some way on discharge." The same observation is equally true as regards adult prisoners ; for it is too obvious to need remark, that, however they may have been led by the reflection which has been forced upon them in confinement, sincerely to deplore their past career of crime, and to form good resolutions for the future, or with whatever dread of a prison, the stern discipline to which they have been subjected, may have inspired them, it is vain to expect they will be able to avoid a repetition of their offences, unless they

can obtain the means of subsistence on discharge. What chance will they stand in the struggle against the pressure of wants which *cannot be postponed*, unless they receive some help in their search for employment?

Several establishments for this purpose have been formed, amongst which are the Philanthropic Society, which now carries on its operations at Red Hill, Reigate; that for females at Camden Town, one in Great Smith Street, Westminster, and a few others. The application of hundreds for admission into the last mentioned institution, under circumstances that preclude all doubt of the sincerity of their desire to abandon criminal courses, or at least to try the effect of a change, have been unsuccessful because of its scanty funds; and it is well known that some have been compelled to resort to their former pursuits.

Private individuals, too, have in the most praiseworthy manner exerted themselves in this useful and Christian field of action; and, conspicuous amongst them is Mr. Wright, of Manchester, through whose sole instrumentality upwards of 150 prisoners have after their discharge procured situations. How rich the harvest of reward that has followed his endeavours may be gathered from the fact, that, out of all these cases, he has heard of but one relapse.

These voluntary efforts of benevolent persons are, however, wholly insufficient to meet the necessities of the case, and can accomplish but a very small portion of what is required. They have indicated the void in our social arrangements which requires to be filled, and the great success of the existing institutions proves their utility, and the urgent necessity under present circumstances for increasing their number.

If only on the low ground of financial expediency, Government would do well to second and stimulate these humane efforts. Many a man, whether from having been brought to see the error of his ways, or, from the dread of punishment, would gladly avoid again coming within the grasp of the law, if it were in his power to maintain himself by honest industry. Without friends or the means of employment, what are they to do? That question demands an answer.

Sir W. Colebrooke well remarked on a recent occasion of laying the first stone of a new prison in Barbadoes, that—

“There is a duty which society owes to the discharged prisoner which, until of late years, may have been too much neglected in all countries. The taint of crime is not readily removed, and the difficulty of regaining a place in society, when once forfeited, has

Establishments already existing for assisting discharged prisoners.

Exertions of individuals.

Financial expediency of such establishments.

Remarks of Sir W. Colebrooke.

caused but too many to relapse into evil associations. Some interposition is therefore needed in the way of prevention, and by placing them for a time under the surveillance of the magistrate, and in situations remote from temptation, they are better enabled to regain a respectable position ; and examples may be adduced where this has been followed by decided reformation.

"We should deceive ourselves, however, if we were to regard the subject as one in which there are not great difficulties to surmount, but which, for the sake of society, it is not the less our duty to encounter with a resolution to overcome them."

**Number likely  
to be discharged  
annually.**

Within a few years there may probably be 9,000 to 10,000 convicts undergoing imprisonment in this country, and perhaps 2,000 to be annually discharged on completion of their sentences.

Of this number it may reasonably be anticipated that a large proportion will do well for themselves, if only afforded very moderate pecuniary assistance. They may have friends or property, or a trade requiring but little capital to fall back upon, but very many will require the active hand of benevolence, or a comprehensive scheme under the control of the Government, for giving them some measure of assistance until they can provide for themselves.

With respect to emigration, many would gladly avail themselves of being placed in circumstances to go away, some of them from a feeling that in returning home they would disgrace their friends, others from a desire of change and hope of making a fresh start in life.

**Release in this  
country with  
conditional  
pardons.**

The class requiring assistance in this country would probably be most difficult to deal with ; but, if they were released with *conditional*, and not *free pardons*, and some systematic efforts were made to enable them to meet the difficulties of their position, I should confidently expect a much more favourable result than might be generally anticipated. Rather than leave them to their fate, and to the chance of the Government being again burdened with the cost of a trial, and other attendant evils, I believe it would be desirable to retain the services, on Public Works, of such well-conducted convicts as could not readily find employment. They might receive rations and clothing, to be paid for out of moderate wages. It would be an object to afford every possible facility for their dispersion, as demands for their services arose or opportunity offered. Their stay would be voluntary, and from being accustomed to obedience and discipline, there would be little difficulty in maintaining good order.

This suggestion is the same in principle with that pro-

posed in a letter addressed by me to Sir George Grey, in October 1849, with reference to the employment of convicts on remote works in Western Australia, from which the following is an extract:—

“On the important point of the means of employment, I would state my opinion, that, though it would be quite practicable to execute any colonial work that might be required in the immediate vicinity of the penal establishment, I see no ground for hoping for a favourable result in the application of convict labour at a distance.

Extract from a letter to Sir George Grey respecting employment of convicts in Western Australia.

“I conceive, therefore, that the execution of the projected road by such labour, should not be attempted. Any effort to maintain discipline among a body of convicts in a remote situation, where no effective means of control can be established, must of necessity fail, as regards the moral object.

“Authority, duly supported, will induce submission, but, when authority cannot be exercised with effect, antagonism and resistance take the place of submission.

“In order to avoid the many difficulties and evils which may be anticipated, if anything of the character of a penal gang be established, and, at the same time, to accomplish the object of having the road of 60 miles in length made at a reasonable cost to the Colonial or Home Government, the principle of the convict system now in operation might, I think, under the favourable circumstances of the colonies, be extended in the following manner:—

“I would propose that the men on discharge from the penal establishment should be required to undergo a further state of probation before they should be permitted to engage in private service, or enter upon the full advantages conferred by a ticket of-leave. During this period of comparative freedom they should be obliged to execute a certain amount of work for the Government in such places as might be determined.

“I would not propose they should be confined, or be under any kind of penal coercion. If they misconducted themselves in any way, their probationary ticket-of-leave would be withdrawn, and they would only entitle themselves to release from the restrictions imposed by properly executing the work assigned to them, and by having conformed to such rules for their guidance as might have been deemed necessary.

“The work executed might be measured and the value placed to their credit, to be afterwards applied in furtherance of the object of the Government and for the benefit of the men.

“This probationary period would appear to offer the most favourable opportunities for bringing into effect the regulations established by Earl Grey with reference to the repayment, by a ticket-of-leave holder, of the cost of his passage previous to his obtaining a conditional pardon.

“If the men were encouraged by the work being estimated at its full value, and that they received weekly, in addition to rations, a small proportionate amount of their earnings, to be expended at discretion, I have little doubt it would prove a powerful stimulus to

**Employment of convicts in Western Australia.** exertion, if, as there appears reason to believe, it would be an object to them to obtain their pardon, with a view to remove from the colony.

"The period of gaining this indulgence might be regulated with reference to the demand for labour and other circumstances, so as to avoid having a greater number of ticket-of-leave holders on the Government works, or in private service, than were required.

"With reference to the execution of the work, facilities should be afforded to the men for building huts in convenient situations; a limited amount of bedding should be allowed; they should receive rations at a fixed price, and be enabled, on the certificate of the superintending officer, to purchase provisions and clothing from the commissariat to a limited extent, proportionate to their earnings.

"In fact, the system would be similar to that in operation, in executing a sub-contract on a railway; each party would virtually have a small contract to perform, but there would exist stronger inducements to exertion and good conduct, and greater fear of the consequences of misconduct, than can be brought to bear on free labour; or, if it were practicable to let the execution of the road to a contractor, and afford him the means of obtaining the required labour, it would in some measure relieve the Government from responsibility, and bring into play the vigilant superintendence of persons watching their own interests. In such case, however, the Governor should retain strong powers for protecting the interests of the men, which might otherwise be prejudiced by the cupidity of a contractor, who would have different objects from those of the Government."

The instructions given by Earl Grey to Sir W. Denison, with a view of carrying out the same principle in Van Diemen's Land, are given in his Lordship's despatch of 25th July 1850,\* from which the following is an extract:—

**Instructions given by Earl Grey relative to employment of convicts in Van Diemen's Land.**

"But if this rule of requiring newly arrived convicts to take up their abode in the more remote districts is to be adhered to, it will, I am aware, be necessary to adopt some means by which employment in these districts may be ensured to the convicts who are required to remain in them; and I will proceed to detail to you the measures, which I propose should be adopted with this view, and for the purpose of enforcing the regular payment by convicts holding tickets-of-leave of the sums charged against them. I have already said that, for the latter purpose, no such convict is to be allowed to pass from under the immediate charge of the Government, until he shall have entered into a contract to serve for not less than a year some private employer, who will be responsible for paying to the Government the required deduction from his wages, but convicts holding tickets-of-leave, who have been guilty of no misconduct, and remain under the charge of the Government only because they are unable to obtain private employment, are not to be subject to coercion in

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\* Parliamentary Papers presented August 1850, page 146.

the gangs. The system I propose to adopt with regard to them is, that they should be employed by the Government in such useful labour as can be found for them, that credit should be allowed them at the full rate of wages, obtainable in private service for the value of the work they may perform, (which should invariably be task-work), but that, instead of being paid in money, they should receive such supplies as they might choose to draw for, (including a reasonable proportion of tobacco and other articles, which may rather be termed luxuries than necessities,) the cost of these supplies being charged against them, and the balance of their earnings being credited to them in reduction of their debt to the Government.

Employment of convicts in Van Diemen's Land.

"Assistance should be given to convicts placed in this situation, to provide themselves with huts in situations convenient for their labour, and, so long as they should continue to come regularly to their work, for the same number of hours as are usually expected from free labourers, and to conduct themselves with regularity and propriety, no restraint should be placed upon their freedom of action, during the remainder of their time. Of course, any attempt to leave the district in which they are placed, or a failure to come regularly to their work, or to exert themselves during the hours of labour with proper industry, should be immediately met by withdrawing their tickets-of-leave for a longer or a shorter time, according to the degree of their misconduct, and by placing them in the probation gangs, subject to the same discipline as other convicts who are in that situation."

The Earl of Chichester in his evidence before the Select Committee on Prison Discipline, in 1850,\* referred incidentally to an intermediate stage of probation, previously to the final discharge of the prisoner. His Lordship observed :—

"Experience has, I think, proved that those systems of prison discipline, which are based solely or mainly on the theory of reformation, have failed in both the essential requisitions of a penal institution; I mean they have failed to reform as well as to deter. There is, no doubt, much truth in what has been advanced by some of the humane advocates of these systems, but their principles and their reasoning apply to a state of things most desirable in itself, as an intermediate stage between one that is strictly penal and entire liberation, but which neither the present condition of our penal establishments, nor of our criminal code is qualified to admit.

Evidence of the Earl of Chichester respecting an intermediate stage previous to final discharge.

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\* Page 438.

## CONSTRUCTION OF PRISONS.

**Construction  
of prisons.**

No improvements in the construction of prisons have suggested themselves during the past year; but I continue to be of opinion that, excepting in Houses of Correction, to which the prisoners of populous cities and towns are committed, there is no advantage to compensate for the expense of constructing separate airing yards, or dividing the chapel into separate stalls.

**Exercising  
yards.**

As regards exercising yards, there is no question whatever that the health of prisoners is better promoted by active exercise carried on under close supervision than when they wander listlessly about a small yard.

As regards the division of the chapel into separate stalls, or bringing the prisoners together for divine worship, Mr. Reynolds, the Chaplain at Wakefield, who is a warm advocate of the separate system, and has had experience of both plans, thus expresses his opinion :—

**Remarks of the  
Rev. Mr. Rey-  
nolds on sepa-  
ration in chapel.**

“ The new chapel has now been in daily use for five months, and we have therefore had full opportunity of judging of its mode of construction, and of comparing it with the arrangements acted upon before it was finished, namely, for the prisoners to be assembled for Divine Worship without any attempt at individual separation. I am of opinion that the plan of the new chapel is very objectionable. I object to it in the first place, because I think it is calculated to produce disagreeable associations in the minds of the prisoners regarding a place of public worship. I object to it in the second place, because I believe it to produce a chilling feeling of isolation opposed to the proper social character of public worship. I object to it, in the third place, because, instead of preventing communication between different prisoners, it affords increased facilities for communication ; in the fourth, because it affords an opportunity to the ill-disposed to employ their time in chapel in writing on the wood-work of the stalls instead of attending to the service, and opportunities, also, of disturbing the worship of the other prisoners by making noises, which it is very difficult to trace to any particular prisoner. These evils we have found to exist in fact, notwithstanding a great number of officers are employed in watching the prisoners in chapel, itself an injurious arrangement, but, in fact, no number of officers in a chapel thus constructed can prevent communication from going on among the prisoners.

“ I would add, that although the central hall was not erected with a view to its being used for public worship, and that a better form of building for public worship might easily be devised, 200 prisoners assembled daily in it for worship for eight months, with not more than half the number of officers to superintend them as are required for the same number of prisoners in the new chapel ; and that, nevertheless, such was the excellence of the order observed,

that during the whole of that time there was only one single report for misconduct."

Mr. Shepherd, Governor of Wakefield Prison, also remarks on the same point:—

"I have heard the evidence given by Mr. Reynolds and Mr. Alderson, respecting the evils arising from the plan of construction adopted in the new chapel, and I entirely concur in all that these gentlemen have stated. I have myself frequently occupied one of the stalls in the back part of the chapel during the time of service, and I have found that it requires a strained and painful attention to connect together the different parts of the discourse, notwithstanding the preacher was speaking in a high tone of voice; in truth, it demanded a degree of attention which no prisoner who was not very earnest in his desire to hear and understand the sermon, would be likely to give. Although in some parts of the chapel it is thus difficult to hear the preacher, the faintest whisper is heard from stall to stall; and I find by the statements and admissions of prisoners themselves, that it is no uncommon thing for a prisoner to carry on a running commentary on the prayers, and for indecent and profane conversation to go forward."

Remarks of  
Mr. Shepherd  
on separation  
in chapel.

Much of the inconvenience pointed out by the Governor and Chaplain at Wakefield has been experienced at Pentonville. Writing of the most objectionable character appears on the wood-work in many places, and punishments for attempts to communicate have been frequent. These cannot fail to have a prejudicial effect, as being associated in the mind of a prisoner with his attendance on religious worship.

Inconveniences  
of separation in  
chapel.

If in county prisons, from which prisoners on discharge are dispersed, and usually return to their parishes, the discipline has been conducted on the separate system, as recommended by the Committee of the House of Commons of 1830, it will have been impossible for prisoners to form intimacies, or devise any plans which would be likely to increase their power of mischief on liberation.

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## HARD LABOUR IN PRISONS.

The great object at the present time appears to be, to endeavour to attain some degree of uniformity in the administration of the law in all prisons, with a view to give effect to the recommendation of the House of Commons of 1850, for enforcing separate confinement in the case of all prisoners, whether before trial or after, and for carrying out,

Hard labour.

in the case of the latter, the sentence of the court in regard to *hard labour*.

The Committee of the House of Commons made the following resolution, bearing on the question of individual separation, combined with the enforcement of hard labour :—

Resolution of  
Committee of  
House of  
Commons.

“ That hard labour is not incompatible with individual separation, and that where they have been tried in combination, as in the County Prison at Leicester, the effect has been remarkable in the decrease of the number of committals, especially under the Vagrant and Malicious Trespass Acts.”

As regards the general question of enforcing hard labour concerning which there is reason to believe that much misapprehension still exists, I would observe that the 4 Geo. IV. c. 64. s. 10. provides as follows :—

Enactment  
relative to  
hard labour.

“ Due provision shall be made in every prison for the enforcement of *hard labour* in the cases of such prisoners as may be sentenced thereto, and for the *employment* of the prisoners. The means of hard labour will be provided, and the *material* requisite for the *employment* of prisoners shall be purchased under such regulations as may be made for that purpose by the Justices in General or Quarter Sessions assembled.”

The 8th rule further provides that—

“ Every prisoner sentenced to hard labour shall, unless prevented by sickness, be employed so many hours every day, not exceeding ten, exclusive of the time allowed for meals, as shall be directed by the rules and regulations to be made under this Act.”

In these rules will be observed the wide and proper distinction which should exist between the treatment of a prisoner under sentence of hard labour, as adverted to in the foregoing Act, and one who is entitled to employment, such as a prisoner in separate confinement before trial, under the provisions of the 2 & 3 Vict. c. 56.

It may be difficult to mark precisely the line of demarcation where hard labour ends and employment begins; but it is reasonable to suppose that it was contemplated in the Act that *hard labour* should be strictly *penal* in its character; and I am confirmed in this opinion by what I believe to be the fact, that treadwheels were first introduced into prisons immediately subsequent to the passing of the Act, and were then used for enforcing such a sentence.

Cells suitable  
for hard labour.

Cells of the construction of those at Pentonville are, however, scarcely adapted for hard labour, especially during the summer months; and I think a continuous shaft, with separate crank handles, arranged in an open shed, divided

into small compartments by corrugated iron partitions, will in some respects be found preferable. And this further advantage may be secured by the adoption of such a plan that the ordinary cells of prisons may be made available for separate sleeping cells, the prisoners being separated in the open air all day. This plan of working the discipline has been in operation at Bristol for several years with the best effect, although the prison is of a construction which is unfavourable for inspection and discipline.

Where machines have been already introduced into cells the means of admitting more fresh air through the windows will be desirable. The ventilation in the new prisons, when properly worked, is amply sufficient for sedentary employment, but real hard labour can only be carried out conveniently where there exists a free current of air. Ventilation.

I was led to recommend hand cranks as a means of hard labour from their affording a better opportunity of securing the advantage of separate confinement, and from their being more economical in the first outlay than the erection of tread-wheels where they did not already exist. Hand cranks.

*Profitable and Attractive Labour.*

In connexion with this question is one which is frequently adverted to, viz., that the labour should be made *profitable*, and that, as regards the moral training, it would be of advantage to render it *useful and attractive* to the prisoners. Profitable and attractive labour.

With respect to profit, the experience gained in applying the collective power of a treadwheel to the manufacture of flour, or other purposes, is, I believe, unfavourable.

I fully admit the moral advantage to be gained by a long course of industrial training; but I conceive that these can only be obtained by the almost entire sacrifice of the distinction between *employment* and *hard labour*.

The greatest profit that can be realized under such circumstances is, firstly, to deter others from crime, by the accounts which a prisoner will give to his comrades on his release; and, secondly, to deter him from again entering a prison if he can help it. It would obviously be hopeless to anticipate the permanent reformation of any considerable proportion of prisoners, when the time which could be devoted to their instruction has been too limited to admit of its producing any permanent effect. All such must be deterred by fear of punishment.

Sir John Kincaid, Inspector of Prisons for Scotland, referring to the changes which have become absolutely necessary in the discipline of the Scotch Prisons, makes the following observations in his Report for 1852:—

“ To understand the nature of the changes just referred to, it may be necessary that I explain what the Scotch prisons were until now.

“ In my several annual reports, since I was appointed Inspector of the district in 1847, I felt it my duty to bring under the notice of the Secretary of State the defective system of dealing with the criminal population of Scotland; for at that time the law did not permit a thief or a vagrant to be sentenced to hard labour, nor a juvenile offender to be whipped; all of them were necessarily sent to prison, where they could not fail to discover that the labour was much less, and the comforts much greater, than most of them were accustomed to out of prison; and thus, while a first offence sent many a one to prison whom a stringent system of discipline might have cured, the undue comforts of the prison more generally tended to make them confirmed criminals.

“ The Act 14 & 15 Vict. c. 27, which passed in 1851, at length invested the judges and the magistrates with the authority so long needed—that of awarding hard labour sentences in all cases, and the whipping of boys not exceeding fourteen years of age.

“ The passing of this Act having enabled the Directors of the General Prison Board to place the prisons of Scotland on a system of discipline more consistent with the welfare of the community, they immediately proceeded to consider the measures best calculated to give it effect; but, as the different plans which suggested themselves required information, it was towards the close of last year before the new rules were sanctioned and ordered to be enforced. They are shown in detail in the Fourteenth Report of the General Prison Board, and therefore it is only necessary for me to state generally that they consist of—

- “ 1. An extensive use of crank machinery.
- “ 2. Picking dry oakum to an extent that will make it amount to hard labour.
- “ 3. ‘Instead of being furnished with the hammock or bedstead, all convicted criminal prisoners, excepting any whose age or infirmities would, in the opinion of the Governor and Surgeon, render it unsafe, shall for the first month after conviction, or for the whole period of sentence where the duration of sentence is less than one month, each be required to sleep on a wooden guard-bed, a sufficient quantity of covering being allowed for warmth, and which in a properly heated prison need not exceed two blankets and a rug. After the first month, such prisoners as shall have conducted themselves properly in all respects are to be allowed the usual bed and bedding; but the retention of this privilege shall in each case be dependent on the prisoner’s conduct.’

" I ought to add, that prior to the adoption of this system in any prison in the district, the General Prison Board had taken the opinions of the eminent medical advisers of the Board, that the system was in no respect calculated to injure the health of the prisoners.

" In Scotland the system is scarcely yet in full operation, so that it would be premature to remark on its working ; but as the reformatory system of discipline had (in this district at all events) in a great measure failed in its expected results, after many years experience, in which everything that humanity could suggest and a liberal expenditure procure, to give effect to its operation, had been honestly tried, and it at length became manifest that the welfare of the community required a very different system —one in which every attempt to reclaim the criminal should continue unrelaxed, but that such system required its leading feature to be of a strong deterring character, similar to that recently adopted by the General Board : not that this or any other system will probably relieve the prisons of old offenders, but I expect it will materially diminish the numbers of those who are not yet wedded to crime."

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## COMFORTS OF PRISONS.

A cursory inspection of the convict prisons might lead any one to the conclusion that a prisoner is better fed, clothed, and lodged than many an honest man who is struggling against the hardships that poverty entails upon him. No one, however, will be prepared to argue that, in this country, any convict, no matter what may have been his crime, should be locked up for long periods, and deprived of what may be necessary for his health and cleanliness. Still less would it be contended that, in any sound system of discipline, the reformation of the man should be disconnected from the punishment due to crime. Under any circumstances, however, there is another side to this picture of comforts afforded to a prisoner.

The enforcement of cleanliness and regularity on the dissolute and reckless characters which form an average prison population, is not only essential as a means of reformation, but it may fairly be taken as a wholesome and legitimate element of punishment.

In this double character all the attractive appearances of cleanliness and good order in prisons may be safely viewed. They are not the result of any undue desire to administer to the *comfort* of a prisoner, but the whole bearing of the daily routine by which they are secured, is calculated to thwart the natural tastes and habits of most criminals, and to direct them into new and improved channels.

Comforts of  
Prisons.

During the earlier period of the process, they, doubtless, add indirectly to the punishment, but when a prisoner appreciates them as conducive to his comfort, he is likely to profit by the instruction he has received.

The recruit does not enjoy either his days of drill, or the enforced precision of military discipline ; but it soon ceases to be irksome, and in after life, he never loses the advantages it has secured to him.

Mr. Frederick Hill, late Inspector of Prisons for Scotland, alludes to the subject in his Report for 1844. Speaking of the general opinion that prisons are attractive, he says :—

*Remarks of  
Mr. F. Hill on  
the comforts of  
prisons.*

“ But let the visitor reflect that, first, as respects the honest workman, the prisoner has entirely lost his freedom, and ceased to be his own master ; that he is not only cut off from family and friends, but that, generally, he is deprived of companionship altogether ; that he must neither whistle, sing, nor shout ; that day after day, and month after month, except at the intervals of exercise, he is confined within the four walls of his little cell, Sundays and holidays affording no relief, the very changes of the season almost unknown to him—for all, at least, that he can partake of their charms—let him think of this, and he will probably be of opinion that, though the prisoners were fed on turtle, instead of barley broth, and slept on down, instead of straw, there would still be few applicants, among the honest working class, for permission to occupy their places.

“ And let the visitor, further, make himself acquainted with the habits of criminals, and with their ideas of comfort and luxury, and he will probably come to the conclusion that their distress must indeed be severe, and such as to make their being at large dangerous to all around them, before such persons would voluntarily enter a prison.

“ For what, owing generally to wretched training, are the habits of criminals ? Idleness, late rising, indulgence in drinking, smoking and gambling. And what regard is paid to these habits, however strong they may be, on entering a Scottish prison ? Not the slightest. However great a sluggard, he must rise, the very morning after his admission—even in the middle of winter—when the clock strikes six. Then, although he would probably prefer remaining in his dirt to the trouble of making himself clean, he must immediately wash himself, and that thoroughly. So soon as that is done, he must, if he has been tried, begin a task of labour, with the prospect of losing his dinner, if he be sullen and refuse to complete it. Should he ask for a companion, he will at once be refused. Between times he may wish to comfort himself with a pipe, or at least with a pinch of snuff ; but, no ! the rules inexorably and most properly forbid all luxuries, especially such as foster habits of expense. At dinner, he may ask at least for a little beer ; but he is again refused, and he finds that, however much against his will, he has suddenly become a member of a total abstinence society. As

for opportunities of gambling, he has neither anything to stake, nor any person with whom to play.

"When it is considered how painful an effort is generally necessary to break through a single bad habit, it may be judged how much a person, under such circumstances, must suffer ; and it will be seen that that which is pleasing to the eye of the visitor, and excellent in itself, is often obtained with much, though necessary pain ; and the delusion will be dispelled that the prisons have ceased to be places of punishment."

As regards diet, the Reports of the Commissioners of Pentonville, and all the experience which has been gained in the administration of separate confinement, lead to the conclusion that, during imprisonment, a liberal diet is *absolutely essential* to the preservation of health.

On public works it has been proved beyond doubt that, without sufficient sustenance, the men cannot possibly perform the heavy work required of them, however willing and industrious they may be.

I adverted to this point in my Fourth Report :—

"I would observe that, as regards prisoners in separate confinement, the experience gained during the experiment at Pentonville demonstrated beyond all dispute that a liberal diet, not less in amount of nutritious quality than that which appears in the established scale, is absolutely necessary to the preservation of health during long periods of separate confinement.

Extracts from  
Fourth Report  
on diet.

"The experiment of a reduction in this amount was tried at Wakefield, chiefly, I believe, with a view to economy. The result of the diminished quantity, combined with an average confinement somewhat exceeding 18 months, was very unfavourable, as exhibited in the first prisoners sent to Portland, who were received from Wakefield in a very low and depressed condition.

Bad results of  
reduction in the  
diet at Wake-  
field.

"As regards the diet of convicts employed upon public works, it being an object that they should be made to exert themselves to the utmost, it has been found essential to give them such a diet as would support their strength.

A sufficient diet  
necessary on  
Public Works.

"The scale now established has been determined on medical grounds, and on experience of the prejudicial effects of a lower dietary both on the health and energy of the men."

Having noticed the general subjects which I have considered it desirable to bring under your Lordship's consideration, I will proceed briefly to review the state of the separate Convict Prisons.

**MILLBANK PRISON.**

No alteration  
in routine.

Purchase of  
Brixton prison.

In this establishment no alteration in the mode of its appropriation for the convict service, nor in the routine of discipline, has been made since my last Report. I there stated that badges had been introduced during the previous year to mark the well-conducted prisoners, and that the best results had attended the arrangement. The same observation holds equally true with respect to the year 1852.

Brixton prison having been purchased by the Government for the reception of female convicts, those now in the establishment at Millbank will be transferred there as soon as the alterations and additions now in progress at the former place shall have been completed; and the latter prison will then be used exclusively for male prisoners. An increase of from 300 to 400 cells will thus be gained.

Number and  
disposal of  
prisoners.

*Number and Disposal of Prisoners.**Males.*

Disposed of during the year, by—					
Transfers to Convict Prisons.	{ Parkhurst	-	-	-	163
	Pentonville	-	-	-	684
	Portland	-	-	-	236
	Dartmoor	-	-	-	201
	Portsmouth	-	-	-	266
					1,550
Transfers to Convict Hulks.	{ "Warrior"	-	-	-	124
	"Justitia"	-	-	-	77
	"York"	-	-	-	96
	"Stirling Castle"	-	-	-	56
	"Defence"	-	-	-	37
					390
Embarkations.	{ Van Diemen's Land	-	-	-	35
	Western Australia	-	-	-	30
	Norfolk Island	-	-	-	36
	Bermuda	-	-	-	55
					156
Transfers for fresh trials.	{ Newgate	-	-	-	2
	Exeter Co.	-	-	-	2
Removals	{ Lunatic Asylums	-	-	-	8
	Philanthropic	-	-	-	17
					29
Carried forward	-	-	-	-	2,125

	Brought forward	-	-	2,125	Number and disposal of prisoners.
Pardons	Free	-	-	5	
	Conditional (Wandsworth)	-	-	1	
	Medical Grounds	-	-	4	
			—	10	
Deaths (two prisoners are included amongst the deaths that had been pardoned on medical grounds)	-	-	-	34	
Numbers remaining, 31st December 1852	-			740	
Total	-	-	—	2,909	

*Note.*—One prisoner died in this establishment when *en route* from Wakefield to the "York" hulk, not included.

#### *Females.*

The female convicts remaining in confinement, 1st January 1852, were	-	-	187	
Received during the year	-	-	440	
	—		627	
They were disposed of as follows:—				
Embarked for Van Diemen's Land	-	-	439	
Pardoned on medical grounds	-	-	4	
Pardoned as unfit for transportation	-	-	8	
Died	-	-	2	
	—		453	
Remaining in confinement, 31st Dec. 1852	-		174	

#### *Instruction and Improvement of Prisoners.*

As regards the instruction given, and the moral and religious improvement of the prisoners, the Chaplain observes,—

"The system of instruction detailed in the Report at the close of the year 1850, and carried on in the year following, has been continued without variation, whilst, in consequence of the number of schoolmasters (eight), exceeding by *one* the number employed in the earlier part of the former year, the prisoners in the several wards have attended school regularly twice a week.

"A schoolmaster has been detached once a week to the infirmary to give instruction to those prisoners who were in a condition to receive it.

"The register referred to in the last Report has been kept up by each of the schoolmasters, and the progress and attainment of the several prisoners have been marked at the termination of every quarter.

Instruction and improvement of prisoners.

"The result of the labours of the schoolmasters must, after all, chiefly depend on the capacity and willingness of the prisoners themselves. Still, the conclusion deducible from the registers is on the whole satisfactory, and in accordance with the order and attention which have generally prevailed.

"The foregoing remarks refer chiefly to *secular* instruction. It remains that a brief notice be taken of the ordinary exercises of a spiritual character.

"The daily Chapel services, consisting of Liturgical selections and Scripture exposition, have been conducted as formerly.

"On Sundays the prisoners in association have attended two full services; those in separation the morning and afternoon services alternately; those employed in the bakery have had the benefit of both services, as formerly, but without attending the daily service in the week. Prisoners engaged in the kitchens have attended one of the Sunday services and the weekly service on alternate days. The artizans, before proceeding to their work, have been assembled in their ward every morning to take part in a service similar to that performed in the chapel, the chaplain, assistant chaplain, and religious instructor ministering (in the ward) in turn.

"In addition to the means above specified, the prisoners in association have received religious instruction from the schoolmasters, under the direction of the chaplain, on each alternate Sunday evening.

"The assistant chaplain has visited the infirmaries daily, reading prayers in *all*, and delivering a lecture to the prisoners in *each* of the wards *successively*.

"On Sundays suitable ministrations have been afforded in the infirmaries by the religious instructor, who has read both prayers and lecture in the several wards. He has been regularly engaged on week-days in reading the Holy Scriptures with the prisoners in separation, and catechising the younger of them.

"The Holy Communion, as formerly, has been administered to the male prisoners four times in the year, the communicants having been previously visited by the chaplains with a view to their suitable preparation.

"The general behaviour of the prisoners, as coming under the chaplain's observation, has been orderly, and the schoolmasters report a greater amount of earnestness having been evinced than formerly in the desire for improvement.

"A testimony to the power of the Divine grace in blessing the labours of the chaplains has been occasionally afforded by letters, gratefully acknowledging the benefit of their ministrations, from prisoners *long after removal* to other penal establishments,—a circumstance precluding the suspicion of insincerity or hypocrisy. It is worthy of remark that some of these letters have been written by individuals who, whilst at Millbank, attracted no particular notice by their religious profession,—an incitement to the chaplains to persevere in their work of faith, relying on the promise, 'Cast thy bread upon the waters, for thou shalt find it after many days.'

*Health of the Prisoners.*

With the exception of the years 1848 and 1849, when cholera was so fatal in the prison, the mortality among the male convicts was greater during the last year than in any year since 1845. The proportion of deaths in the three last years were as follows :—

Health of the prisoners.

Year.	Males.	Females.
1850	22 per 1,000	per 1,000
1851	18 per 1,000	per 1,000
1852	34 per 1,000	per 1,000

To account for this extent of fatal disease, it is necessary to state, that though formerly invalids were excluded from Millbank Prison, and detained in the country prisons, they are now all sent there, provided they can bear removal, and are free from infectious complaints. All doubtful cases too, where disease, mental or bodily, may be suspected, but not absolutely developed, are brought to Millbank, under special warrants, to be under observation until it is decided whether or not they can bear separate confinement, or whether they may be able to endure the labour on public works, or be only fit for an invalid establishment.

Hence the extent of mortality will be governed, except when a fatal epidemic, such as the cholera, appears, rather by the number of diseased convicts passing through than by any other cause, and such was the fact in 1852, as appears from the Medical Report.

At the same time, it must be admitted that both the site and the construction of Millbank Prison are not so favourable to the health of its inmates as could be wished. It lies low, and the several yards and courts, surrounded by high buildings, are placed with reference to each other in such a manner, as to prevent currents of air from circulating or sweeping through them freely enough to ventilate them thoroughly. Accordingly, the able-bodied prisoners remain, as a general rule, not quite three-fourths of the time they are detained in Pentonville and other prisons of that character, and the invalid prisoners, only until vacancies occur in the invalid establishment for which they are destined. During the last year the latter class of prisoners have been kept longer than we hope will be the case in future, now that the "Stirling Castle" hulk at Portsmouth is appro-

Unfavourable situation of Millbank prison.

priated for those invalids who are incapable of doing any work, and that there is ample accommodation at Dartmoor for that class of invalid convicts capable only of light labour.

Extracts from  
Dr. Baly's  
Report.

Expenses and  
earnings of  
prisoners.

Extracts from Dr. Baly's Report for the year 1852, bearing on the general state of health of the convicts in Millbank prison, and on the effects of separate confinement on the mind, are given in the Appendix, page 94.

### *Expenses and Earnings of Prisoners.*

The total expenses of the Prison, exclusive of buildings, amounted to 30,654*l.* 17*s.* 9*d.* After deducting the earnings of the prisoners, (4,551*l.* 6*s.* 10*d.*,) the net cost of the Prison was 26,103*l.* 10*s.* The daily average number of prisoners during the year having been 1,202, the net cost of each was 21*l.* 14*s.* 4*d.*

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Concluding  
remarks.

I cannot conclude without mentioning the great advantages which have resulted from the benevolent exertions of a committee of ladies, who, for several years past, have given their attendance at the prison for the purpose of visiting the female prisoners, reading to, and instructing them in their cells. This self-imposed and painful duty has been undertaken from the purest motives, and has been executed in a most judicious manner. I am enabled to state to your Lordship my hope that, when female prisoners are removed to the new prison at Brixton, these ladies will continue their valuable labours.

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## PENTONVILLE PRISON.

Having already adverted to the administration of "Separate Confinement," as carried out at Pentonville, and to the beneficial results of certain changes in the routine, by which a greater amount of exercise in the open air has been secured for the prisoners, it will be unnecessary to enter into further explanations on that head.

The Directors fully concur with me in opinion, that separate confinement is a most valuable and indispensable auxiliary in any sound system of discipline for convicts under long sentence, and that it is a principle which it would be most desirable to carry out during shorter terms to the full extent contemplated by the Committee of the House of Commons 1850, but they would equally shrink from the responsibility of strictly enforcing it in those cases where there existed any indication of a prejudicial effect arising from that kind of discipline on the health of mind or body.

Pentonville prison.

Separate confinement indispensable.

*Number and Disposal of Prisoners.*

		Number and disposal of prisoners.
Number remaining 31st December 1850	-	527
" admitted during 1851	-	675
		<hr/> <u>1,202</u>
Removed to public works in this country	-	452
"         "         Gibraltar	-	53
"         "         Bermuda	-	33
"         "         Western Australia	-	59
"         "         Van Diemen's Land	-	8
"         "         Norfolk Island, as incorrigible	-	2
"         "         " Defence" Hulk, as invalids	-	17
"         "         Shorncliff, ditto	-	5
Pardons { conditional	-	2
{ free	-	1
{ on medical grounds	-	3
To lunatic asylums, as insane	-	2
Died	-	4
		<hr/> <u>641</u>
Number remaining 31st December 1851	-	561
		<hr/> <u>1,202</u>

Moral and religious improvement of the prisoners.

### *Moral and Religious Improvement of the Prisoners.*

On this point the Chaplain makes the following observations in his Report for the last year:—

"The beneficial moral results of the discipline and instruction of the prison have in no degree been lessened, in my opinion, by the mode of exercise adopted during the year past, in lieu of the separate yards. There has been actually less communication between the prisoners. The good effect of the change upon the mental condition of the prisoners has been to my perception most marked.

"With respect to direct moral and religious improvement effected among the prisoners during the past year, the statement which I made in my last report is also substantially correct when applied to 1852. There continues to be less profession of a religious change than in former years, but not less real amendment. Of some we have reason to hope that they have indeed been renewed in the spirit of their minds. Of the overwhelming number, we have no doubt but that they will approve themselves in after life to be reformed, in the general acceptation of the word."

### *Expenses and Earnings of Prisoners.*

Expense and earnings of prisoners.

The expenses of the prison, exclusive of buildings, amounted to 12,792*s.* 14*s.* 10*d.* After deducting the earnings of the prisoners, a sum of 2,814*l.* 9*s.* 1*d.*, and house-rent paid by officers (170*l.* 19*s.* 9*d.*), the net cost of the prison was 9,807*l.* 6*s.*

The following is the net average expense of each prisoner for the last six years:—

	£	s.	d.
1847	-	-	33 7 4
1848	-	-	28 14 7
1849	-	-	23 19 7
1850	-	-	20 6 6
1851	-	-	18 19 2
1852	-	-	17 16 7

Trades.

The following table shows the respective trades in which the prisoners have been employed, and the amount per head earned in each trade.

Daily Average Number of Prisoners employed.	Trade.	Estimated Earnings.	Amount per head in each Trade.
			£ s. d.
212	Tailors	585 1 1½	2 15 2½
113	Shoemakers	462 14 8	4 1 10½
109	Weavers	835 8 2½	7 13 3½
68	Matmakers	302 4 6	4 8 10½
24	Bricklayers, &c.	232 6 1½	9 13 7
		<b>£2,417 14 7½</b>	

The general average per head has been 4*l.* 7*s.* 11*d.*

## PORTLAND PRISON.

In another part of this Report, in reference to the second probationary period, I have made a few remarks explanatory of the origin of the establishment at Portland, and of the mode of working the quarries; I will here briefly advert to such other points as require notice.

Portland prison.

## Number and Disposal of Prisoners.

Remaining in confinement, 1st January 1852	-	829	Number and disposal of prisoners.
Removed during the year	-	491	
	—	1,320	

## Removed to Van Diemen's Land with tickets-of-

leave	-	-	-	-	333
” Western Australia	-	-	-	-	30
” Ditto to public works	-	-	-	-	60
” Bernnuda	-	-	-	-	32
” Millbank Prison	-	-	-	-	3
” Pentonville	-	-	-	-	2
” Dartmoor Prison	-	-	-	-	1
” Portsmouth	-	-	-	-	3
” “ Stirling Castle ” hulk	-	-	-	-	11
” “ York ” hulk	-	-	-	-	10
” York House Lunatic Asylum	-	-	-	-	3
” St. George’s Fields, London, ditto	-	-	-	-	1
Pardoned	-	-	-	-	15
Died	-	-	-	-	4
	—	—	—	—	—
					508
Remaining in confinement, 31st December 1852					812
	—	—	—	—	1,320

## Conduct of the Officers.

I have again the gratification of reporting most favourably on this point. Captain Clay, who succeeded Captain Knight as Governor (on the transfer of the latter to the charge of the new convict prison at Portsmouth), and the Rev. Mr. Moran, the Chaplain, have, in the performance of their respective duties, fully sustained the untiring zeal and close attention indispensable to the success of the system, and their example has been well followed by the other principal officers of the establishment.

Conduct of the officers.

Conduct of the  
subordinate  
officers.

The duties of the subordinate officers have also been performed with great zeal, regularity, and cheerfulness. Serious offences on their part against the regulations have been very unusual, and I feel fully justified in reporting that their conduct throughout the year has been highly creditable to themselves and conducive to great order, regularity, and industry among the prisoners.

### *Treatment and Condition of the Prisoners.*

Treatment and  
condition of  
prisoners.

The established rules and regulations have been closely followed in the treatment of the prisoners in all respects, and their condition of quiet submission to discipline, combined with willing alacrity at their labour, proves that these rules and regulations have not only been well devised for their object, but properly applied by the officers of the prison. The good influence that such treatment has produced on the prisoners is exemplified in the demeanour of those who, after having gone through their probation in an exemplary manner, have found the reward of a ticket-of-leave, which was held out to the convicts as a main encouragement to industry and general good conduct, necessarily deferred. To be told that under existing circumstances such delay has been unavoidable has generally been sufficient to satisfy (for the time) their anxious inquiries on the subject, and this is doubtless attributable to the feeling in their minds that all the measures of the authorities are taken for the real good of the prisoners. Without such feeling it may safely be asserted that no really willing effort at industry or improvement is to be expected from men in their position.

### *Description and General Value of their Labour.—Earnings and Expenses of the Prisoners.*

Earnings of  
the prisoners.

The prisoners have been employed in the same description of labour as mentioned in the reports of previous years, part being labour for the works of the breakwater, and the rest in connexion with works necessary for enlarging or repairing the prison.

Description  
and general  
value of their  
labour.

The works of the breakwater have been those usual in extensive stone quarries, including the quarrying and loading of the stone by means of cranes and sheer-legs, squaring large blocks of ashlar work for the pier-heads, &c., making cranes and other machinery, building an iron foundry, casting railway chairs, waggon wheels, machinery for cranes, and other foundry work and fittings, making and repairing

wheelbarrows and quarrying implements and tools, repairing iron railway waggons, and excavating, forming, laying, and repairing railways in the quarries, besides various artificers' work necessary for these operations.

For the prison the following work has been executed :—

Description of labour.

quarrying and preparing stone for the new wing, making water tanks, sawing stone, building new carpenters' and smiths' shops, forming and repairing roads, cultivating the garden, repairing the prison, and the various work necessary to be done in aid of these purposes by blacksmiths, whitesmiths, carpenters, sawyers, and painters, besides shoemaking, tailoring, washing prison clothing, and cooking and baking for the establishment.

The general value of the labour has fully equalled that of Value of labour the previous year.

For the breakwater, an average daily number of 512 convicts have executed in the year work to the value of 16,709*l.* 12*s.* 0*½d.* (as ascertained chiefly by actual measurement), being at the yearly rate of 32*l.* 12*s.* 8*½d.* per man. The time employed in this labour was equal to 125,873 days of 10 hours each, and the value of each man's labour for each such day averaged 2*s.* 7*½d.*

The value of the work executed for the prison in 34,005*½* days of 10 hours each amounted in the year to 3,858*l.* 8*s.*, the daily average number of men employed at such work being 118 (exclusive of tailors, shoemakers, and of men employed in baking, cooking, and washing,) the yearly rate being thus 32*l.* 14*s.*, and the daily rate 2*s.* 3*d.* for each man so employed.

Taking together the whole number of men employed as above in actual out-of-door or mechanical labour both for the breakwater and for the prison, an average number of 630 men have executed work in the year to the value of 20,568*l.* 0*s.* 0*½d.*, being at the rate of 32*l.* 12*s.* 11*½d.* per man on that number, and of 24*l.* 19*s.* per man on the whole average number in the prison.

It is to be observed, however, with respect to this last calculation, that about one sixth of the whole number of prisoners is practically not available for labour, that proportion being generally absent from work, as sick, attending school, undergoing minor punishments, &c. &c., and that therefore the total amount of earnings ought not, as a measure of the industry of the prisoners, to be divided among the whole number, but among about five sixths of the average total number in the prison.

*Expenses and earnings of the prisoners.*

Exclusive of buildings, the expenses of the prison, for the year ending 31st March 1853, amounted to 20,727*l.* 13*s.* 3*d.* The amount of the prisoners' earnings for the past year, as stated above, was 20,568*l.* 0*s.* 0*½d.*, so that they have not quite equalled the expenditure, which has been considerably greater than last year, in consequence of the higher price of provisions and other articles. It must, also, be observed that the wetness of the autumn had an unfavourable effect on the labour of the convicts.

From the total expenditure (20,727*l.* 13*s.* 3*d.*) must be deducted 439*l.* 15*s.*, the amount of house rent paid by officers, and the daily average number of prisoners during the year having been 824, the net cost of each was 24*l.* 12*s.* 4*d.*

### *Remarks on the Progress of the Prisoners in Religious and School Instruction, and in their Morals, Industry, Discipline, and general Conduct.*

*Religious and school instruction, morals, industry, &c.*

The reports of the Governor and Chaplain bear just testimony to the general good conduct and disposition to industry and improvement among the prisoners. The system of badges, denoting their classification according to conduct, and their monthly progress towards the attainment of the ticket-of-leave, continues to work very satisfactorily.

The Chaplain states in his Report, "There is also an improvement as regards the state of religion among the prisoners. I have observed with great thankfulness this general improvement among *a considerable number of young men.*"

On the conduct of the prisoners, he also observes:—

"It is very gratifying to be able to report so favourably of the general good conduct and orderly demeanour of the prisoners."

"Their willing industry, their respectful behaviour, and their orderly conduct give evidence of a very satisfactory state of discipline."

"The general tone of feeling is good. The prisoners look up with confidence to those who are placed in authority over them, which is a very important consideration."

"They conduct themselves with the same propriety whether you observe them on the parade ground before going out to work or in their daily avocations, or in the exercising yards, where I frequently go among them."

"I feel an increasing conviction that under the system now pursued considerable numbers might be trusted with their liberty in this country, after having completed half their sentences. To ex-

clude every man whose sentence exceeds seven years, or who may have been convicted before (perhaps of some trifling crime), notwithstanding his exemplary conduct, seems to countenance the too common opinion that prison reformation is only nominal, not real."

The reports that have been received directly and indirectly from abroad relative to the men who have been sent to the colonies with tickets-of-leave from Portland, give fair reason to hope that the moral and industrial training which they have undergone has been generally effective, and that a course of compulsory labour and regularity strictly and judiciously enforced in a prison, and combined with sound moral and religious instruction, is productive of such lasting habits of industry and good conduct as will, in many instances, preserve the discharged convict from returning to the evil courses that led to his imprisonment.

By the addition to the prison of a wing containing 230 sleeping cells, it is expected that the progress of the important national works in which the convicts are chiefly engaged at Portland will be greatly accelerated within the present year.\*

Report from  
abroad relative  
to ticket-of-  
leave men.

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\* Since the commencement of 1853 the construction of fortifications on the north end of the island, for the defence of the breakwater and anchorage, has become a portion of the labour in which the convicts are employed.

Dartmoor  
prison.

## DARTMOOR PRISON.

There is, at the present time, accommodation at this establishment for nearly 1,300 prisoners, with quarters for the whole of the superior and subordinate officers, store rooms, and other requisite appendages.

### *Numbers and Disposal of Convicts.*

Numbers and disposal of convicts.	Remaining on the 31st Dec. 1851	- 1,016	Embarked with tickets of leave:
	Received from Millbank Prison	201	Van Diemen's Land - 329
	Pentonville do.	172	Western Australia - 10
	Portsmouth do.	15	
	Parkhurst do.	12	
	" Defence " Hulk	2	
	" Justitia " do.	1	
	" Stirling Castle " do.	112	
	" Warrior " do.	1	
	Bath Gaol	4	
	Bedford do.	7	
	Leeds do.	26	
	Preston do.	6	
	Reading do.	8	
	Wakefield do.	110	
Disembarked from :			Embarked to public works:
	" Dudbrook "	1	Van Diemen's Land - 1
	" Edward "	1	Western Australia - 100
		- - *679	Bermuda - 30
			131
			Removed on account of misconduct:
			Millbank Prison - - 17
			Pentonville do. - - 4
			21
			Transferred:
			Portland Prison - - 1
			Portsmouth do. - - 2
			" Stirling Castle " Hulk - 1
			" Warrior " do. - - 1
			5
			Removed to Bethlehem Criminal Lunatic Asylum - - 1
			Deaths - - - - 25
			Pardons { Free - - - 31
			{ On medical grounds 6
			37
			Escaped (of whom one was recaptured elsewhere) - - 3
			*562
			Remaining on the 31st Dec. 1852 - 1,133
		1,695	
			1,695
* Received in	January	- - - 1	* Removed, died, &c.:
	March	- - - 57	January - - - 9
	April	- - - 155	February - - - 5
	August	- - - 98	March - - - 59
	September	- - - 70	April - - - 139
	October	- - - 231	May - - - 3
	November	- - - 56	June - - - 9
	December	- - - 11	July - - - 76
			August - - - 77
			September - - - 7
			October - - - 82
			November - - - 60
			December - - - 36
		679	
			562

### *Conduct of Officers and Prisoners.*

Conduct of officers, &c.

The arduous and responsible duties which devolve on the Governor and other superior officers in their respective de-

partments have been discharged in the most satisfactory manner ; and with but few exceptions, and those chiefly arising among officers unaccustomed to discipline and the exercise of command, the whole of the warders have evinced a most praiseworthy desire to promote the objects of the establishment.

The convicts, as a body, have been well-conducted and industrious. Conduct of prisoners.

As regards the prisoners, the Chaplain thus remarks :—

“ I feel pleasure in being able to say that the conduct of the prisoners is in general satisfactory, and marked by a healthy tone, which I venture to consider an index in many cases of true reformation of character. The voluntary Bible classes are better attended than they were last year, much attention is shown, and where misconduct has arisen, it has sometimes been discouraged among themselves.”

I stated in my last Report that, as far as circumstances would permit, the discipline and management is conducted under the rules and regulations which have been in use with so much success at Portland. The plan which is pursued for stimulating the industry of the prisoners, and for inducing them to persevere in good conduct, is found to effect all that was anticipated. With but few exceptions, the work assigned to the prisoners, as well able-bodied as invalids, is performed well and with cheerfulness. Rules and regulations same as at Portland.

### *Employment of Prisoners.*

The following extracts from the Governor’s Report will show the manner in which the convicts have been employed :— Employment of prisoners.

“ The description of labour at which the convicts have been employed, is as follows :—

“ Prison labour, both on the works, &c., and for the service of the prison, and

“ Agricultural labour.

“ The prison labour may be reported as a continuation of the operations noticed by me last year ; the agricultural labour has also been a continuation of last year’s improvements. The series of experiments made in the year 1851 fully realized our expectations, and we have this year considerably extended the reclaiming and cultivation of the waste lands adjoining the prison, by trenching, draining, levelling, and planting other portions of ground ; also building new walls, forming new roads, and repairing the old ones.

“ During the winter and early part of the spring, we planted some belts with a variety of forest trees, so distributed in different places as to afford shelter to the newly broke up lands from the sweeping winds that prevail in this high altitude.

**Employment of prisoners.** "We have trenched and drained 67 acres during the year, which (adding 31 acres reclaimed in 1851) makes a total of 98 acres now under cultivation. These lands have been trenched 2 feet deep, and drained  $3\frac{1}{2}$  feet deep, at distances varying from 16 to 24 feet between each drain, according to the nature of the soil. The drains, as reported last year, are constructed with the small stones raised in the course of the trenching. The larger masses of rock are conveyed to the boundaries of the fields, and built into strong and substantial walls.

"In the early part of the spring we drained and levelled some marsh or bog land as a water meadow. To this the sewerage of the barracks, officers quarters, and part of that from the prison, was directed. Although under this treatment for a few months only, this meadow yielded upwards of 1 ton of hay per acre. Prior to its being drained, the ground was so boggy as to render it in many places impassable to man or beast.

"On the 12th of March we sowed part of a field (of about 4 acres) with early oats, and the remainder with barley, sown down with grass seeds. This field was under a crop of turnips in 1851, and has this year yielded an excellent crop of oats and barley; the grass seeds are also strong and vigorous.

"On the 30th of March we sowed a field of  $12\frac{1}{2}$  acres with flax seed (except a small portion, which was sown with hemp seed), the land being previously limed at the rate of  $3\frac{1}{2}$  tons to the acre. When the flax covered the ground, it received a dressing of 3 cwt. of artificial manure to the acre. The crop was short in straw, but the seed and fibre were good.

"On the 12th of April we sowed 3 acres of newly-trenched ground with oats and vetches, the land having been previously dressed with lime and manure. The quantity of straw produced was large, but the grain was light.

"We next sowed  $3\frac{1}{2}$  acres with mangel wurzel and Belgian carrot seed, in alternate rows (on the 11th of May). This field, having been limed the previous year, was dressed with 20 cart-loads of dung and 3 cwt. of artificial manure to the acre. The above mode of mixing the crops seems to answer well. The produce of this field was at the rate of 8 tons of mangel wurzel and 8 tons of carrots to the acre, being a total of 16 tons per acre.

"Between the 4th of June and the 1st of July, 2 fields of 13 acres each were sown with swedes and yellow turnips, the land being previously dressed as above. The swedes have produced a very good crop (a portion only of the first sown have as yet been taken up), and yield at the rate of 28 tons to the acre. The turnips are also good, with the exception of those last sown, which are small.

"The artificial manure above alluded to has been manufactured on the premises. It consists of peat charcoal, nightsoil, and crushed bones mixed together, and seems to answer well.

"The gardens inside the prison walls have been enlarged and improved, and sown with carrots, parsnips, leeks, and cabbages. The crops thus produced have contributed largely to the supply of vegetables for the prison use during the season.

" Our crop of hay was 30 tons. About 40 tons of heath and rushes were also cut and secured for litter. Employment of prisoners.

" Between the 4th of May and the 20th of October, we also cut and secured 1,920 tons of turf or peat to be used as fuel, and for making gas for the prison. The price paid here for peat is from 8s. to 9s. per ton; the value of the peat secured is therefore about 800*l.*

" During the past year we have built 2,832 yards of new walls, and repaired 8,000 yards of old walls. We have also formed 1,584 yards of new roads, and repaired 2,420 yards of old ones.

" A powerful crank pump has been erected over a large tank which receives the sewerage manure from the several prisons; with this the liquid manure is forced into another tank, on an elevated spot above the prison, from whence it is conveyed into two other tanks on a lower level, and distributed over the land with a hose.

" The live stock consists of 6 horses, 10 cows, 6 calves, and 100 pigs. The horses are employed chiefly in carting stones, manure, &c. The milk from the cows is supplied daily into the prison, and the butter is sold to the officers of the establishment.

" The pigs are fatted, killed, and cured, the bacon being sold to the prison officers, who find this a great accommodation.

" The new farm buildings are nearly complete, and will afford ample accommodation for the breeding and rearing of cattle and pigs. The live stock will be increased as the improvements on the land progress.

" The season having been unusually wet, the progress of all outdoor work has been much retarded, particularly the trenching and draining of wet lands and the securing of the peat, a greater quantity of which would have been housed had the weather been more favourable.

" The incessant wet has caused these operations to be performed with great difficulty and at much disadvantage, and consequently the results are much less satisfactory than they would otherwise have been."

*Tickets-of-Leave in Prisons.*

In applying convict labour, it is generally necessary to tell off the men in parties of not less than 8 or 10, and place them in charge of one or more officers. It will be obvious that odd jobs and special works requiring only 2 or 3 men, could not be advantageously executed by them in consequence of the disproportionate expense of superintending their labour. The great variety and extent of the works at Dartmoor led me to consider whether an encouragement to good conduct might not be combined with convenience to the service, by employing men of good character, without maintaining other than the general superintendence of the principal warders and others who have charge of certain districts within which

*Tickets-of-  
leave in prisons.*

the great body of the convicts are employed, thus conferring upon them what may not inaptly be termed a "Ticket-of-Leave."

Having obtained the sanction of Sir George Grey to this plan, it has been carried out at Dartmoor, and the Governor thus alludes to it:—

*Remarks of the Governor on the effects of adopting "Tickets-of-leave" in Dartmoor prison.*

"I have likewise, under your sanction, selected men of exemplary character, with short sentences, who have performed a large portion of their terms of punishment, and whose crimes were not heinous ones, to be employed on 'special service.' This consists in looking after the cows, horses, pigs, &c.; driving carts, and carrying tools to the prison for repair, from their respective gangs, &c.; whilst others have been employed at their trades.

"These men are not under the charge of any particular officer. Their dress is a distinctive one, consisting of a *blue* jacket, waistcoat, and trowsers, instead of the usual *brown* or *drab* clothing worn by the other convicts. Those who are allowed the privilege of this special employment *outside* the walls of the prison, have a *red cloth collar* attached to their jackets, and are allowed to pass out through the gates to their respective occupations (during working hours) without being in charge of an officer. Those *not* having the red collar are only allowed the privileges attached to the distinctive dress *inside* the prison walls, and are therefore never allowed to pass the gates, except in charge of an officer. The distinctiveness of this clothing acts as a guidance to the officers and military sentries, who would otherwise immediately stop any convict who was not in charge of an officer.

"I have found the plan of employing these men as above detailed to answer most admirably, and I rejoice to state that I have had no case of misconduct on their part. They highly value the privilege, and eagerly seek for it, and are very proud of the confidence placed in them. The number thus employed now amounts to 53; viz. 18 *outside* and 35 *inside* the prison walls."

### *Expenses and Earnings of the Prisoners.*

*Expenses and earnings of prisoners.*

The expenses of the Prison, exclusive of buildings, amounted to 28,930*l.* 12*s.* 1*d.* If from this sum be deducted 323*l.* 11*s.* 6*d.* for house-rent paid by officers, the net cost of the prison was 28,607*l.* 0*s.* 7*d.*

With reference to the value of the labour of the prisoners, it may be observed that a sum of about 8,000*l.* has been saved by the application of the labour on various works in and about the prison, and that the value of other labour applied in reclaiming land, making roads, cutting fuel, and other works outside the prison, amounts to 5,000*l.* more. This is exclusive of cooks, shoemakers, tailors, &c.

## PORTSMOUTH PRISON.

The new convict prison at Portsmouth was opened on the 1st April 1852, when a great proportion of the convicts at that time confined in the "York" and "Stirling Castle" hulks were removed to it. The "York" has since been broken up, but the "Stirling Castle," after undergoing some necessary repairs, has been appropriated as a dépôt for the reception of invalids.

Portsmouth  
prison.*State of the Buildings.*

The buildings being quite new are in good state and condition. The houses intended for the occupation of the officers are now in a forward state, and will soon be occupied; and the whole of the other buildings are sufficiently advanced to be in use for their intended purposes, except the infirmary, which will in a very short time be ready.

Buildings.

*Number and Disposal of Prisoners.*

Remaining in confinement, 1st January 1852	0	Number and disposal of prisoners.
Received during the year 1852	- 1,376	
	— 1,376	

Removed to Van Diemen's Land with tickets-of-leave	-	-	-	260	
" " " public works	-	-	-	1	
" Western Australia with tickets-of-leave	-	-	-	29	
" " " public works	-	-	-	37	
" Bermuda	-	-	-	22	
" Gibraltar	-	-	-	23	
" Millbank prison	-	-	-	9	
" Pentonville	-	-	-	2	
" Dartmoor	-	-	-	15	
" " Stirling Castle hulk	-	-	-	8	
" York	"	-	-	20	
Pardoned, free	-	-	-	7	
Deaths	-	-	-	2	
				435	
Remaining in confinement, 31st December	-	941			
		— 1,376			

*Conduct of the Officers.*

The zeal, energy, and ability of Captain Knight have had full scope in the task of overcoming and removing

Conduct of the officers.

**Difficulties on  
the first occu-  
pation of the  
prison.**

the difficulties incidental to the occupation of a new and extensive convict prison. In this case the usual difficulties have been greatly increased by the fact that the large majority of the prisoners came into the prison direct from the hulks, and that the main object was, necessarily, not simply the maintenance of a state of discipline to which they had been accustomed, but the amendment of the imperfect state of discipline unavoidable in the hulks, and the establishment of the degree of order and submission requisite in a well-ordered prison for public works. In his exertions he has been most efficiently aided by the deputy governor and chief warden of the prison, of whose zeal and intelligence he reports most favourably. The moral and religious improvement of the prisoners has been duly attended to by the chaplain, the Rev. Mr. Livesay, who, by the transfer of the convicts from the hulks to the prison, has obtained many opportunities of extending his own usefulness and that of the Scripture readers and school-masters in their several capacities. Dr. Jewell, the medical officer, has successfully attended to the due maintenance of good bodily health among the prisoners.

**Conduct of  
subordinate  
officers.**

On the first occupation of the prison a spirit of unwillingness to undergo with patience and proper feeling the special exertions and inconvenience, unavoidable to all parties connected with prison duties on such an occasion, manifested itself on the part of many of the subordinate officers, and led to acts which rendered necessary the dismissal of three or four of their number. Since that time there has not only been no cause of general complaint of their conduct, but the governor has been "able to state confidently that their duties are zealously and efficiently performed," and "that, with a few exceptions, he could not expect to have a more efficient staff of discipline officers."

#### *Treatment and Condition of the Prisoners.*

**Treatment and  
condition of the  
prisoners.**

The demeanour of the prisoners is orderly and respectful, and affords in itself a satisfactory indication of their treatment and condition as prisoners. As regards food, clothing, and bedding, they neither have reason for complaint, nor are they more than sufficient to maintain the prisoners in health sufficient for their labour.

The means of religious, moral, and school instruction are afforded to a proportion daily without interfering more than is necessary with the industrial employment of the prisoners; and the health is duly attended to by the medical department of the prison.

*Description of Labour.—Earnings and Expenses of the Prisoners.*

The labour in which the convicts have been employed has been executed for the Admiralty and Ordnance Departments at the station, and in works necessary for the completion of the prison.

Description of labour.

Much of the labour performed by the convicts under these departments was not capable of being measured; but applying the result in value of such as has been actually measured to the time occupied in the execution of the rest, the value of the labour per day of ten hours for each convict employed may be taken at 2*s*. The total value of the labour executed during the nine months that the prison has been occupied is estimated at 12,026*l.* 14*s.* 8*d.*, and the time occupied therein has been 1,154,69 days of ten hours each.

The accommodation of the prison being for 1,000 convicts, of whom the labour of about one-sixth would not be available (allowing for men sick, attending school, under punishment, &c.), the actual working number of prisoners daily would be about 834.\* Captain Knight, calculating on the value of the work already executed by the convicts confined in the prison, estimates the value of a full year's labour of that number at nearly 25,600*l.*

Earnings of prisoners.

If it were the rule to employ the convicts at unbroken labour, and of a description not entailing waste of human power, a still more favourable result might be fairly expected; and on this point I would now beg strongly to represent, that the employment of convicts in labour, in which their strength is expended without an adequate result, merely because it is not to be paid for in cash by the department employing them, must in the end always prove expensive to the country. It must be allowed, at the same time, that the employment of convicts in dockyards or public establishments, where they are necessarily employed in desultory jobs, and under circumstances requiring peculiar watchfulness, on the part of the officers, to prevent escape or irregularity, can never be so profitable in the result as when they are employed under circumstances that allow of their being entirely separated from other workmen, and occupied in labour that is uninterrupted and capable of measurement.

\* See Return, Appendix, page 121.

**Expenses.**

The prison having only been opened in the month of April 1852, and many of the expenses necessarily incurred being those of outfit for a new establishment, the actual necessary expenses have not yet been ascertained by experience, but it is probable that they will not exceed 25*l.* a year for each convict confined in the prison.

*Conduct of the Prisoners, their moral and religious Improvement, &c.***Conduct of the prisoners, &c.****Extracts from the Governor's Report.**

As regards the manner in which the convicts have conducted themselves, the Governor observes in his Report :—

"The conduct of the prisoners has been decidedly satisfactory, considering the circumstances under which they have been placed, and the change, so far as regards a large number transferred in a body from the hulks, from an unavoidably comparatively lax discipline to a strictness and restraint to which they had been quite unaccustomed.

"One of the very greatest advantages of the prison system over that of the hulks is, the protection it affords to those desiring to do well. In the hulks, in spite of all efforts to the contrary, the evil-disposed and morally worthless were able to exercise a tyranny and power for evil which proved fatal to the progress of good feeling and resolution in all but those armed with a far greater amount of moral courage than is the ordinary gift of man.

"Out of 1,376 prisoners who have been confined in this prison, 955 have not committed the slightest breach of rules, and 66 more have committed only *one slight offence*; so, in fact, 1,021 have not been guilty of any actual misconduct, and thus everything like misconduct has been confined to the remaining 355. It may be further observed, that a very considerable proportion of offences are attributable to the repeated misconduct of a few almost incorrigible individuals; thus, for instance, 134 offences have been committed by 13 prisoners.

"About 152 offences (viz. 'having possession of money, tobacco, and other prohibited articles,') have been caused solely by the convicts being brought in close contact daily with labourers, sailors, &c., and many more are indirectly traceable to the same cause; even persons of apparently higher position occasionally assist the convicts to commit breaches of discipline. I will give an instance of this kind. A person passing a party of convicts at work on Southsea Common threw one of them some money, which he picked up unobserved by his officer, but immediately and voluntarily gave it up.

"Taking into consideration the trials and temptations to which the convicts in this prison are constantly exposed, their general regularity and exemplary conduct have far exceeded my expectations, and convince me that their labour might be made still more generally useful and profitable, and be extended to situations and under circumstances heretofore never thought of."

The Chaplain reports most favourably on the moral and religious improvement of the prisoners, and makes the following observations on the arrangements by which the hulks have been superseded by a prison on shore:—

“ The fact that the new prison has at different times received from the ‘Stirling Castle’ and ‘York’ hulks 642 men, who had passed various periods of their times under the influence of the system there prevailing, will naturally suggest the inquiry, ‘Can it be shown that upon these men a change for the better has taken place in consequence of their removal from one establishment to the other?’ I have no hesitation in saying that such is my opinion. If, again, it be asked, ‘Can you show that the conduct of those men who have come to the prison direct, without going through the ordeal of the hulks, has been uniformly superior to that of others who have gone through it?’ I can most decidedly answer in the affirmative. On referring to the tables that will be submitted by the Governor in his report, it will be found that the offences recorded against the latter are, compared with those of the former, nearly in the ratio of two to one on the whole, whilst in some particular classes of misconduct the ratio is very much greater,—facts, which may be taken as decisive as to whether a hulk or a prison is the best adapted for accomplishing the recognized objects of penal discipline.

“ I stated in my last report that most of the prisoners on board the hulks were longing for the time to come when they should move into their quarters on shore. I need not say why, neither is it necessary for me to go into any details of the many inconveniences of the hulks, or show their utter unfitness to carry further the moral reformation of prisoners, or even to maintain it at the height it had reached in previous establishments, those being the very grounds on which you had long recommended their total discontinuance.

“ The prisoners drafted from the ‘Stirling Castle’ and ‘York’ soon discovered and gratefully acknowledged what an improvement the change had made in their conditions. The satisfaction felt was almost universal; two men only, as far as I can remember, were found, when writing to their friends, to regret the old state of things,—men who, from their possessing no mental resources, found the solitude of their cells too suggestive of their actual position, and therefore wanted the excitements of association to make it more endurable.

“ Their meals taken in peace and quietness, instead of the former wrangling and dissatisfaction, the liberty of reading undisturbed and unmolested, the power they had been previously deprived of, of obeying our Lord’s injunctions about *private* prayer, the privilege of attending morning and evening service in the chapel, and the almost total freedom from the oppression and tyranny of the worst of their fellow prisoners,—these and other considerations served to bring out in strong contrast the advantages of partial separation, and the unmitigable evils of association afloat.

Extracts from  
the Chaplain’s  
Report.

**Extracts from  
the Chaplain's  
Report.**

"All found the discipline of the prison more severe than that they had been accustomed to, but to the well disposed this was rather a protection, whilst it proved a wholesome check to the idle and turbulent. It does not become me perhaps further to animadvert on this subject than to state my opinion that the increased facilities for enforcing order and regularity in the prison have been admirably made use of, and the wheels of the machinery made to move with a smoothness and perfection that could in so short a time be hardly expected."

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**Concluding  
remarks.**

I cannot conclude this Report without expressing great satisfaction at the successful result of the first distinct experiment of removing convicts in a body from the hulks into a prison, which allowed of their being separated from each other at night and at meals, and in which the authorities were provided with the necessary means of enforcing a higher degree of discipline. The progressive improvement visible in the conduct of these men under the superior means of discipline afforded by the prison was very remarkable, and the degree of order, regularity, and respectful submission to discipline, that now prevail both inside the prison and also on the public works, is a satisfactory proof, if any could have been wanting, of the disadvantage of using hulks as places of confinement for convicts, when the object is, not only to enforce the sentence of the law, but to maintain strict discipline, promote habits of industry, and encourage every effort at moral improvement among the prisoners.

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## HULK ESTABLISHMENT.

*State of the Hulks.*

At Portsmouth, in consequence of the occupation in the month of April of the new convict prison, the able-bodied convicts have been entirely removed from the labour hulks at that station. One of these, the "York," which had become so unsound as to be quite unfit for repair, has been given over to the Admiralty department, and the other, the "Stirling Castle," has been made available as an invalid dépôt in place of the "Defence," which had been necessarily moved to Woolwich in the preceding year, to replace two hulks that had become unserviceable for the accommodation of able-bodied convicts at that station. The "Briton" is still retained at Portsmouth as an hospital hulk for the accommodation of sick prisoners; but it may be practicable to give up the use of this hulk also when the hospital accommodation of the new prison is completed; as, however, the "Briton" is fitted as a prison ship, and not likely to be required for any other public use, it would be prudent to retain her in the convict service, in case of the occurrence of any infectious or epidemic disease among the prisoners at the station, or of any other circumstances requiring a temporary increase of accommodation. The "Stirling Castle" was thoroughly repaired in April when fitted as an invalid ship, and both these hulks are in good order and condition.

At Woolwich the "Warrior" and "Defence" are occupied by able-bodied prisoners employed in the dockyard and arsenal, and the "Unité" is used as an hospital ship for sick prisoners of the above-mentioned hulks.

Of these the "Defence" and "Unité" are in good repair and condition, but the "Warrior" (as mentioned in my Report of last year) is not in a state to be retained much longer as a fit place for the confinement of prisoners.

*Number and Disposal of Prisoners.*

		Number and disposal of prisoners.
Remaining on board, 1st January 1852	-	1,749
Received since	- - - - -	1,099
		<hr/> 2,848 <hr/>

Embarked to Van Diemen's Land, with

tickets of leave	-	-	435
Ditto, for public works	-	-	1
			<hr/>

Carried forward - 436

State of repair  
of the hulks.

Hulks at  
Woolwich,

Number and disposal of prisoners.		Brought forward	-	436
	Embarked to Western Australia	-	-	85
	"      Bermuda	-	-	41
	Transferred to Millbank Prison	-	-	39
	"      Pentonville "	-	-	14
	"      Portland "	-	-	727
	"      Dartmoor "	-	-	116
	"      Portsmouth "	-	-	645
	Discharged by free pardon	-	-	20
	"      medical grounds	-	-	23
	"      sentence expired	-	-	1
	Removed to a lunatic asylum	-	-	1
	"      Smithfield convict depôt, Ire- land	-	-	3
Deaths	-	-	-	37
Drowned	-	-	-	2
Escaped	-	-	-	11
			—	1,477
	Remaining on board, 1st January 1853	-	-	1,371
			—	
	Total	-	-	<u>2,848</u>

*Conduct of the Prisoners.—Moral and Religious Improvement.*

Conduct of the  
prisoners, &c.

The general conduct of the prisoners in the hulks has been good throughout the year, both as regards their submission to discipline and their industry and behaviour on the public works; and in this latter point the statements of the authorities at the head of the different departments under which they have been employed corroborate the reports of the officers. The Chaplains report favourably, also, of their general disposition to moral improvement and progress in school instruction.

The Chaplain, in his Report, makes the following observations:—

Extracts from  
the Chaplain's  
Report.

" The means of grace and instruction have been regularly pursued in the performance of divine worship, in school operations, in private conferences with the prisoners, and in constant visitation of the sick, and of those under punishment in the cells.

" On the Lord's Day there have been two full services at the larger ships, and service with a lecture at the hospital, and during each week two evening services at the 'Warrior' and 'Defence', and daily prayers, with at least two lectures, at the hospital.

" To say that marked attention and peculiar propriety of behaviour have been singularly manifested at all these services, would only be

to repeat what has been frequently said, but I may, without presumption, also avow that no impartial spectator of them would hesitate to acknowledge that there is in our convict congregations an animated interest, extensively felt both in the devotional parts of the services and also in the reading and exposition of Holy Scripture, strikingly indicating a growing intelligence in the subjects enforced, and a satisfactory tone of moral and religious feeling amongst the hearers, and also proving that the discipline and care which are exercised have a salutary tendency to improve their state by disposing them to manly conduct and sober reflection.

Extracts from  
the Chaplain's  
Report.

“The Lord’s Supper has been administered four times at each of the ships to an average aggregate number of 70 communicants, who were individually examined and cautioned in private by the Chaplain, as well as collectively instructed in the nature and blessings of the ordinance, and I firmly believe that a large amount of enlightened and serious feeling was experienced on each occasion.

“The schools have had my daily attention, and I may say *anxious* concern. I am satisfied from observation and inquiry that in the accustomed routine of school duties the prisoners have made considerable improvement, some adding to their previously acquired knowledge, and others gradually advancing from a first book until they could read the New Testament with tolerable freedom; and it speaks well for their moral conduct and good behaviour in school that no complaint on those important points has been made to me by the schoolmasters.”

#### *Description of Labour—Industry—Distribution of Time, &c.*

The labour in which the convicts of the hulks are employed in the dockyard and arsenal is not generally of a kind most favourable for the promotion of steady habits of work among the prisoners.

Description of  
labour, in-  
dustry, distri-  
bution of time,  
&c.

The precaution necessary for preventing their mixing with the free labourers, to ensure the security of the prisoners, and to maintain due discipline among them, necessarily interfere continually with the full application of their labour in such situations. Prison restrictions on the one hand, and the necessity of conforming to the hours and regulations of the departments under which the convicts are employed, on the other, lead to frequent interruptions of work and intervals of non-employment which cannot be so favourable to the attainment of habits of industry as continuous labour of one description; and in this respect (as well as regards morals and discipline) the employment of convicts in dockyards and arsenals does not afford the same advantages for a course of reformatory and industrial probation as their employment on isolated works on a large scale, where the labour is unbroken, and the convicts are for a time in a great degree separated from the rest of the world.

Industry of the  
prisoners.

The degree of industry exhibited by the convicts during the past year has not only been favourably reported of by the Governors of the hulks, but also by the heads of the departments for which labour has been performed by the prisoners; and, making allowance for the unfavourable influence (before alluded to in this report) of the nature of their employment, I am enabled to report that the convicts generally in the hulks have shown a satisfactory spirit of industry throughout the year. At hard, straightforward work, such as loading or unloading coal from ships, cleaning mud from ditches, stacking heavy timber, &c., the energy and willingness with which they have worked have been remarkable; and a character for industry appears to be generally desired even by those prisoners who do not exhibit an equal anxiety for a favourable character in other respects.

Distribution of  
time.

The daily distribution of time is arranged, as far as possible, so as to admit of the various necessary prison duties being carried on without interfering with the hours of labour prescribed by the several departments under which the convicts are employed on the public works. The following table shows the time occupied daily, according to the season of the year, in labour or otherwise.

Occupation.	In Summer (longest day).			In Winter (shortest day).				
	(In the intermediate Seasons the hours vary according to light.)							
	A.M.	A.M.	h. m.	A.M.	A.M.	h. m.		
Prisoners rise, and are let out by classes to wash.	5 30	to 6	=	6 0	to 6 30	= 0 30		
Breakfast (officers and prisoners).	6 0	„	6 30	= 0 30	6 30	„	7 0	= 0 30
Clean classes and stow hammocks.	6 30	„	6 50	= 0 20	7 0	„	7 20	= 0 20
Dockyard gates opened for admission of workmen, and prisoners paraded for labour.	6 50	„	7 0	= 0 10	7 20	„	7 30	= 0 10
Prisoners at labour - -	7 0	„	11 50	= 4 50	7 30	„	11 50	= 4 20
Labourers leave work, and prisoners return on board to dinner.	-	„	11 50	{ = 1 0	-	„	11 50	{ = 1 0
Prisoners parade for labour	-	„	12 50	{	-	„	12 50	{
Resume labour - -	P.M.	P.M.		P.M.	P.M.			
Supper (officers and prisoners).	1 0	„	6 0	= 5 0	1 0	„	4 15	= 3 15
Evening prayers and school, those not at school repairing clothes, &c.	6 15	„	6 45	= 0 30	5 0	„	5 30	= 0 30
Slinging hammocks -	6 45	„	8 0	= 1 15	5 30	„	7 30	= 2 0
Watch set for the night -	8 0	„	8 30	= 0 30	7 30	„	8 0	= 0 30
	-	„	9 0		-	„	8 0	
Total from				Total from				
5 30 A.M. to				6 0 A.M. to				
8 30 P.M.				8 0 P.M.				
			14 35			13 5		

## ABSTRACT OF THE FOREGOING.

	Summer.	Winter.
	h. m.	h. m.
Meals	2 0	2 0
Out-of-door labour	10 0	7 45
In-door occupations and evening instruction	2 35	3 20
	<hr/> 14 35	<hr/> 13 5

*Earnings of the Prisoners and Expenses of the Hulks.*

The total cost, exclusive of repairs, amounted to **33,463*l.* 4*s.* 5*d.***

The annexed statement shows the average number of the convicts confined in the hulks during the year, and their earnings as calculated according to reasonable wages for the different description of work performed per day of ten hours, into which all the time employed has been reduced. It must be observed, however, that much of the labour at which the convicts at the Hulks are usually employed is of a broken and desultory kind, not always capable of measurement, or the application of a system of individual task-work; and that in such cases the value of the labour can in reality be only estimated.

Earnings of  
the prisoners  
and expenses  
of the hulks.  
Labour and  
earnings of  
prisoners.

STATIONS AND HULKS.	Average daily No. of Pri- soners.	Number of days labour performed.				Total estimated value.	Annual Averagē per head.		
		By superior Artificers.		By ordinary Labourers.					
		No. of days (10 hrs. each).	Esti- mated value.	No. of days (10 hours each).	Estimated value.				
WOOLWICH:-									
"Warrior"	439	d. h. £ s. d. 1,282·4 158 13 6	£ s. d. 68,821·0	d. h. £ s. d. 7,953 1 7½	£ s. d. 8,111 15 1¾	£ s. d. 18 9 6½			
"Defence"	501	4,150·4 470 8 11	67,018·8	7,589 17 7	8,030 6 6	16 1 9			
PORTSMOUTH:-									
"Stirling Castle"	443	19·8	2 15 0	21,974·9½	2,602 17 9	2,605 12 9	7 14 2		
Hulk (for quarter ending 31st Mar.)									
"York" Hulk (for quarter ending 31st March).	392	118·8	16 10 0	16,483·6	1,873 3 0	1,689 13 0	4 6 2		
"York" Hulk (for period from 1st Apr. to 27th July).	297	180·0	22 10 0	9,655·0	893 11 0	916 1 0	3 1 8		
Total . .	. .	5,738·4	670 17 5	183,963·3½	20,712 10 11½	21,383 8 4½	. .		

Although on the whole I can report with satisfaction that during the past year there have been fewer instances of aggravated or general misconduct among the convicts con-

cluding  
remarks.

\* At Portsmouth the labour hulks were in use only for the proportions of the year above stated.

† The value of the labour of cooks, tailors, &c. on board is not here included.

Concluding  
remarks.

fined in the hulks, in proportion to their reduced numbers, than in previous years, yet I feel still assured that no system of discipline can be brought to such perfection as to remove or more than partially overcome the evils inseparable from the association of convicts in such places of confinement.

The good effects of the change that has taken place within the year with respect to the convicts at Portsmouth, where the labour hulks have been given up, and the convicts transferred to a prison in which every man has his separate sleeping cell, and is associated only during the hours of labour and instruction or exercise, are strikingly apparent. There are now but two labour hulks in use in this country, viz., the "Warrior" and "Defence," at Woolwich; and I shall rejoice when the convicts are removed altogether from places so unfavourable to discipline and to moral improvement, and so generally condemned that the prisoners themselves have learned to make their confinement in such places an excuse for their misconduct.

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## PARKHURST PRISON.

In my last Report I stated that during the preceding year several important alterations had been introduced into the Parkhurst prison daily routine.

One object of these changes was to afford increased facilities for the industrial training of the boys; another, to give greater encouragement to good conduct. Having been in full operation during the whole of the year 1852, a judgment may be formed of their effects.

The Governor thus speaks of them :—

" In my last report, pages 61 and 62, I stated that the direct incentives to industry and good conduct which were granted to prisoners here from the 1st April 1851, had been productive of a marked improvement in the conduct of the prisoners during the last nine months of that year. A return which I am enabled to append to this report will show that the same routine followed out during the whole year 1852, has been attended with even more satisfactory results. The proportionate number of instances of misconduct in the general wards has been reduced to the ratio of 17 to 21 as compared with 1851, and of 2 to 7 as contrasted with 1850; while the proportion of prisoners not reported at all during the year has been augmented to the ratio of 3 to 2 as compared with 1851, and of more than 3 to 1 in comparison with 1850. The numbers showing the reports for misconduct in the general wards include many cases of trivial character which were disposed of by admonition merely, without any punishment. Of this class there were 129 cases in 1852, so that the number of punishments was only 579.

" In the junior ward the improvement in general conduct was not less remarkable; the numbers of prisoners not reported at all bears a very high ratio in contrast with any one of the 3 preceding years, 98 boys not having been punished for any misconduct in the prison, and 171 not having any report against them from the school.

" In the general wards, 287 prisoners, more than two-thirds of the total number, had no report at all against them for misconduct; 41 others were only reported once, 18 were only twice reported, and 10 three times; while 166 offences were committed by 12 individuals.

*" Escapes.—Only four prisoners passed the prison boundary attempting to escape. These boys ran from the labour parties on the land. They were almost immediately retaken and brought back to the prison. The first occurred early in January; the others in July."*

The Chaplain of the junior ward observes :—

" No punishment is ever awarded except by the Governor or myself, nor without great carefulness and deliberation, that every offence may be dealt with according to the circumstances of the case and the disposition of the prisoner. Most of our offences have

Remarks of the Governor on the effects of the recent changes.

been committed by prisoners of the first year's standing ; about the second year they generally begin to feel that we are interested in their welfare, and that it is for their own good that a strict but salutary discipline is continually observed, and that privileges and advantages keep pace with good conduct."

**Satisfactory results of the alterations.**

The Chaplain expresses his opinion that lessening the time spent in intellectual instruction and applying more to industrial occupations has worked well, and that, according to his experience, industrial employment ought to form a part of the routine of every school intended for the working classes.

As regards the religious and moral state of the prisoners he observes :—

**Moral and religious state of the prisoners.**

" I have to report very highly of the orderly and good conduct of the generality of our boys, and of their attention to the rules of the prison. Leaving out of consideration altogether the long training which our boys have had in evil practices, and thinking only of what human nature is, I suppose I must never expect to see a better moral state to prevail than that which now exists."

The Chaplain of the junior wards remarks upon the same points :—

**Conduct of the prisoners, &c.**

" The conduct of the prisoners during the year has been very satisfactory. The great improvement which commenced under the alterations made in 1849 has continued to progress up to the present time, a further evidence that industrial employment is a great hand-maid to secular and religious education in reforming prisoners, and in fitting them for a better class of society than that in which they had passed the earlier period of their life.

" The prisoners have acquired much more industrious habits ; they work more cheerfully in the fields ; our reports for idleness and indolence in that department have very much decreased.

" Prevention is at all times better than cure. However, the best that can be done for them now is done, and I believe with great success. I consider, under existing circumstances, that the system pursued at Parkhurst is admirably suited to their necessities.

" I unhesitatingly state that I have never seen in any school, and I have been officially connected with many, such uniform steadiness of conduct, and diligent attention to the instructions of the masters. Though I visit the schools every day, I do not remember having once observed disorder or inattention during the year ; and on the Sabbath day, when the whole prison is assembled, morning and afternoon, for scriptural and catechetical instruction, general order prevails. Formerly we have had more trouble with the boys on this than on any other day. I consider that there cannot be a more decisive proof of the great improvement in the prison than this change.

" I take a class of 20 boys every Sunday evening, and examine them in Scripture and the Church catechism, giving them also some general advice in a familiar way. This I confine to the boys in the

evening school, dividing them into five classes ; I find it a useful Evening school. help to the other means employed for their instruction.

"The evening school is still continued, and with much advantage, as an encouragement to the boys. It is open for an hour every evening in the week, under the superintendence of one of the masters. None are admitted but those of very good conduct, having badges. The average attendance during the year has been about 108 ; more than one half of the junior prisoners. They are also privileged to write letters to their parents once in three months, and receive letters in reply,—a privilege greatly valued by them, and beneficial to them in many ways."

### *Number and Disposal of Prisoners.*

		Number and disposal of the prisoners.
Remaining in confinement, 1st January 1852	-	558
Received during the year 1852	-	164
		<hr/> 722 <hr/>
Removed to Van Diemen's Land	-	81
", Western Australia	-	1
", Public Works at Portsmouth	-	44
", " Portland	-	20
", " Dartmoor	-	12
", Pentonville Prison	-	10
", Millbank	-	4
", " Stirling Castle" invalid hulk	-	1
Pardoned	-	4
", on medical grounds	-	1
Died	-	8
		<hr/> 186 <hr/>
Remaining in confinement 31st December 1852		536
		<hr/> 722 <hr/>

### *Prison Officers.*

It has been a question with some who are well qualified to form an opinion, whether a different class of officers would not secure a better result. Nearly one-half the present officers have been serjeants in the army, who, in addition to the habits of regularity they never fail to acquire in the service, have been specially selected, as being particularly qualified for keeping boys in good order, without the necessity of resorting to punishment, a result which is generally considered a sure indication of good discipline. The remainder of the officers have never been in the army at all, but have been carefully selected from a large mass of applicants with a special reference to their qualifications.

Prison officers.

**Remarks of the  
Chaplain on  
prison officers.**

The Chaplain thus speaks of them :—

" I cannot pass by this opportunity of observing, that much is also due to the subordinate officers of this establishment; including all their grades and departments ; and I am far from being insensible to the advantage of labouring in conjunction with so respectable a body of men, who are, I believe, one and all, anxious to add their quota to the accomplishment of our great object, that of rendering the poor boys sent here fit once more for a place in honest society ; and as a minister of Christ I often feel grateful for the support which I know they give to my ministrations in that Gospel which is the one instrument of a sinner's conversion."

The Chaplain of the junior wards also observes :—

" It is of the greatest importance that those who have the immediate charge of these youths should possess no ordinary qualifications. The class of criminals who come to this prison have been well trained to every kind of vice ; deceit, lying, dishonesty, and insolence are prevailing features in their characters ; therefore the most careful and judicious treatment, together with the inculcation of right principles of morality and religion, will alone counteract this evil ; and by patient continuance in this good work we hope, under the Divine blessing, to succeed in a very great measure."

**Higher class of  
officers de-  
sirable.**

If it were possible, with due regard to economy, to obtain a much higher class of officers, for instance, schoolmasters, in whom were combined the vigilance and discretion which are essential for the safe custody and discipline of prisoners, with the attainments necessary for industrial training on the land and in the shops, there can be no doubt of the advantage which would accrue ; but such men cannot at present be found in sufficient numbers, nor could such varied qualifications be commanded without giving a very high rate of salary.

**Penal schools  
ought to be  
different to  
other schools.**

It has been said the boys would not attempt to run away if they were under sufficient moral control, and had sufficient inducements to remain. This may be very true of a school, where the stay is more or less voluntary. It will, however, be generally admitted that a *penal* school or prison for criminal boys should have some features by which it could be distinguished from a school for the honest or destitute. This distinction would naturally cause it to be less attractive.

It will also be admitted that the attractions to a juvenile of a school of any kind are not of such an amount as that much can be spared.

If the experiment of bringing together into one establishment 500 criminal boys, sentenced by law to remain there, were tried, it would doubtless be found that a considerable

proportion of them would desire to go away, and, that unless prevented by the vigilance of officers when they were employed in the fields, and by the ceremony of locking the doors and gates, when they were within the walls, they would not fail to do so.

*Farming.*

The farming operations have as heretofore been carried on by spade husbandry during the year. The boys have been thoroughly instructed in draining and trenching land, in sowing and planting, taking in different crops, and, generally, in all the work that is required in carrying on a farm.

The crops have been somewhat above a general average, considering the land is the heaviest description of clay.

The Steward, whose duty it is to superintend the farming operations, reports :—

"The mangold wurtzel averaged above 43 tons per acre upon the whole crop ; the wheat 7 quarters per acre, &c., which I attribute to the superior value of spade husbandry, complete draining, and the careful application of the sewage (liquid manure) from the prison and barracks, farmyard, and every other available source.

"We grew about three acres of flax, which has proved to be an excellent crop of first-rate quality ; and I believe that if we had the means of preparing it (even if it were only so far as to render it marketable in its first stage) we should find it not only a means of furnishing profitable in-door employment for the prisoners in wet weather and during the winter months, but it would be found to be a fair paying crop."

*Expenses of the Prison and Earnings of the Prisoners.*

The total cost of the prison, exclusive of buildings, amounted to 12,562*l.* 18*s.* 6*d.* After deducting the earnings of the prisoners, a sum of 2,008*l.* 1*s.* 3*d.*, and house-rent paid by officers, 192*l.* 11*s.* 6*d.*, the net cost of the prison was 10,362*l.* 5*s.* 9*d.*, and the daily average number of prisoners during the year being 563, the net cost of each was 18*l.* 8*s.* 1*d.*

Expenses and  
earnings of the  
prisoners.

**CONCLUSION.**

Having briefly noticed the operation of the system of discipline which is now in force, and the probable effects of some of the changes which may be necessary in consequence of the discontinuance of transportation to Van Diemen's Land, I would venture, in conclusion, to call your Lordship's attention to the great importance of *preventive measures*.

Under this term, I would be understood to include—First, a systematic pressure upon the acknowledged causes of crime, such as drunkenness,\* lodging-houses and resorts of thieves, penny theatres and low places of amusement, receivers of stolen goods, &c.

Secondly, I would advocate measures calculated to check the increase of juvenile criminals, by improvements in the dwellings of the lower classes, so as to secure the ordinary decencies of life, and, generally, by the education and industrial training of the lowest classes of children, who virtually derive no benefit whatever from any provision at present made by the Government.

Thirdly, assuming a uniform corrective and reformatory discipline suitable to different classes of criminals to have been established in all prisons, it appears to me essential, in order to diminish the number of re-committals, that some effort should be made in behalf of discharged prisoners.

I feel persuaded that if the foregoing causes of crime were grappled with in a vigorous manner by the combined action of legislative and local authority, and if the efforts of benevolence in applying remedial measures to the neglected condition of the ragged children who infest the streets, were duly encouraged by the State, more good would be effected than any one unacquainted with the magnitude of the evils would deem to be possible.

The effect of such preventive measures would be a diminution in the number of criminals, and, if reference be made to the very heavy expense which they entail on the Government,† it will be seen that, viewed merely on economical and financial grounds, they are deserving of attention.

I have the honour to be,

My Lord,

Your most obedient Servant,

J. JEBB, Lieut.-Col., &c. &c.

\* See further observations on drunkenness, page 126.

† See page 123.

## APPENDIX.

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### NOTES ON THE EFFECTS OF SEPARATE CONFINEMENT.

#### EXTRACTS from the REPORT of the CHAPLAIN of PENTONVILLE PRISON for 1852.

" IN advocating, in consequence of my first few years' experience, a modification of separate confinement in this prison, and the necessity of combining it with a system of well-regulated labour on public works, under the direction of Government, I was guided wholly by what fell under my own observation, and the conviction that the ends of justice at home and the reasonable demands of the colonies of Australia could only be met by such a course.

" I had my misgivings that the reformation effected under such complete separation from the temptations of life would not prove to be of a permanent character, I feared the long continuance under a system of restraint, physical and moral, would be followed by a re-action, where there was not a real change of heart by the Holy Spirit.

" However this might be, I thought I saw distinctly marked, effects of separate confinement of such a character as to put out of the question the idea of its exclusive application for a lengthened period, as a sole or the greater part of a convict's treatment.

" Among the convicts of the first years, most carefully selected as they were in the matter of general health, age, crime, and sentence, there was an undue proportion, as you are aware, of mental disturbance and excitement, from insanity downwards to a sort of indescribable nervous or hysterical condition, which was partly observable in the prison, but much more so on board ship, where a large proportion were seized with convulsions. This was the case in the 'Sir George Seymour.'

" In the 'Stratheden,' which next sailed with our prisoners, as many as 20 out of 100 were so affected, but none of the convicts on board from the other prisons, as I reported at the time to the Board. It was reasonable, I thought, to infer that where no such actual result followed there was yet an effect produced upon the human system of an unfavourable character ; and this I thought observable in the appearance of our convicts, viewed in comparison with the others around them. Could it be imagined that longer detention in such a state would not aggravate this mischief? It was so thought by some whose judgment might justly be considered much safer to follow than mine. Tables were prepared to show that cases of insanity and delusion occurred in the first rather than in the last period of the 18 months here experimented on. That, however, in my opinion, seemed consistent enough with the sup-

position of a gradual, and, perhaps, imperceptible, decline of the physical and mental energies of the mass of persons subjected to the trial."

#### REPORT of Dr. BALY on the EFFECTS of SEPARATE CONFINEMENT.

Dr. Baly, the Medical Superintendent at Millbank, advertises to the operation of the system of separate confinement, especially in respect to insanity, and the effects of imprisonment on the mind. After giving a detail of certain cases, he offers the following table, as regards Millbank :—

Periods of Imprisonment.	Approximate Number of Prisoners who passed through each Period.	Number of Cases of Insanity occurring in each Period.	Annual ratio per 1,000 of Cases of Insanity for each Period.
First Three Months	17,500	12	2·7
Second Three Months	9,800	9	3·6
Third Three Months	5,400	9	6·6
Fourth Three Months, or later	1,600	5	—

And goes on to state, with reference to its effects in other prisons, as follows :—

"Observations, too, made in former years, and inquiries extended to other prisons, have given me the conviction that even to persons of sound mind, confinement in separate cells for long terms is attended with risk to mental sanity. The danger may, of course, be lessened by affording exercise to the mind, by instruction, and by intercourse with prison officers, and in a less degree by promoting the health of the body; but danger, I believe, there must always be as long as separate confinement is so enforced as to be a punishment, since it is a punishment which operates principally and primarily on the mind itself."

Again, with regard to delusions, and other effects clearly traceable to separation, he observes :—

"It has been the custom in some prisons to apply the term 'insanity' only to the severer forms of mental disorder, and to place those of a less formidable character in a distinct category with the designation of 'delusions'; but this practice is, I think, likely to induce the erroneous notion that the cases of so-called 'delusions' are different in their nature from those of 'insanity,' and of comparatively little importance; whereas, according to my experience, 'delusions' or 'monomania' occur with extreme rarity in persons whose minds are otherwise healthy, but, on the contrary, are attended with some other general though less obvious disturbance, or an enfeebled state of the mental faculties. Cases of this kind, too, are commonly very difficult of cure, and have a tendency to pass

into the condition of complete 'imbecility' or 'melancholia.' A very large proportion of the cases of 'insanity' in lunatic asylums are of this nature. In estimating, therefore, the amount of insanity in a prison for the purpose of comparison with its prevalence in the community at large, these cases of so-called 'delusion' ought certainly to be included."

Dr. Baly also makes the following important remarks on the general effects of long continued confinement in separation, as distinguished from the more severe and obvious cases of mental disorder :—

"These various forms of mental disorder, all more or less obvious, do not, however, constitute all the effects which separate imprisonment is capable of producing on the mind. When this punishment is continued for many months, and especially when it is carried out in all its integrity, it exerts, as might be expected, a depressing influence on the whole nervous system of the convicts submitted to it. The result is shown partly in a loss of physical vigour and of the power of resisting external impressions (whence arose the singular convulsive attacks from which many men suffered at a former period on their being transferred from their separate cells directly to the convict ships), and partly in an impairment of mental energy of various degrees. In some men this state of mind has approached to decided imbecility ; in others it has seemed to be the cause of a proneness to insanity under the influence of the excitement attending embarkation ; while in others, again, the loss of mental energy has been of such a kind and degree as to be recognizable only by those persons who were in constant intercourse with the men, and could contrast their present with their former condition, or by those who had the opportunity of comparing them in a body with other large bodies of convicts. There can be no doubt that in the large majority of cases this depressed state of the mental powers is recovered from, more or less quickly, when the men are restored to society. But a permanent impairment of the mind of this character must, I am persuaded, be reckoned, together with the more obvious forms of mental disorder, among the occasional evil results which the separate system is capable of producing when it is enforced with strictness for long terms."

Speaking of pulmonary consumption which, of serious diseases, has been the most prevalent both at Pentonville and Millbank, he says :—

"There being no data for determining with accuracy whether separate confinement in the mitigated form in which it is carried out at Millbank has exerted a more injurious influence than the associated system is capable of exerting, I may be permitted to state, with respect to this question, the general impression I have derived from long observation. I would state, in the first place, my belief that the consumptive disease apparently originating at Millbank during the last few years has, in most cases, not been disease newly produced in previously healthy persons by the few months' impre-

sonment there, but has been either already existing, although hitherto latent disease, aggravated and rendered active, or disease developed in a constitution already strongly predisposed to and tending towards it. Depression of spirits, loss of exercise, and want of fresh air, are well known to be causes most capable of producing such effects ; they are almost necessary attendants on imprisonment, and the last-mentioned cause, want of fresh air, has doubtless been felt more at Millbank prison than at some others, owing to the disadvantages of its site and construction. But the depressed state of the feelings and want of mental excitement must in all prisons exist, ' *caeteris paribus*' , in a greater degree in proportion as the imprisonment approaches more nearly to complete isolation ; and the separate imprisonment at Millbank prison, although its duration is comparatively so inconsiderable, and although its strictness is so much mitigated, has, I am convinced, operated more injuriously than the ' associate ' system on prisoners impaired in health or predisposed to disease. Continued observation has, in fact, only confirmed my opinion that prisoners in such a state of health,—those especially in whom there are marks of a scrofulous habit of body, or in whom there is reason to suspect its existence,—ought not to be subjected to imprisonment day and night in separate cells. If all such men be carefully excluded, a large number will certainly be withdrawn from the regular system of penal discipline. This is undoubtedly an evil ; but, on the other hand, many will thus escape a degree of danger to life which their sentences were not intended to bring upon them. To give additional safety to prisoners deemed especially liable to suffer from confinement, it would be desirable that they should be transferred at an early period to Dartmoor or Portland, or some other convict station where they could be employed at out-door labour.

" The prisoners hitherto subjected to separate imprisonment at Millbank prison had not been a selected class (only those obviously diseased having been excepted from the system), partly, because it had been decided that the effects of separate imprisonment should be tried on an average body of prisoners, and partly because the shorter terms of separation at Millbank than at Pentonville seemed to render fewer precautions necessary with regard to the men confined in the former prison. Since the close of last year, however, care has been taken to remove from separate cells all who appeared, from any reason, especially liable to suffer from confinement in them."

And he goes on to say :—

" The experience of Millbank prison during the past year affords no conclusive evidence either for or against the belief that the separate system of imprisonment has an especial tendency to produce mental disorder. But it might be expected that some information with regard to this question would be obtained by comparing the statistics of the last three years, 1850-52, with those of the three previous years, 1847-49.

Periods of Three Years.	Number of Prisoners received.	Number of Cases of Insanity.	Number of Cases exclusive of Prisoners insane previously.
1847 to 1849 - - -	7,722	12	11
1850 to 1852 - - -	5,869	17	13
1850 to 1853, exclusive of prisoners transferred for probationary discipline to other prisons, and of cases of insanity developed within six weeks after reception -	3,369	15	11 .

As the average term of imprisonment of the prisoners in the last three years has been 295 days, and that of the prisoners received in the former three years only 150 days, each prisoner received and detained for probationary discipline, since the beginning of 1850, has been longer exposed to the risk of becoming insane. To compare the effects of the system in the two periods, the proportions must be calculated for equal terms of imprisonment (terms of twelve months). They are then found to be for the former three years 3.52 per 1,000 prisoners, and for the latter three years, in which there has been more of separate confinement for periods of six months, 4.73 per 1,000 prisoners.

These data, I believe, show truly that but little injurious effect, as regards the minds of the prisoners, has resulted from the arrangement made at the end of the year 1849, and that six months' separate confinement, with the mitigations and precautions adopted at Millbank, is not attended with any great danger of producing insanity. But it, of course, is not thereby proved either that separate imprisonment, even for six months, without such precautions, would be attended with the same degree of safety, or that, with those precautions, it could be carried out for much longer terms without a great increase of danger. Previous observation had, indeed, satisfied me, that short terms of separate confinement are attended with extreme danger to persons originally of dull or weak intellect; and I am sure, that unless great and increasing care had been taken to exclude such persons from the operation of the separate confinement at Millbank, the result of the experiment of the last three years would have been much less favourable than it appears to have been."

Dr. Campbell, the Medical Officer of Dartmoor Prison, makes the following observations on the effects of separate confinement, in his Report for the year 1852:—

"Until lately very few of these cases have come under my notice. Two were in the hospital when I joined. One has been discharged, after being under surveillance for a long period. He was disposed to be sullen, and his manner was peculiar; but by a little soothing management he was quite tractable, and made himself useful about the ward. As I deemed it advisable to try the effect of regu-

employment, he was attached to one of the agricultural gangs, and the officer in a short time reported that he worked as hard as any of the others, and with the greatest cheerfulness. The other is an old man, who has been bed-ridden all the time he has been under my care, and I have little hopes of his recovery. Some of the more recent arrivals have this disease in a milder, and I may add, as regards a few, in a more suspicious form, characterized by a great aversion to labour. I may, however, observe that many of the prisoners received here from other prisons have appeared to be labouring under a considerable degree of torpor of the intellectual faculties, which is commonly marked by hesitation in replying to questions, apathy or indifference to anything passing around them, dilatation of the pupils, and a sickly appearance. As I usually find that these prisoners have recently undergone separate confinement, I am of opinion that such symptoms are very likely to arise from prolonged seclusion. Our means of accommodating such patients are imperfect at the present time; but the additions that are now in progress for the use of the sick will soon be available, and will be of great service in the treatment of these and other diseases requiring great care and circumspection."

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In a work on the Prison Discipline of America, by Mr. Francis Gray, is found the following passage :—

" There is nothing for which the system of solitary labour has been more lauded, than for the *overpowering effect of the degree of solitude*, which it necessarily implies, as administered in this country, upon the mind, and facts are often stated, which prove that the nerves of the convict are much shaken, and his mind enfeebled; and that he is in *that state of debility*, in which resolutions of amendment are very likely to be formed, but very little likely to be executed. MM. De Beaumont and De Tocqueville observe, on their visit to one of the prisoners, No. 61, in the Penitentiary at Philadelphia, that he *could not speak long without being agitated, and shedding tears; and that they had made the same remark of all whom they had previously seen.*"

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The physician of the New Jersey Penitentiary makes the following remarks :—

" Among the prisoners there are many who exhibit a childlike simplicity, which shows them to be less acute than when they entered. In all who have been more than a year in the prison, some of these effects have been observed. Continue the confinement for a longer time, and give them no other exercise of the mental faculties than this kind of imprisonment affords, and the most accomplished rogue will lose his capacity for depredating with success upon the community."

And in the following year, he observes,—

" The effect of solitary confinement on the prisoners in this institution is well determined, however different it may seem from what is reported of other similar establishments. As the punish-

ment is carried out in this place, the result upon the convict is a diminished force of his organs generally, and, particularly, a weakening of the muscular fibre; obstruction of lymphatic glands, and vitiated nervous action. The mind suffers, in this state of the organs, when absolute derangement does not take place."

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Mr. Kingsmill, speaking of the recent changes at Pentonville, observes upon the same point,—

" Among the convicts of the first years, there was an undue proportion, as you are aware, of mental disturbance and excitement, from insanity downwards to a sort of indescribable nervous or hysterical condition, which was partly observable in the prison, but much more so on board ship, where a large proportion were seized with convulsions. This was the case in the 'Sir George Seymour.' In the 'Stratheden,' which next sailed with our prisoners, as many as twenty out of one hundred were so affected, but none of the convicts on board from the other prisons, as I reported at the time to the Board. It was reasonable, I thought, to infer, that where no such actual result followed there was yet an effect produced upon the human system of an unfavourable character; and this I thought observable in the appearance of our convicts, viewed in comparison with the others around them. Could it be imagined that longer detention in such a state would not aggravate this mischief? It was so thought by some whose judgment might justly be considered much safer to follow than mine. Tables were prepared to show that cases of insanity and delusion occurred in the first rather than in the last period of the eighteen months here experimented on. That, however, in my opinion, seemed consistent enough with the supposition of a gradual and perhaps imperceptible decline of the physical and mental energies of the mass of persons subjected to the trial.

" Active disease might be developed in the first stage of confinement, whilst general debility or prostration of spirits would mark the latter part of a long confinement in separation, and when released the sufferers would not be competent to work their way in the world like other men; and having this disadvantage, with the loss of character, would be doomed in too many cases to hopeless pauperism, vagrancy, or crime."

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#### REPORT on the DISCIPLINE of the STATE PRISON of RHODE ISLAND.

The warden of the State Prison of Rhode Island, in his Sixth Report, makes the following observations:—

" The inquiry is frequently made, 'How does the present system succeed in comparison with that which, in its main feature of labour in strict solitary confinement, has been discontinued?' It is well known that this prison was constructed and established upon that plan, and that the principle of strict seclusion has been given up for reasons deemed imperative.

" Does the result justify the change? is the question. The undersigned is impelled by several reasons to make a public reply to it. The change was, from a sense of duty, by him respectfully urged

upon those having the authority to advise its adoption, and, after a careful observation, extending through a period of more than four years, of the injurious and alarming effects of solitary imprisonment upon the mental and physical condition of those who were the subjects of it. It has been recently suggested by a foreign writer of distinction that the system of solitary imprisonment in this state failed through the mismanagement of those charged with the duty of carrying it into effect—an imputation which shifts the radical fault of the system itself upon the administrators of it, and which may be deemed worthy of notice and refutation.

• "Under the old plan of promiscuously herding together by day and night, the prisoner was debased and brutalized; under the new, he is, in too many instances, carried through 'a slow corroding process,' to the derangement or destruction both of body and mind. This tendency of the solitary system, it is true, was predicted, upon natural principles, by some eminent opponents, whose benevolent sagacity forewarned, though ineffectually, the friends of prison reform of the result which they might expect; but experience was necessary to exhibit it, and at an expense which it is painful to contemplate.

"The errors of *philanthropy* are among the most injurious and difficult to avert, as they are associated with good motives, and supported by the zeal of honest men.

"Commencing as I did with but three prisoners, and having continued for six years, with an increase of about ten prisoners in each year, I have been enabled to become particularly acquainted with each individual upon his admission, and minutely to notice every change that took place during his confinement.

"Among the small number of prisoners at the onset, the bad effects of solitary imprisonment upon the mind were very apparent, not leading me, however, to consider them as arising from the peculiar confinement and discipline to which they were subjected. In observing these cases, I was forcibly struck with the similarity of the symptoms in those who had become deranged in the *State Prison*, after a confinement of from 6 to 18 months in solitude, to those manifested in the gaol in patients who became such after a confinement of but a few days, and undoubtedly from the abstraction of their accustomed excitement by drink.

"The appearance of similar effects, arising from apparently dissimilar causes, led me to an investigation of the subject, for the purpose, if possible, of ascertaining if such were the fact. From the uniformity of the symptoms of derangement, which made their appearance in a large number of the convicts in the State Prison, and were strongly developed in *one sixth* part of all who were there committed during a term of about four years, and all placed in the same condition and under the same discipline, I was satisfied that all were affected by one and the same cause; and being forcibly impressed with the identity of their derangement with that exhibited in the gaol, arising from the abstraction of alcoholic stimulus, I at length was satisfied that the same general explanation extended to all the cases, though in one class of these no ardent spirit had

ever been used to excess ; or, if so used, had been entirely abstained from for from 6 to 18 months. In both classes of cases I have come to the conclusion that the derangement was produced by the abstraction of an accustomed stimulus to the brain, either natural and requisite to a healthy action, or unnatural and adapted to the supply of a morbid and injurious appetite—and thus necessary, by a bad habit, to the ordinary mental and physical action of the system. Persons who have never been deprived even of a small portion of what may be called their *natural stimulus* for any considerable length of time are little aware of its salutary and indispensable influence. Every moment of our lives brings under us its action, through the external senses, in ten thousand various forms. The succession of day and night, the changing seasons through which we are constantly passing, are all in continual action upon the springs of life. The momentary and ever-changing objects which present themselves to the eye, the continual and rapid variety of sounds which fall upon the ear, and, in short, the perpetual succession of phenomena which address themselves to the senses, are all in a state of personal liberty, and except in the periodical intermissions of sleep, constantly operating upon the brain, and supplying it with that normal stimulus so necessary to the production of moral, physical, and intellectual health. In fact, all the external senses are but so many avenues through which new impulses to the system are continually flowing ; all which, including, also, social intercourse, combine in their operations, and give a perpetual impulse to the human system. Now, suddenly abstract from a man these influences to which he has been so long accustomed ; shut him up with but scanty resources of his own to keep the powers of his mind in action in a solitary cell, where he must pass the same unvarying round, from week to week, with hope depressed, with no subjects for reflection but those which give him pain to review in the scenes of his former life ; after a few days, with no impression made upon his senses, wherever the sound of his own hammer is lost upon his ear, and one unvarying sameness relaxes the attention and concentration of his mind, and it will not be thought strange that, through the consequent debility and irritability of its organ, the mind should wander and become impaired—in short, that the prisoner should have the ‘horrors,’ and that, too, from the same cause that produces the disease in the man whose system has become accustomed to other and greater stimulus than his, and has had that unnatural but habitual stimulus suddenly withdrawn. Is not the brain, as a physical organ, subject to the same laws that govern all other parts of the system ? and may it not become paralysed or deranged for want of action, as well as from exhaustion of excitability by over-action ?

“Perhaps it would be advisable to draw the parallel more specifically between the two conditions of derangement to which I have alluded. If a man have safely passed through an attack of delirium tremens, arising from the abstraction of his accustomed alcoholic stimulus, he will never be liable to another attack, so long as he abstains from that stimulus. The same is true, so far as my observation

extends, of the prisoner who has safely passed through the same ordeal in the abstraction of his accustomed stimulus to the senses, such as has been described, and he will spend the remainder of his days, so long as he shall remain in prison without any interval of liberty, though for years in solitude, and never be subject to a like attack. But the consequences may be irreparable, and he may be very much reduced in the scale of being—without energy or capacity for action, and unfit to be restored to society ; his animal propensities invariably gaining the ascendancy over his moral and intellectual faculties, inasmuch as the ordinary stimulus necessary for the former has not been abstracted to so great an extent."

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Mr. Kingsmill, speaking of the removal of the divisions in the exercising-yards at Pentonville, observes :—

" It is really no small relief to my own mind to turn my eyes for a moment from this paper as I write, and view the manner in which 100 or 120 prisoners in the spacious ground before my window are being now exercised. Separated by moral discipline and simple arrangement, they walk erect, like men. Their whole frame is in motion, and they move at so lively a pace as almost to provoke competition ; fast enough, however, to render much thought for the while impossible. To the young and active it is enjoyment ;—to the less vigorous and the sluggish it gives a stimulus which cannot fail to be of use to the whole system ;—to the mind as well as body.

" The picture is happily removed, of the convict, pensively, thoughtfully, at the best, leisurely, treading his solitary little yard, the boundaries of which were high walls, massive iron palings, and a door with inspection plate, through which an officer's eye was perpetually on all his actions.

" When officially interrogated on the probable effects of a change in such points of our discipline as seemed to press heavily upon the mind of the prisoner, I anticipated those results with confidence."

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#### EXTRACTS from FOURTH REPORT for 1850.

" No one will contend that such an amount of seclusion as is practically necessary in the working out of the separate system is otherwise than an unnatural and artificial state, and as such can scarcely be deemed to be suitable for *completing* the training of any one. The very same arguments which induce a parent to overcome all his fears as to the result of sending a child from the quietude of his home into the turmoil of a public school, and afterwards to the more enlarged sphere of action and diminished control of the university, would appear to apply to a system of probation designed for any other class of human beings.

" Bishop Butler observes that nature does not qualify us wholly, much less at once, for a mature state of life, and that maturity of understanding and bodily strength are only arrived at gradually by the continued exercise of our powers from infancy.

" And he goes on to say,—' But if we suppose a person brought

into the world with both these in maturity, as far as this is conceivable, he would plainly at first be as unqualified for human life of mature age as an idiot.

" It would be a question whether the natural conformation of his sight and hearing would be of any manner of use to him in acting before experience. And it seems that men would be strangely headstrong and self-willed, were it not for some acquired moderation and self-government—some aptitude and readiness in restraining themselves. Thus, the beginning of our days is adapted to be, and is, a state of education in the theory and practice of mature life."

*"Employment and Industrial Training on Public Works.*

" Again, as regards the employment of prisoners on public works, there seem reasonable grounds to expect that habits of industry, although they may be acquired under long-continued restriction, will not altogether cease to exist when that restriction is removed by the release of the prisoners in the colonies or elsewhere.

" The same close reasoner, speaking of a state of probation as intended for moral discipline and improvement, makes the following remark confirmatory of this view :—

" Thus, by accustoming ourselves to any course of action, we get an aptness to go on, a facility, readiness, and often pleasure in it. The inclinations which rendered us averse to it grow weaker ; the difficulties in it, not only the imaginary, but the real ones, lessen ; the reasons for it offer themselves of course to our thoughts upon all occasions ; and the least glimpse of them is sufficient to make us go on in a course of action to which we have been accustomed. And practical principles appear to grow stronger, absolutely in themselves, by exercise, as well as relatively with regard to contrary principles ; which, by being accustomed to submit, do so habitually, and of course. *And thus a new character, in several respects, may be formed* ; and many habitudes of life, not given by nature, but which nature directs us to acquire."

" And, further, under any circumstances, the Government have an important duty to perform in arranging a comprehensive system which shall be of *general* application, and in seeing that it is carried out in such a way as to promote the various objects which have to be provided for."

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**NEW PENAL COLONIES.**

The following remarks occur in my Fourth Report for 1850 :—

" All who have had any experience well know the great difficulties which are inseparable from the formation of a new colony. For a long period the entire energies of the first colonists, and all their resources, are directed to making provision for their own individual necessities.

" It is not until these are provided for that roads, wharfs, harbours, bridges, &c., are thought of, and then the means of executing them are for many years insufficient ; the tide of emigration is checked in consequence, and the progress of the colony is retarded. If, in anticipation of this, arrangements were made for extending

the remoter limits of existing settlements, or giving the assistance of convict labour in aid of private enterprise in the formation of new colonies, the different interests concerned might be adequately provided for, and advantages secured which could scarcely be obtained by other means.

"Experience of these difficulties has doubtless led to a remark which is often heard, that convicts should be the pioneers of civilization.

"As a first step to making suitable provision for the application of convict labour to such purposes, it would appear desirable to have in hand an infant colony, containing within its limits the elements of future greatness, and to execute at different points, at the expense of the Government in the first instance, and afterwards out of colonial funds accruing from the sale of lands or other sources, such great works as might on competent authority be deemed to be essentially necessary.

"Within a limited number of years the Government would be released from any direct expenditure or responsibility in regard to the execution of works, but the colony would be placed in such a position as to ensure *a demand for cheap labour*; and I do not hesitate again to express my conviction, 'that if there be established for all convicts a sound and uniform system of discipline and industrial training in this country, for periods such as are now contemplated (averaging, perhaps, from three to three and a half years), so favourable an effect on the character of a large proportion will be produced, that, taken as a body, they will be found more valuable, in any colony where there exists an adequate demand for labour, than an equal number of emigrants taken indiscriminately from the large towns and country districts.

"As a body, I do not believe convicts to be morally worse than an equal number of prisoners taken from the unceasing stream of criminals who pass through the prisons of London, or any of our large towns. There are very few convicts who are absolutely irreclaimable, and to look upon all who receive a sentence of transportation as sunk to one common level of hopeless depravity is a great mistake.

"A colony having in the first instance profited, in the development of its resources, by *convict labour*, and, subsequently, by a supply of *cheap labour*, at a period when there was not sufficient prosperity or capital to induce emigration on a sufficiently extensive scale, would probably reach a state when the further reception of convicts in any form would be opposed, as it has been in New South Wales, and more recently to some extent in Van Diemen's Land. This, however, tends rather to show the importance of making timely provision for such a contingency than the difficulty or impracticability of doing so.

"The measures recently adopted by Earl Grey, first in meeting the demand for cheap labour at Moreton Bay, and subsequently in affording the colony of Western Australia the benefit of convict-labour in the execution of public works at the expense of the Government, are a practical illustration of the principle. If there

were reason for doubt, experience will probably show that, when the circumstances of a colony are such as to require the advantage of Government expenditure and assistance in labour, its prospects and progress will be essentially promoted in their being afforded."

*Order in which the Probationary Periods should be enforced.*

Respecting the question of commencing with separation, followed by association on public works, the following observations occur in a valuable little work, entitled "Prisons and Prisoners":—\*

Rev. J. Kingsmill on the question of commencing with separation.

"The second stage of discipline is penal labour upon public works.

"It appears a very unreasonable fear which many entertain, that men really reformed in separation will turn villains again in association. I believe no such thing. On the contrary, I think that if the same means be used to keep them from falling away, which were first honoured of God in reclaiming them, the faithful and affectionate ministration of his holy word, fair and considerate treatment on the part of discipline officers, and an ordinary application of the stimulus of hope, the good character of the convict will be improved. It would neither be just nor wise, however, to test the religious profession or moral improvement of men, under such circumstances, by the highest standard, and to condemn a man for a word, an ebullition of temper, or the infringement of a rule, at once, as a hypocrite."

With reference to the same question of inflicting the punishment of separate confinement before association, and profiting by the opportunity of using every possible means for the reformation of the men, we have the following testimony of Captain Whitty, the Governor, and the Rev. H. Moran, the Chaplain, at Portland, in their Reports for the year 1849.

Captain Whitty's opinion on the question of commencing with separation.

The former observes:—

"But I beg here to express my conviction of the necessity of continuing, to as great a degree as the nature of the employment of the convicts on public works will allow, the religious and moral culture of which they have been the special objects, during their previous course of probation in separate confinement, and without which training (continued for a suitable time) I believe that the effectual working of this second period of their probation would be found altogether impracticable with reference to its moral objects."

The Chaplain states:—

"I cannot pass from this subject without stating my conviction that it is of the greatest importance, indeed, that it is essential to the success of any system of convict discipline, that the generality of prisoners should remain not much less than twelve months in separate confinement, before they enter upon their state of probation in association here or elsewhere."

Rev. H. Moran's opinion on the question of commencing with separation.

\* By the Rev. J. Kingsmill.

My own opinions are in accordance with the foregoing, and though the cost of maintaining the first probationary period in separation is much greater than the second, arising chiefly from the far greater cost of the buildings and from the very small amount of the earnings ; yet if experience has demonstrated the moral advantages gained, no consideration of expense should be allowed to weigh so as to affect its being fully worked out for an average of about 12 months in the case of all convicts.

*Discipline and industrial training at Portland.*

*Details of Discipline and Industrial Training at Portland.*

In entering upon an explanation of the details of management, it may be convenient to notice—

- 1st. The incentives to industry and good conduct.
- 2d. Application and value of convict labour.
- 3d. The general effects which have resulted or may be anticipated from the discipline.
- 4th. The disposal of the prisoners on discharge.

*Incentives to Industry and Good Conduct.*

*Incentives to industry, &c,*

Were it not that there are to be found advocates of a purely coercive and penal discipline, I should scarcely deem it necessary to state that, in any probationary system, the encouragement and reward of the well-conducted must be a prominent object. I am enabled to say, from somewhat extended experience, that the views of the Government have been strong and decided upon this point for many years past.

*Lord Stanley on encouragement to convicts.*

Lord Stanley thus adverts to it in his Despatch of November 1842 :—

" We do not, however, contemplate a state of things in which the convict, suffering under the sentence of the law, should ever be excluded from the hope of amending his condition by blameless or meritorious behaviour, or from the fear of enhancing the hardships of it by misconduct. On the contrary, to keep alive an invigorating hope and a salutary dread at every stage of the progress of the prisoner, from the commencement to the close of his punishment, appears to us to be an indispensable part of the discipline to which he should be subjected. Further, we contemplate the necessity of subjecting every convict to successive stages of punishment, decreasing in rigour at each successive step, until he reaches that ultimate stage in which he shall be capable of a pardon, either absolute or conditional, though not ever entitled to demand the indulgence of right. It is, moreover, our opinion that the transition from one stage of punishment to another less severe, should be withheld from any convict who by misconduct may have forfeited his claim to such mitigation. On the other hand, we think that a course of meritorious or blameless conduct in any one stage should entitle the convict, in any future stage of punishment, to such proportionate relaxations of the severity of his condition as may be compatible with his continuance in it; and that such good conduct should ultimately have a favourable effect, whenever the question of granting a pardon may be ripe for decision.

"I should leave unnoticed the most important of all the general principles to which the Ministers of the Crown look, so far as respects the convict himself and the society in which he to live, is if I omitted to add that we anticipate, from a systematic course of moral and religious instruction which the congregation of the convicts in masses will afford, the means of applying such salutary influences as may best qualify them for entering on the temptations of an independent course of life, and may induce them to betake themselves to industrious and useful pursuits."

The encouragements held out under the present system consist mainly in a prisoner rendering himself eligible by good conduct for release from penal discipline, and embarkation for the colonies, at an earlier period than under ordinary circumstances he would be entitled to. Experience has fully proved that this is a boon greatly prized by the whole body of convicts. Captain Whitty thus advertises to it :—"Generally speaking, I think the convicts highly value the privilege of obtaining a ticket-of-leave at an earlier period, as the reward of their own good conduct and industry." Henceforth it may be necessary to modify the regulations with reference to the discharge of prisoners from penal restraint ; but I would earnestly state my conviction that if the principle be abandoned, or not fully carried out, the most prejudicial consequences will be the result.

Nature of encouragement held out to convicts.

*Records of Conduct and Character.*

The mode of recording the conduct of the men with a view to estimating their claims to a remission of the period of detention on the public works is thus adverted to in the "Rules" for the guidance of the Governor :—

"26. He shall keep a Character Book, in the prescribed form, and enter therein concisely his observations on the character and conduct of every prisoner, for the purpose of preserving such a record of these particulars as shall guide him in a proper classification of the prisoners during their probation, and in conferring good-conduct badges on those who deserve them ; also to enable him to report with confidence whenever he may be called upon, in conjunction with the Chaplain, to assist the authorities in determining the period of detention of the different prisoners.

Rules for the Governor, Chaplain, and subordinate Officers for recording the conduct, &c.

"He shall take every opportunity of impressing on the prisoners that the particulars of their conduct are thus noticed and recorded, and that whilst no effort at good conduct and industry on the part of a prisoner will be disregarded by the authorities of the prison, every act of wilful misconduct and punishment will be equally noted, and will tend to prolong the period of his detention under penal discipline."

The rules for the guidance of the Chaplain are to the same effect, and the following are the orders on the subject for the subordinate officers :—

"The great object of reclaiming the criminal should always be kept in view by every officer in the prison, and they should strive

to acquire a moral influence over the prisoners, by performing their duties conscientiously, but without harshness. They should especially try to raise the prisoners' mind to a proper feeling of moral obligation by the example of their own uniform regard to truth and integrity even in the smallest matters. Such conduct will, in most cases, excite the respect and confidence of prisoners, and will make the duties of the officers more satisfactory to themselves, and more useful to the public.

"The officers shall carefully observe the character and habits and industry of the prisoners under their charge, and it being of the utmost importance that the governor and chaplain should be fully informed on these points, the several officers shall carefully and impartially keep such records as may be ordered, and shall consider it to be their duty to afford at all times unreserved information on such subjects."

#### *Badges and Classification.*

##### *Badges and classification.*

The badges which are given as a record to the prisoner of his actual position with reference to character, have proved to be a great encouragement ; and that they are prized is evidenced by the efforts made to obtain them, and to regain them by good conduct in such cases as they may have been forfeited.

##### *Captain Whitty's opinion on badges.*

The Governor observes :—

"The system of wearing conduct-badges on the dress, by which the monthly progress of each convict towards the attainment of his ticket-of-leave is publicly marked, works very satisfactorily, as is evinced by the anxiety of even the ill-conducted prisoners to regain a lost good-conduct mark and the efforts to keep subsequently clear of the misconduct-book."

As a means of promoting good conduct, a system of classification has also been adopted, the object of which will be best understood from the rules established with reference to it, which are as follows :—

"5. The prisoners shall be divided into three classes, to be called the first, second, and third classes. The classification shall depend, in the first instance, on the report of character and general conduct since conviction that may be received with a prisoner ; and subsequently, on his actual conduct, industry, and observed character under the discipline of the establishment.

"6. Prisoners in either the first or second classes shall be liable to removal to a lower class for misconduct. The prisoners in the different classes shall be distinguished by badges, indicating the particular class to which each prisoner may belong.

"7. Prisoners who habitually misconduct themselves will be liable to be sent back to separate confinement, or to be removed to some penal establishment under more severe discipline.

"8. The object of the classification is not only to encourage regularity of conduct and a submission to discipline in the prison, by the distinctions that will be maintained in the different classes, but to produce on the minds of the prisoners a practical and habitual conviction of the effect which their own good conduct and industry will have on their welfare and future prospects.

"9. Such distinctions shall be made between the classes, and such privileges granted, as shall promote the object of giving encouragement to those whose good conduct may deserve it, provided such distinctions do not interfere with discipline nor with the execution of a proper amount of labour on public works."

## Gratuities to well-conducted Convicts.

It will be observed that the foregoing rules refer especially to conduct and character, concerning which the best means which are available are resorted to in forming an opinion.

Gratuities to well-conducted convicts.

Industry, of course, will give some claim, but not the only claim, to be placed in the higher classes.

With a view, therefore, to encourage men who may be in the lower classes, at least not to cease to be industrious, a plan has been adopted in the distribution of a small gratuity, which is calculated to secure that object, and appears likely to work well.

The Lords Commissioners of the Admiralty have granted a sum of 1s. a week for each prisoner sent to Portland for the purpose of executing the great work that is going on under their direction. This amount, though apparently inconsiderable, is of great value to the prisoner in more ways than one. It is a present encouragement, and, to a small extent, a future provision on discharge.

Admiralty allowance to each prisoner at Portland.

The rules respecting it are as follows :—

Rules relative to gratuity.

"21. No prisoner during the period of his confinement or employment on public works has any *claim* to wages or remuneration of any kind, but as to reward for industry and good conduct a certain fixed gratuity will be *credited* to deserving men, of such an amount, and under such regulations, as may from time to time be established.

"The amount of the gratuity will depend on the class in which a prisoner may be placed ; but, as far as possible, opportunities will be offered for gaining an additional amount for extra exertion or work.

"The gratuity according to classes will for the present be as follows :—

1st class, per week	-	-	-	-	9d.	Scale of gratuities.
2d	"	-	-	-	6d.	
3d	"	-	-	-	4d.	

"The cases of prisoners in the infirmary, or otherwise incapacitated by accident from going to work, to be specially considered.

"Prisoners misconducting themselves, or under punishment, forfeit all advantages.

"A prisoner by extra exertion will be eligible to be recommended for a gratuity of from 3d. to 6d. per week in addition to the above, or for any less sum, according to circumstances.

"The amount placed to a prisoner's credit will be transmitted to the Governor of the colony to which the prisoner may be removed, and will be afterwards advanced to the prisoner under certain restrictions, or be otherwise applied to his benefit, as may be considered desirable."

Manner of disposing of the sum placed to the men's credit.

*Application of Convict Labour.*

*Application of  
convict  
labour.*

In the application of convict labour under the old hulk system, it seems to have been understood by the men that it did not signify how much or how little work they performed ; they were to drag their chains about the arsenals or dockyards for a certain number of hours, and that was enough. The result of this was that their ingenuity was exercised in exhibiting how little they could do within a given time.

*Application of  
convict  
labour (Ber-  
muda).*

Occasionally this lamentable waste of labour came under the notice of the officers of the Ordnance, who, though in no way responsible for it, sought to remedy the evil. The most systematic effort in this direction was made by the Royal Engineer Department at Bermuda. The system in operation there from 1829 to 1833, is thus described by Captain Nelson, R.E. :-

" Little is needed to exhibit the expediency of employing convict-labour on works executed by the Admiralty or Ordnance. After a long acquaintance with its results, I am convinced of its efficiency where circumstances permit its adoption ; in support of such conviction I have prepared Tables showing the actual amount of work performed during from four to six years.

" The systems of labour generally followed were those of ' task-work' and ' piece-work ' ; long experience having shown that, with very few exceptions, ' the day-work ' plan amounted to no more than an experiment of how *little* could be done for any assigned amount, and it was one incessant source of annoyance to all parties, especially to the superintendents, who could never secure attention beyond the moment of their immediate presence.

" Finally, the three systems of day, task, and piece-work were all brought into play : *day-work*, almost exclusively confined to smiths and carpenters, whose business, lying generally in indefinite repairs, could not be well tasked or measured for piece-work, although when possible, it was so done : *task-work* for such objects as wheeling rubbish, where the day's labour was too severe to make it worth the convict's while to prolong it for the trifling extra pay that could be allowed.

" It was, however, very different with those employed in cutting stone, building, and blasting rock, or any other work which admitted of measurement. These men were put on ' *piece-work*' with the happiest effect. In a distressing climate, and on less than a seaman's rations, they were for years in the constant habit of willing industry for very insignificant sums. As far as it might be, the great point was thus gained, not of a disgraceful system of vindictive justice, but of that more enlightened one whose object is chiefly the reformation of the unhappy subjects themselves : their labour in the meantime *far more than reimbursing Government* for the expenses of their punishment.

" The men were obliged to stay on the works during the whole of the working hours ; they had no fixed tasks, and consequently had no option, when completed, as to whether they would go on board or not. If the work fell short of that required, or if it exceeded it, the payment was in proportion.

"We never had to complain of want of exertion, and the wheelers were never out of a trot the whole day. The excavators worked in gangs at large portions of work, sufficient to keep them employed for seven or eight days; ; they kept one another at work, and we never had occasion to speak to them."

This account is encouraging; and "wheelers being in a trot" the livelong day in a hot climate shows that convicts only require some wholesome stimulus to convert an idle, degraded, mutinous throng of men (as by mismanagement they would soon become) into a working-party exerting themselves to the utmost of their power.

Colonel Sir William Reid, of the Engineers, when Governor of Bermuda, also expresses his opinion, in a Despatch to Earl Grey, that the system referred to is so well arranged, that the men are encouraged by it, and that a much greater amount of work is performed for the public.

Governor  
Reid's opinion  
on convict  
labour (Ber-  
muda).

*Value of Convict Labour.*

The following is an extract from my Third Report, dated 11th March 1850:—

Value of con-  
vict labour.

"There can be no question that, if it be necessary from any cause to carry into effect probationary periods of discipline in this country, and that, in consequence, a body of 10,000 or 12,000 men are to be maintained by the Government, they ought to be usefully employed. It is a confiscation of labour in which the Crown has a vested interest.

"This, as a matter of *finance*, will not in the opinion of some be regarded as the least of the questions to be considered, and by all will be acknowledged to be of some importance.

"If the least amount of money paid for the maintenance of convicts, who by sentence of the law are placed at the mercy and disposal of the Crown, were to be the test of a good system, it were easy to make them profitable to the State.

"A handful of soldiers to quell open mutiny, and a small but resolute staff of turnkeys to lock and unlock the strong rooms in which the men might be secured, would not cost much, and on suitable works the value of their labour would certainly exceed the cost of such maintenance.

"But in this Christian land such modes of discharging the responsibility of acquired authority will never again be tolerated; and in realizing all that is possible in order to reduce the cost, the moral discipline and industrial training must be provided for, no matter what the expense. And it is satisfactory to reflect that the more judicious the arrangements for obtaining the willing industry of the convicts, the more effectually will those objects be promoted. It may, therefore, turn out that the administration of a reformatory system may also be found to be the cheapest as well as the best.

"It is to be feared, however, that, unless under very favourable circumstances, the outlay for carrying into effect such a system will exceed the returns arising from employment, but the balance against

the State may be very materially reduced, if the labour be judiciously applied. One of the objects at Portland is, to show to what extent this can be done consistently with other and more paramount considerations.

"The best exertions of the officers charged with carrying out the objects of the Government, with reference to the application of convict labour, would, however, be of no avail without the cordial co-operation of the departments on whose works the labour is applied.

Able assistance afforded by Admiralty Engineers.

"As regards Portland, I would avail myself of this opportunity of expressing the obligations I feel to Mr. Rendell, the Engineer of the Admiralty, and to Mr. Coode, the Resident Engineer, for the effective assistance which they have at all times afforded to Captain Whitty and myself.

"These gentlemen have evinced much interest in the industrial training of the men, and the success of our operations will be greatly promoted by the facilities they are disposed to afford.

"When the system adopted shall have been tested by experience, I hope, with the co-operation of the Admiralty and Ordnance authorities, to be enabled to render the labour in the dockyards and arsenals much more useful and valuable than it now is.

"If the necessity of detaining the convicts under probationary discipline in this country be admitted, and the works on which they are employed be either of national importance or useful, the expediency, in a financial point of view, of making the most of the labour, will be apparent."

*Extracts from Notice to Prisoners under Sentence of Transportation, placed in the Cell of each Prisoner received into a Government Prison.*

*Tickets-of-Leave.*

1. Rules and regulations for the maintenance of good order among ticket-of-leave holders are framed and promulgated in the colony. The following are at present some of their principal conditions; but it must be distinctly understood, that they are liable to be varied as may be judged to be necessary and proper by the authorities of the spot.

2. A convict embarked from this country as a ticket-of-leave holder, will not pass out of the custody of the Government in the colony, until he shall be engaged, for at least a year, for service with some private employer, who shall be responsible for making a certain payment, as hereafter explained in paragraph 5. If suitable service cannot be obtained, the convicts will be employed by Government at wages, out of which they will receive clothing and rations. A small proportion will be paid to them in money, and the remainder credited towards the liquidation of the amount required to be paid to the Government.

Until this amount is paid, a convict will only be entitled to a probationary ticket-of-leave, but the full privileges of a ticket-of-leave will be granted, as soon as he shall have paid the sum required, provided his conduct has been in all respects satisfactory.

3. The ticket-of-leave holder is required to remain in a particular district, within which he may hire himself out for wages—this is usually a country district, and he must not quit it without obtaining a pass from a magistrate; he must register his place of residence and any change of it; he must be at his own dwelling from 10 o'clock at night until day-break; and he must report himself at certain periods of the year at the police-office of his district. For some classes of offences he is liable to summary jurisdiction, and his ticket-of-leave may be recalled for misconduct, in which case he will be subjected to penal labour.

*Conditional pardons, payments, &c.*

4. Prisoners holding tickets-of-leave in a colony may, by continued good conduct, become eligible for a conditional pardon, after the lapse of certain periods from the time of landing in the colony, proportioned to the respective terms of transportation. Such pardon will restore them to liberty on condition of their not returning to this country, during the term of their original sentence, unless one special condition is attached to the pardon. These periods will be proportioned to the respective sentences according to the following scale :—

7 years, men	-	-	-	1½ years.
10	"	-	-	- 2 "
15	"	-	-	- 3 "
20	"	-	-	- 4 "
Life	"	-	-	- 5 "

5. Prisoners, however, will be required to pay a certain sum to the Government in the colony, before such conditional pardon is granted. This sum will have to be reckoned as follows :—a certain rate of annual payment to be made by prisoners will be named in the colony, which will not be less than 3*l.*, nor more than 5*l.* a year, and the whole sum to be paid by each prisoner may then be calculated from the above scale, viz. :—

7 years, men	-	-	-	1½ years.
10	"	-	-	- 2 "
15	"	-	-	- 3 "
20	"	-	-	- 4 "
Life	"	-	-	- 5 "

6. The privilege of holding a probationary ticket-of-leave, or other remission from penal labour, may be forfeited by misconduct on the voyage.

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*Hard Labour in Scotch Prisons.*

“The numbers committed to the Prisons of Scotland during the year ending June last amounted to 27,384, being an increase of 1,439 on the year preceding.

“It is difficult to account for such an increase taking place during a period when employment was plenty and provisions cheap. I can only ascribe it, as in previous Reports, to the fact that the increased

prison accommodation so long preparing has not yet been brought to work ; and though important changes have been made in the discipline of the Scotch prisons during the year, they had not been brought into operation at the period embraced in the returns.

" To understand the nature of the changes just referred to, it may be necessary that I explain what the Scotch prisons were until now.

" In my several annual Reports since I was appointed Inspector of the district in 1847, I felt it my duty to bring under the notice of the Secretary of State the defective system of dealing with the criminal population of Scotland ; for at that time the law did not permit a thief or a vagrant to be sentenced to hard labour, nor a juvenile offender to be whipped ; all of them were necessarily sent to prison, where they could not fail to discover that the labour was much less and the comforts much greater than most of them were accustomed to out of prison ; and thus, while a first offence sent many a one to prison whom a stringent system of discipline might have cured, the undue comforts of the prison more generally tended to make them confirmed criminals.

" The passing of this Act having enabled the Directors of the General Prison Board to place the prisons of Scotland on a system of discipline more consistent with the welfare of the community, they immediately proceeded to consider the measures best calculated to give it effect ; but as the different plans which suggested themselves, required information, it was towards the close of last year before the new rules were sanctioned and ordered to be enforced. They are shown in detail in the Fourteenth Report of the General Prison Board, and therefore it is only necessary for me to state generally that they consist of—

- " 1. An extensive use of crank machinery.
- " 2. Picking dry oakum to an extent that will make it amount to hard labour.
- " 3. Instead of being furnished with the hammock or bedstead, all convicted criminal prisoners, excepting any whose age or infirmities would, in the opinion of the governor and surgeon, render it unsafe, shall for the first month after conviction, or for the whole period of sentence where the duration of sentence is less than one month, each be required to sleep on a wooden guard bed, a sufficient quantity of covering being allowed for warmth, and which in a properly heated prison need not exceed two blankets and a rug. After the first month, such prisoners as shall have conducted themselves properly in all respects are to be allowed the usual beds and bedding ; but the retention of this privilege shall in each case be dependent on the prisoner's conduct."

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The following is taken from the Third Annual Report of the " Durham Refuge for Discharged Prisoners," being for the Year ending on the 30th April 1852 :—

" It is now four years since the establishment of the ' Durham Refuge for Discharged Prisoners ', and experience proves that it affords a most efficient means by which relapses into crime may be prevented.

" The question frequently occurs to those engaged in carrying out reformatory discipline in gaols, ' What is to be done with prisoners who have been partially improved or wholly reclaimed ? ' As yet, this vital question has received no general and satisfactory answer. On the one hand, it is necessary to avoid the danger of rendering prisons a stepping-stone to advancement in the world ; and on the other, it is important to guard against the reformed or improved criminal being again driven to vicious pursuits, and induced to reconnect himself with his old associates in crime as his only means of support.

" Any system of prison discipline and instruction fails to accomplish its benevolent purpose, if those whom it has benefited are not quietly assisted, on discharge from gaol, in their efforts to recover their character and position in society.

" These considerations gave rise to this small, but most useful institution, which commenced its labours in the year 1848.

" Simple facts best testify to the advantage, if not to the necessity, for such an institution, as a seal to the reformatory system of prison discipline.

" The following Summary points out what has been done in four years :—

	1848	1849	1850	1851	TOTAL.
Expenditure - - -	£ 29	£ 30 s. 0 d.	£ 68 s. 4 d.	£ 71 s. 13 d.	£ 198 s. 17 d.
Discharged prisoners restored to their relations, or placed in situations in which they could earn an honest livelihood, &c.	78	66	150	243	537
Of those failed; but have not been recommitted.	1	3	*6	*11	21
Recommitted - - -	2	2	*4	9	17

\* These numbers include the failures and recommittals of some who were assisted in the previous years, and who continued for a time to give satisfaction, but afterwards relapsed into their former evil habits.

" Of the 17 who were recommitted, one, who had undergone four imprisonments, was restored to her parents and to rectitude ; a boy, who had been four times in gaol, became an honest sea-apprentice ; and a young woman, who had been twice imprisoned, became an inmate of a female Penitentiary, and has given perfect satisfaction to the managers for upwards of two years. These extreme cases afford some encouragement to persevere even against hope.

" It will be observed, that in four years, 537 prisoners have received the benefits of this Institution upon their discharge from gaol ;—of whom 38, or seven per cent., have left their homes, or the situations provided for them ; and that of these, 17 only have been recommitted to prison, while three of the 17 have been restored to society

116 (*Appendix.*) Durham Refuge for Discharged Prisoners.

after further imprisonment, and two others are at present under prison discipline and instruction; therefore only 12 or 2·23 per cent., have so far relapsed into crime as to be considered incorrigible.

"The subsequent course of all who have been assisted has not been fully investigated, for this was not possible in many cases; but the best criterion of their good conduct is to be found in the fact, that only 17 of the 537 have reappeared in this prison, although employed for the most part in our own country. This is the more satisfactory, when it is considered that the great majority of these persons form part of that class, which, if not diverted at an early stage from a course of crime to one of honest industry, must continue in habits of idleness and sin, interrupted only by intervals of imprisonment.

"It may be well, however, to exhibit in fuller detail the operations of the past year.

	Assis- ted.	Suc- ceeded.	Fail- ed.	Recom- mited.
Young men and boys sent to sea - - - - -	49	47	1	1
Boys who ran away before obtaining employment - - -	3	—	2	1
Sea-apprentices restored to their ships at the cost of this Institution.	19	18	—	1
Sea-apprentices restored to their ships at the cost of their owners, but at the solicitation of this Institution.	4	4	—	—
Boys and young men restored to their parents or relations at the cost of this Institution.	15	14	—	1
Boys and young men met by their parents or relations at the prison gate and taken home, or sent by railway at the cost of their relations.	94	93	—	1
Aged or infirm persons sent home by railway - - -	2	2	—	—
Sent to an Infirmary - - - - -	3	3	—	—
Men and women for whom employment was obtained - -	12	12	—	—
Sent to a Workhouse - - - - -	2	1	—	1
Taken into a Ragged School - - - - -	5	3	—	2
Young women restored to their parents or other relations -	26	25	—	1
Young women placed out as Servants - - - -	5	3	2	—
Ditto sent to Newcastle Penitentiary - - - -	1	1	—	—
Ditto now in the Refuge - - - - -	3	3	—	—
Total - - - - -	243	229	5	9

"The small cost at which discharged prisoners are assisted requires some explanation. The refuge for young women is simply a room in the house of one of the gaol schoolmasters, who is a married man. When a young woman is placed under the charge of himself and his wife, 5s. 6d. per week, for each inmate, is paid to them; and when they have no one under their care, as frequently happens, no expense is incurred. The inmates are under the management and instruction of the ladies who visit the prison, and also of the Chaplain; and are controlled by the domestic discipline of the schoolmaster's family.

"Some young women are placed out as servants at the public hirings, where character is not very particularly investigated; although in such cases, as in all others, the circumstances of the young person are duly explained to her new master or mistress. Clothing, made up by the inmates themselves during their stay in the refuge, is given them upon their entering into service.

"Those who have respectable and honest parents are restored to them ; a communication being made, in the first instance, through the post-office, and one parent is induced, if possible, to come to the prison to receive their child ; in which case, the whole, or part of the railway-fare (according to the circumstances of the parent) is paid out of these funds. Others, after communication with their parents, are sent by the government-train to the station nearest to their homes, where they are met by their relatives ; and in some instances thanks are returned by letter for the restoration of the straying member of a family. For others, admittance into a female penitentiary, or into a ragged-school, is obtained ; and sometimes a donation is given with the inmate who is thus transferred.

"Young men and boys are restored to their parents or former employers in the same manner as above described, and boys who have no respectable relations are sent to ragged-schools, but by far the largest number (both of young men and boys) are sent to sea, as sailor-apprentices. This is accomplished by giving the discharged prisoner a note from the Chaplain to a shipping agent in a maritime town, situated eleven miles from the gaol. He is required to walk that distance ; and if he delivered the note, as directed, to the agent he is received into his family, boarded, lodged, supplied (when necessary) with sea-clothing, introduced to a master-mariner, bound apprentice, and perhaps in a few days after he has left the prison he is at sea, and frequently on a foreign voyage.

"The cost of sending young persons to sea varies from five to twelve shillings each, part of which sum is repaid by order of the visiting justices of the prison.

"These are the principal means which have been adopted for the restoration of discharged prisoners to honesty, to virtue, and to society.

"The greatest discrimination is of course necessary in the selection of the persons who are to be assisted, and it may be observed that only 537 out of upwards of 7,500 prisoners have received help ; and that these were chiefly young persons, whose domestic ties had been broken, or whose character had so far suffered in consequence of their imprisonment, that they could not otherwise find employment, but must inevitably have relapsed into crime.

"One of our first principles (as stated in a former report) is that in no case shall money be given to a discharged prisoner ; nor are clothes supplied, except when absolutely necessary, until the parties have actually entered upon their employment. This system has so far succeeded that no one has returned to the prison with the expectation of receiving pecuniary benefit.

"The following table proves that many prisoners are independent of assistance—some are incorrigible and return to their former evil practices ; others have not lost their former employment in consequence of imprisonment, and others again have homes or families to receive them :—

*Table showing the probable fate of 1,625 prisoners after their discharge from Durham Gaol in 1851.*

Returned to their former evil practices	-	-	618
Returned to their former employment	-	-	195
Returned home to their families	-	-	254
Young persons restored to their parents or nearest relations	-	-	135
Commended to the clergyman of their parish	-	-	39
Commended to a ship-agent to be sent to sea	-	-	84
Apprentices returned to their masters	-	-	95
Commended to masters of ragged schools	-	-	11
Taken into the refuge, and placed out as servants	-	-	7
Sent to the Newcastle penitentiary	-	-	2
Otherwise disposed of	-	-	185
<b>Total number discharged from Durham gaol in 1851</b>	<b>1,625</b>		

"To the general co-operation of the magistracy of this county may be attributed in a great measure the success with which our labours have been rewarded ; this co-operation has chiefly been afforded by the prompt adoption of a suggestion made in 1848, recommending that each member of a gang be sentenced to a different term of imprisonment. By this means each prisoner's term of punishment expires upon a different day ; and the prison is thus not only made the ready and powerful instrument by which evil associates are permanently severed, but the possibility of restoring each individual, one by one upon discharge from gaol, to his relatives, or to an honest and reputable course of life, is greatly increased. For when criminals know that they will meet their former companions outside the prison gates, they rely upon each other for sympathy and support ; the worst characters among the gang soon dispel any good impressions which may have been made during the period of discipline, they are probably persuaded to commit further depredations, and thus at no distant period they become again the inmates of a gaol.

"A well ordered prison may itself in some instances be made to supply the place of a refuge, if those entrusted with the reformatory part of prison discipline keep steadily in view the final disposal of the prisoner from the moment he is placed under their care. This is especially necessary with regard to juveniles. The simple plan adopted in Durham gaol has produced such excellent results that it seems worthy of especial notice. A printed form, called "the Chaplain's Circular," is sent by post to the parent or nearest relation of every prisoner under age one week before his discharge from the gaol. In this letter the parent is informed of the day and hour on which his child will leave the prison, and requested to meet him, and by his care and influence to keep him from falling into further crime.

"In 1851 this circular was sent to the parents or nearest relations of 468 prisoners who were under age, with the following results:—

Answered by parent or relative	- - -	96
Prisoners met by parent or relative on their discharge from gaol	- - -	116
Money sent by parent or relative to take prisoners home	- - -	42
Returned through dead letter-office from various causes	- - -	27
Unnoticed by parent or relative	- - -	187
Number of circulars sent	- - -	468

"This short account of the Durham refuge for discharged prisoners, it is hoped, may prove satisfactory, and entitle the institution to continued support."

ABSTRACT of the Trials, showing the Number of Persons committed for Trial, &amp;c., in England and Wales (1851), and the result of the Proceedings.

	Total number of offenders tried.	SENTENCES.						REMARKS.
		Transportation.			Imprisonment, whipping, flogging, fines, surtautes, &c.			
Death committed into transportation.	Life.	Above 15 years.	15 years and above 10.	10 years and above 7.	7 years.	Total sentenced to transportation.	Total number not disposed of by transportation.	
2,218	30*	48	6	20	44	36	174	761
2,060	28	44	9	87	285	279	748	2,044
21,906	—	13	9	73	505	1,169	1,753	1,821
305	1	16	1	30	35	13	95	185
808	—	2	3	4	23	35	67	648
663	—	1	—	3	3	28	35	319
<b>Totals†</b>	<b>27,960</b>	<b>59</b>	<b>184</b>	<b>38</b>	<b>217</b>	<b>866</b>	<b>1,068</b>	<b>18,085</b>
								<b>\$5,000</b>

\* These numbers are exclusive of capital punishments.

† Here is a gross total of 27,960 offenders, of whom 2,044 were sentenced to transportation and 18,085 imprisoned, &c. Deduct one-third from 2,044, and it will appear that out of 2,040, only about 2,000 were retained in this country; and therefore, 25,000 were released in contemplation of their sentence of 7 years, and it has been in contemplation in those cases to substitute imprisonment.

**RETURN of the Disposal of Convict Labour in the Quarter ending 31st March 1853; shewing the average daily number employed in each Department, and at different kinds of Prison Work, the number non-effective, and the proportion per cent. of each upon the whole average number in the Prison throughout the Quarter.**

	Department.	Daily average number employed.	Proportion per cent. on the whole number in the prisons.	Proportion per cent. on public and prison works and non-effective.	Proportion per cent. effective and non-effective.
Public Departments.	Dockyard -	492	51·681	70·904	Effective 84·454
	Royal Clarence Yard -	14	1·471		
	Ordnance, Gun Wharf-	30	3·151		
	Royal Engineers, Ports-mouth.	85	8·929		
	Royal Engineers, Gosport	47	4·937		
	Haslar Hospital -	7	·735		
Prison Work	Blacksmiths -	6	·630	13·550	
	Carpenters -	9	·945		
	Painters and Plumbers -	5	·525		
	Bricklayers -	2	·210		
	Boatmen -	7	·735		
	Mat Makers -	2	·210		
	Cooks -	9	·945		
	Cleaners -	14	1·471		
	Bookbinders -	3	·315		
	Tailors -	15	1·576		
	Shoemakers -	13	1·366		
	Washers -	15	1·576		
	Pumpers -	14	1·470		
	Excavating -	15	1·576		
Non-effective	Punishment :			1·365	Non-effective 15·546
	On bread and water	5	·525		
	On half diet -	1	·105		
	On three-quarter diet	7	·785		
	On full diet -	—	—		
	Separate for other reasons	3	·315		
	At school -	83	8·719		
	Sick -	43	4·517		
	Time lost -	6	·630	14·181	
	Total -	952	100·	100·	100·

C. R. KNIGHT, Governor.

**EXTRACT from a Speech of the Rev. JOHN CLAY, Chaplain of Preston Gaol, on the subject of the expense entailed on the country by inattention to the moral and industrial training of neglected children.**

" Looking to the criminal statistics published by Captain Willis, the Chief Constable of Manchester, and to the details which are given in the Liverpool calendars, and assuming that the ages of transports, generally, are represented in those returns, it would

appear that of the 3,100 I have mentioned, 43 per cent. are under twenty-one years old—1,333 ; 45 per cent. are between twenty-one and thirty years of age—1,395 ; and 12 per cent., or 372, are above thirty years of age. Now, it is not taking too much for granted to say that criminals, sentenced to transportation before they reach thirty-one years of age, have commenced their criminal career at a time of life when they should have been learning a better way. But society has "*ignored*" their very existence. Let us see what society pays for its indifference. Offenders, generally, are not sentenced to transportation until they have appeared at the bar four or five times. I will, therefore, suppose the expense of between three and four prosecutions, at Assizes or Sessions, to be 50*l.* The average imprisonment of each offender *before* transportation may be taken at three years, and the expense of it at 65*l.*; three years' probation in separate confinement, at Parkhurst, or public works, 50*l.*; removal to the Colonies, &c., &c., 35*l.*; total, 200*l.* So that when 3,000 sentences of transportation are passed in a year, we may consider them tantamount to a notification to the public that a last instalment of a sum exceeding half a million sterling is about to be called for ! To be as precise as the nature of this inquiry will allow, the 2,728 convicts under thirty-one years of age, to whom I have already alluded as having run the career of juvenile criminality, represent a cost *waste* of 545,600*l.*! But let it be remembered that the felony of this Kingdom—and whether juvenile or adult, it belongs to this question to consider the fact—is not maintained, while at large, for nothing. Having investigated, to a considerable extent, the rates of income derived by thieves from their practices, and having obtained estimates of the same thing from intelligent and experienced convicts themselves, I believe myself to be within the real truth, when I assume such income to be more than 100*l.* a year for each thief ! Well, then, allowing only two years' full practice to one of the dangerous class previous to his sentence of transportation, I do not know how the conclusion can be escaped that, in one way or another, the public—the easy, indifferent, callous public—has been, and is, mulcted to the amount of more than a million sterling, by, and on account of its criminals annually transported ! But its criminals who are not transported !—still living on their dishonest gains, or in our costly prisons ! We must not forget them in our calculations of the cost of crime, though it will be sufficient for my present purpose merely to refer to them, and to say that I am convinced that their cost to the community *in and out* of prison amounts annually to some millions ! This assertion may be somewhat startling : I will only state one fact in support of it. Some years ago a committee of inquiry into the annual depredations of the Liverpool thieves, stated the amount of those depredations at *seven hundred thousand pounds* ! Need more be said on the economical part of this momentous question ? Need I ask you to balance between the charge of training the young outcasts of the country to godly and industrious habits, and the waste of money, time, and SOULS, consequent upon our neglect of an undeniably Christian duty ?

Mr. Thomson, of Banchory, speaking of the relative expense of affording the means of industrial training to neglected children at Aberdeen, or of allowing them to pursue their natural course, and fall into criminal pursuits, stated :—

‘ When we get hold of these children, and instead of sending them to prison, bring them to our Industrial Schools, we find the whole expense of teaching and feeding them is under 5*l.* a year. And of that expense, on an average, about 1*l*. 5*s.* is saved to the school by the work of the children. So that we can bring up children—so far as man can do it—honestly, and industriously, and religiously, at an expense of 3*l*. 15*s.* per annum. Whereas, if you send them to the poor-house, they cost about 10*l.* per annum each with us, and I believe a larger sum in this country. If they are sent to prison, we know that the expense is from 18*l.* to 20*l.*; and if we send them upon the distant voyage to Australia, we know that the cost altogether amounts to a very large sum. Upon an average of cases, we find that five years’ training in the Industrial Schools is sufficient to make the child a useful member of society ; and suppose the expense to amount to 5*l.* per annum, we have then the choice of making one of these children an honest and virtuous member of society for 20*l.*, or of sending him ultimately into a penal settlement, at a great cost.’

This subject is also adverted to in a petition from the Magistrates of Liverpool, presented to the House of Commons so far back as 1842. The petitioners stated :—

“ That in order to enable your Honourable House to form a judgment of the cost of the present system, your Petitioners beg to record the actual cost of attending fourteen cases of juvenile delinquents, who have from time to time been committed to the prison of this borough. The cases referred to were fairly selected, in the year 1842, from the mass of juvenile prisoners in the prison, by one of their body, who was at that time endeavouring to ascertain the charge incurred by the treatment of juvenile offenders in prison, in contrast with those in Reformatory Institutions. That the cost of prosecutions, in the estimate relating to these fourteen cases, are much less than the usual costs, because the Corporation of Liverpool are the public prosecutors, and all expenses are most economically conducted.”

After going into the history of each of these fourteen cases, the petitioners went on to speak of the cost. They said :—

“ That the costs of apprehension, maintenance, prosecution, and punishment was of

		£	s.	d.
No. 1	-	1	29	5 6 <i>½</i>
No. 2	-	7	1	10 <i>½</i>
No. 3	-	7	4	1 10 <i>½</i>
No. 4	-	7	1	13 1
No. 5	-	4	7	9 3
No. 6	-	6	4	6 6 <i>½</i>
Carried forward		<hr/>	4	67 19 2
			1	2

	Brought forward	-	£	s.	d.
No. 7	-	-	99	2	5½
No. 8	-	-	72	1	4½
No. 9	-	-	52	9	7½
No. 10	-	-	64	18	9½
No. 11	-	-	28	10	4½
No. 12	-	-	39	8	10½
No. 13	-	-	26	10	10
No. 14	-	-	47	7	7½

And thus these offenders cost the public - £888 9 1

It thus appears that the average cost of these fourteen prisoners was about 63*l.* 8*s.*

It is more than probable that the whole of the boys referred to in the above statement were eventually transported. The additional cost to the country for each may be thus stated :—

Average detention at Parkhurst, 3 years at 16 <i>l.</i>	-	£48
Voyage and outfit	-	25
Proportion of expenses in the Australian Colonies, consequent on transportation	-	70
		£143

#### CAUSES OF CRIME.—DRUNKENNESS.

It is very generally admitted by those who have given the greatest attention to the *causes of crime*, that drunkenness is the vice to which almost all others may be traced.

Mr. Thomson, of Banchory, near Aberdeen, makes the following observations, as regards Scotland, in a recent work, entitled, "Social Evils, their Causes and Cure :—

"Scotland affords a melancholy proof of the effect of cheapening spirits to a people.

"In former years Scotland probably was, and certainly did boast, ay, and still boasts, of being the most religious portion of the empire. It was formerly, at least in the lower classes, the most sober and temperate of the three kingdoms ; but one single financial measure changed the whole aspect of the land. In 1825 the duty on whiskey was greatly reduced ; intemperance began to increase, and, in the 27 years which have since elapsed, the consumption has become nearly *fivefold* greater ; crime, disease, and death have increased in similar proportion ; and the sober, religious Scotland of other days is now *proved*, by its consumption of spirits, to be, without exception, the most drunken nation in Europe."

## DRUNKENNESS IN THE ARMY.

It is a striking fact, in confirmation of the above view, that no sooner does a regiment go to Scotland or Ireland, than the same causes which operate in demoralising the people there are immediately perceptible in the increase of crime amongst the soldiers.

In the statistics of the military prisons, which appear in my Report for the year 1852, it will be found that whilst the committals for drunkenness among the troops quartered in England amounted to about 7 in 1,000 men, in Scotland and Ireland they have amounted to about 20 in 1,000.

4712  
6/9/25

each h

Hu

80 Prison

78 "

52-53.

s. d

5 0 0

2 18 2

each head of Service, the Number of Prisoners, and the Cost per head.

HULKS.			PARKHURST.			SUMMARY.		
80 Prisoners 1852-53.			625 Prisoners 1852-53.			6,926 Prisoners 1852-53.		
78      "      1853-54.			625      "      1853-54.			7,254      "      1853-54.		
						Add 900, assumed accumulation.		
52-53.	1853-54.		1852-53.	1853-54.		1852-53.	1853-54.	
s. d.	£ s. d.		£ s. d.	£ s. d.		£ s. d.	£ s. d.	
5 0 0	4,312 10 0		2,475 0 0	2,522 10 0		20,710 10 0	21,652 7 6	
2 18 2	3 2 7		3 19 2	4 0 0		0 0 0	0 0 0	





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