

THIRD REPORT OF THE INSPECTORS
APPOINTED TO VISIT THE DIFFERENT
PRISONS OF GREAT BRITAIN.
PART I. HOME DISTRICT, AND
SUPPLEMENT TO PART I



ROUTLEDGE/THOEMMES PRESS

This edition published by Routledge/Thoemmes Press, 2000

Routledge/Thoemmes Press
11 New Fetter Lane
London EC4P 4EE

Routledge / Thoemmes Press is a joint imprint
of Routledge Ltd and Thoemmes Ltd

The State of Prisons in Britain, 1775–1905
8 Volumes : ISBN 0 415 23127 2

Volume 1 : ISBN 0 415 23128 0

Volume 2 : ISBN 0 415 23129 9

Volume 3 : ISBN 0 415 23130 2

Volume 4 : ISBN 0 415 23131 0

Volume 5 : ISBN 0 415 23132 9

Volume 6 : ISBN 0 415 23133 7

Volume 7 : ISBN 0 415 23134 5

Volume 8 : ISBN 0 415 23135 3

© Routledge, 2000

Note on the plates in volume 4:

Due to technical difficulties it has proved impractical to reproduce all but four
of the large folding plates contained in the original edition.

British Library Cataloguing-in-Publication Data
A CIP record of this title is available from the British Library

Publisher's Note

The Publisher has gone to great lengths to ensure the
quality of this reprint but points out that some
imperfections in the original book may be apparent.

This book is printed on acid-free paper, sewn, and
cased in a durable buckram cloth.

THE STATE OF PRISONS IN BRITAIN,
1775–1905

Volume 4

Edited and Introduced by
W. J. Forsythe
University of Exeter

The State of the Prisons in Britain, 1775–1905

Edited and Introduced by W. J. Forsythe

University of Exeter

Volume 1

Introduction by W. J. Forsythe

The State of the Prisons in England and Wales, With Preliminary Observations, and an Account of Some Foreign Prisons (1777)

John Howard

Volume 2

State of the Prisons in England, Scotland, and Wales, Extending to Various Places therein assigned, not for the Debtor Only, but for Felons Also, and Other Less Criminal Offenders (1812)

James Neild

Volume 3

Notes on a Visit made to Some of the Prisons in Scotland and the North of England, in Company with Elizabeth Fry; With Some General Observations on the Subject of Prison Discipline (1819)

Joseph John Gurney

Volume 4

Third Report of the Inspectors Appointed to Visit the Different Prisons of Great Britain. Part I. Home District, and Supplement to Part I (1838)

Volume 5

The Prison Chaplain: A Memoir of the Rev. John Clay, B.D. With Selections from his Reports and Correspondence, and a Sketch of Prison Discipline in England (1861)

Walter Lowe Clay

Volume 6

Memorials of Millbank and Chapters in Prison History (1884)

Arthur Griffiths

Volume 7

Minutes of Evidence Taken by the Departmental Committee on Prisons (1895)

Report from the Departmental Committee on Prisons (1895)

Volume 8

Florence Elizabeth Maybrick

Mrs. Maybrick's Own Story. My Fifteen Lost Years (1905)

Printed in England by Antony Rowe Ltd, Chippenham

THIRD REPORT

OF THE

INSPECTORS

APPOINTED UNDER THE PROVISIONS OF THE

ACT 5 & 6 WILL. IV. c. 38.

TO VISIT THE DIFFERENT

PRISONS OF GREAT BRITAIN.

I.

HOME DISTRICT.

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

LONDON.

PRINTED BY W. CLOWES AND SONS, 14, CHARING CROSS,
FOR HER MAJESTY'S STATIONERY OFFICE.

1838.

CONTENTS.

PART I.	Page
REPORT.	
Design of Imprisonment	1
Features and Characteristics of a sound System of Prison Discipline	2
Nature and Design of the Separate System	13
Features and Characteristics of a sound System of Prison Discipline possessed by the Separate System	14
Extent of Evils under existing Systems for Prisoners before Trial	32
Association	33
Futility of Classification	33
Futility of the Silent System	33
Punishments under the Silent System	34
Extent of Evils under existing Systems with reference to Summary Convictions	35
Separate System a Remedy for these Evils	37
Prevalent Mistakes respecting the Nature of the Separate System	39
History of Improvements in Prison Discipline in Great Britain	40
County Gaol at Horsham, 1775	41
19 Geo. III. c. 74, 1778	42
22 Geo. III. c. 54, 1781	43
House of Correction at Petworth, 1782	43
Penitentiary House at Gloucester, 25 Geo. III. c. 10, 1785	45
General Penitentiary at Millbank	48
Glasgow Bridewell	51
Improvements in Prison Discipline in the United States	53
Ill-judged Attempts to introduce the Separate System	53
Introduction of the Silent System at Auburn	55
Eastern Penitentiary at Philadelphia	56
County Prison at Philadelphia	66
Prisons constructed or erecting on the Separate System in the United States	67
Introduction of the Separate System on the Continent of Europe	68
Prison for the Untried on the Separate System at Warsaw	68
Introduction of the Separate System in Belgium	69
Introduction of the Separate System in France	70
Authorities in favour of the Separate System	71
Bishop Butler, 1750	71
Rev. Samuel Denne, 1772	71
Jonas Hanway, 1776	72
— Howard	74
Sir William Blackstone	74
Lord Mansfield	74
Dr. Paley	74
Sir George O. Paul	74
Sir Samuel Romilly	74
Mr. Wilberforce	75
Mr. Livingston	75
MM. De Beaumont and De Tocqueville	75
Dr. Julius	76
Messrs. Mendelet and Neilson	76
M. DeMetz	76
M. Blouet	77
M. Dupetiaux	77
M. Moreau Christophe	78
Le Vicomte Bretegnères	78
Count Skarbek	79
Captain Pringle	79
Objections to the Separate System stated and answered	82
Objections to the Silent System	92
Summary	99
Other Measures subsidiary to Prison Discipline, in order to arrest the progress of Crime	99
Suggestion for the Construction of a Model Prison on the Separate System	100
Progress of the Separate System in England	101
Existing Legal Obstruction to the Separate System	101
Digest of Returns relating to the Prisons in England and Wales	102
Juvenile Delinquents	103
Causes of increased Number of Commitments	103
Its extent	104

REPORT.—continued.	Page
Remedies	105
Summary Mode of Trial	105
Jury	105
As to Rural Districts	105
As to the Metropolis	106
Bail	106
Police Cells	106
Penal Treatment of Criminal Boys	107
Parkhurst Reformatory	108
Description of the Building	109
Further Measures necessary	110
Effects of Imprisonment in the Metropolitan Gaols	111
Destitution on Discharge	111
Emigration	111
District Juvenile Prisons	112
Prison Construction	113
General Principles	113
Disposition of the Buildings	114
Details	115
Ventilation and Means of Warming	118

APPENDIX.

APPENDIX (A).

No. 1. Letter from G. and J. Haden relative to Warming and Ventilating Prisons	121
No. 2. Letter from W. V. Langridge, Esq., to the Home Inspectors, relative to the Original Construction of Horsham Gaol and Petworth House of Correction	122
No. 3. Extracts from the County Records relative to Horsham Gaol	124
No. 4. Ditto relative to Petworth House of Correction	124

APPENDIX (B).

No. 1. Detailed Account of Convicts admitted into the Philadelphia Penitentiary, from its first occupation in October 1829 to 31st December 1836	127
No. 2. Statistics relative to the Philadelphia Penitentiary	136
No. 3. Questions addressed to Dr. Franklin Bache relative to the Philadelphia Penitentiary, and his Answers	137
No. 4. Extracts from the Medical Journal of Dr. Bache	140
No. 5. Questions submitted to Mr. Wood, Governor of the Philadelphia Penitentiary, and his Answers	141
No. 6. Regulations for the Government of the Philadelphia Penitentiary	142
No. 7. Regulations for the Government of the Philadelphia County Prison	145
No. 8. Letter from M. Pradier, of Paris, containing a List of Seventy-eight Trades for Prisoners in Separate Cells	147

APPENDIX (C).

No. 1. Note by Count Skarbek, respecting the Prison for the Untried at Warsaw, on the Separate System	148
No. 2. Answers to Questions respecting the Prison for the Untried at Warsaw	149

APPENDIX (D).

Extracts from the Minutes of the Sitzings of the Council General of the Department of the Seine	151
---	-----

APPENDIX (E).

Return of the Number of Prisoners, not exceeding Sixteen Years, Committed from 31st December 1836 to 31st December 1837, to—	
Newgate	153
Giltspur Street Compter	154
City Bridewell	154
Borough Compter, Southwark	155
New Prison, Clerkenwell	155
House of Correction, Coldbath Fields	156
Westminster Bridewell	156
Surrey County Gaol, Horsemonger Lane	157
Surrey House of Correction, Kingston-upon-Thames	158
Surrey House of Correction, Brixton	158
Ditto, Guildford	158

PART I.—*continued.*

	Page
Appendix (E.)— <i>continued.</i>	
Lancaster Castle	159
New Bailey, Salford	159
Kirkdale House of Correction	160
House of Correction, Preston, Lancashire	160
York Castle	161
House of Correction, Northallerton	161
Ditto, Warwick	162

PART II.

COUNTY AND BOROUGH GAOLS.

INTRODUCTION	163
BEDFORDSHIRE :—	
Bedford County Gaol	163
Bedford House of Correction	167
BERKSHIRE :—	
Reading County Gaol and House of Correction	174
Reading Borough Gaol	181
Abingdon County House of Correction	181
Newbury Borough Gaol	187
Windsor Borough Gaol	189
BUCKINGHAMSHIRE :—	
Aylesbury County Gaol and House of Correction	190
Buckingham Town Gaol	196

PART II.—*continued.*

	Page
Essex :—	
Springfield County Gaol and House of Correction	199
Chelmsford County Gaol and House of Correction	210
Colchester County House of Correction	216
Colchester Borough Gaol	220
Halstead County House of Correction	224
Newport County House of Correction	227
Ilford County House of Correction	230
Maldon Borough Gaol	234
Saffron Walden Town Gaol	236
HERTFORDSHIRE :—	
Hertford County Gaol and House of Correction	239

PART III.

DIGEST OF RETURNS RELATING TO PRISONS
IN ENGLAND AND WALES.

No. 1.	250
No. 2.	258
No. 3.	266
No. 4.	274
No. 5.	282
No. 6.	294
No. 7.	302
No. 8.	310

REPORTS.

I.

THIRD REPORT of the INSPECTORS of the HOME DISTRICT.

PART I.

TO THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR THE HOME DEPARTMENT.

My LORD,

Raymond Buildings, May 1st, 1838.

I.
HOME DISTRICT.

IN our last Annual Report we had the honour to lay before your Lordship the result of our inquiries respecting the comparative merits of the Silent and Separate Systems of Prison Discipline. The facts and reasonings by which we then sought to establish the superiority of the latter System (which contemplates the complete separation of each Prisoner from the sight, and, as far as may be, from the hearing of his fellow Prisoners), are, to us, so conclusive, that we might content ourselves with resting our present defence of it upon a mere repetition of the statements which we have already had the honour of submitting to your Lordship's notice. But it is our purpose in this Report, to proceed much further: we are now enabled, by a more full and matured consideration of the subject, and by a watchful and diligent attention to much that has since been done and written with reference to it, to confirm our original statements by further arguments, by additional and most important facts, and by the suffrages of numerous authorities of distinguished reputation. The ground which the Separate System has gained since we had last the honour of addressing your Lordship upon its character and merits, forbids us to entertain the slightest doubt of its ultimate success. To hasten that event, and to contribute, as far as we are able, to remove the prejudices and misconceptions which oppose the progress of this improved and efficacious plan of Prison Discipline in this country, and to show by an exposition of its nature, and by authentic accounts of its operation, that it is calculated to confer the most important advantages upon the community, is the task to which, with a just sense of its magnitude, importance, and necessity, we are now about to apply ourselves.

We have neither inclination nor reason to complain of the searching scrutiny to which the Separate System has long been subjected, nor of the jealous vigilance with which all its movements have been investigated, and its progress has been watched; although we might find much ground for remonstrance at the many incorrect and exaggerated statements, with reference to its nature, object, and effects, which have been put forth. The national interests involved in this question are too momentous to justify a precipitate decision; and we are too sensible of the fallibility of human judgment, especially upon a subject like the present, to regard with any other feelings than those of satisfaction, the long, extensive, and sifting examination which the Separate System has undergone. These considerations will, we trust, sufficiently excuse us to your Lordship for entering into a wider and more circumstantial consideration of the whole subject of Prison Discipline, than might otherwise be necessary, and for endeavouring to keep up that public attention to it, which, we feel assured, must issue in a fair and satisfactory decision of this much agitated inquiry.

The design of imprisonment, considered generally, is two-fold: the safe custody of persons accused, but not yet brought to trial; and the penal confinement of those whose guilt has been duly established. It is obvious that the former description of prisoners cannot, either in reason or justice, be subjected to the discomfort and privations to which the law sentences the latter. With respect to the prisoner who is awaiting trial, care must be taken to preserve his morals from further contamination, his feelings from being unnecessarily outraged, either by a forced companionship with depraved associates or otherwise, and his character from the stain which

Design of Imprisonment.

I.
HOME DISTRICT.

must attach even to an involuntary intermixture with the ordinary inmates of a gaol. These are rights to which every untried prisoner has an inalienable claim, whatever the circumstances may be which render necessary the present safe-keeping of his person. The truth and importance of this remark will be rendered still more obvious by the facts and observations which we shall have occasion to bring forward in the course of this Report. There is an additional consideration with reference to the untried which has been too long and too much neglected, but which is now about to receive from the Legislature that attention which is due to it—we mean the duty of rendering imprisonment before trial as short as possible. But, however limited the term to which such imprisonment may be reduced, the confinement of an innocent person (for in such a light must a prisoner awaiting trial be regarded) is a legal anomaly which ought not to be made more glaring by any avoidable inflictions whatever; and no infliction can be more cruel and unjustifiable than any addition to that degree of restraint upon personal liberty which is necessary, or to communicate any moral injury to character, principles, and habits. In making this assertion we are sustained by the spirit of the British Constitution, which has always evinced a remarkable repugnance unnecessarily to abridge the personal liberty, or injure the personal character, of the accused, even in cases of very grave delinquency; rendering it permissive to the magistrates even in such cases to take bail for his forthcoming at the time appointed.

With respect to the *convicted* prisoner, the object of his imprisonment is, with the exception of preventing his escape, different from that to which the untried is subjected. He has committed an offence; he must, therefore, be punished: he is depraved himself; he must therefore not be suffered to corrupt others: he is capable of further depravation; he must, therefore, be secluded from all intercourse with such as may impart it: he is to return, at the expiration of his sentence, to society; he must, therefore, be trained to such habits, and be subject to the inculcation of such duties, as shall afford as strong a guarantee as possible to the community that he shall not be led to further violation of the law; or, at least, that he shall be deterred from such violation, by a recollection of the privations, hardships, and discomforts of a prison. This last consideration must never be lost sight of. We are anxious to impress it upon the public mind for two reasons; first, because many excellent and benevolent persons are too apt to overlook it; and, secondly, because, in the great majority of cases, the imprisonment is comparatively so short as hardly to afford time for the frequently slow progress of moral reformation. In these cases, we must forego the hope of amendment; satisfied with intimidating, where we are unable to reclaim. In all cases, with reference to the place of confinement for the *convicted*, whatever may be its moral advantages, a prison should be a place from which both the public and the criminal will recoil with more or less of dread: repugnant to the imagination of the one, painful to the recollection of the other. These effects should be wrought out by means which shall not shock the feelings or excite the disgust or the commiseration of the public; but they should be enforced by the recollection that the fears of the criminal are the safeguards of society.

From these general observations, the obviousness of which releases us from the necessity of saying more in confirmation of their truth, we now proceed to submit to your Lordship, in a more detailed form, what we deem to be the necessary features and characteristics of a proper system of Prison Discipline.

Features and Characteristics of a sound System of Prison Discipline.

In the first place, its regulations ought to be so framed as to guard the prisoner from all those evils which must inevitably flow from even the most restricted, and the most watchfully superintended, association with other prisoners. This applies both to the case of the Untried and of the *Convicted*. The whole tenor of the evidence upon the subject of Prison Discipline proves that the greatest mischief proceeds from the intercourse which is permitted, or imperfectly restrained, in the several prisons in the Kingdom. The comparatively innocent are seduced, the unwary are entrapped, and the tendency to crime in offenders not entirely hardened is confirmed, by the language, the suggestions, and the example, of more depraved and systematic criminals. Every motive, therefore, of humanity, as regards the individual prisoner, and of policy as regards the good of society in general, requires that the most efficient regulations should be established, in order to save all prisoners, and especially the Untried, from the contamination which must result from prison intercourse, whether unrestricted or clandestine. Let it not be supposed that this precaution is excessive, or that it would involve too great strictness of separation in the case of untried prisoners, or that a hardship would thus be inflicted upon such persons, inconsistent

with the character which they sustain in the eye of the law; for it appears from the evidence taken in various prisons, from the prisoners themselves, that many of them have expressed the greatest disgust at the language and conduct which they are liable to hear and see when allowed to congregate together, and a deep anxiety to be saved from the evils which many of them know, from sad experience, must infallibly follow from it. These evils may, and ought to be totally suppressed. But not only the further depravation of the prisoner, supposing him to be criminal, is effectually prevented by his absolute and uninterrupted severance from other prisoners, but the hope of his reformation is totally dependent upon it. The prisoner's self-respect, his character in the eyes of the world, his exemption from future exposure on the part of his fellow-prisoners, and from all the disheartening apprehensions to which the fear of such exposure must give rise—all depend upon the completeness of his exclusion from the *sight*, even more than from the hearing, of those who are fellow-occupants of the same prison. Even in a lower sense, this will not fail to produce beneficial effects upon those who are placed under its influence. The young offender will have learnt no new vice, even if he should not have acquired higher and more operative principles of good conduct. The older and more practised criminal will be deprived of the morbid and guilty satisfaction (which experience proves to be habitually strong in the minds of such persons) of working mischief in the disposition and principles of those whom he too frequently endeavours to make his associates, his dupes, or his victims. And thus it may be hoped that the inmates of a prison will leave it, not the worse for their imprisonment, but with a better prospect of not reverting to their evil habits, and of becoming inoffensive members of society; and the Prison System will have attained that which all parties are agreed in considering as the purpose of enlightened criminal jurisprudence—not abstract punishment—but the prevention of crime. In short, the steady pursuit of this object will guard us against those mistakes to which the present deplorable prevalence of crime is, in some degree, to be ascribed; and will teach us that, while, on the one hand, the hardships of a prison may be wisely and justly inflicted, it is our duty, on the other, to take care that the means which we employ to arrest the progress of crime may not contribute to its increase; and that persons guilty of petty offences, from the repetition of which they might be deterred by the first detection, and consequent punishment, suffering, and alarm, shall not, by our means, be utterly polluted, hardened, and accomplished in depravity, by a permitted or clandestine intercourse with the most hardened and irreclaimable.

This is one characteristic of a good Prison Discipline. But compare this with the actual condition of the great majority of Prisons in this Kingdom. The prisoner is well clad, well fed, and well housed, and is placed in society most congenial to his taste and habits. During the day, his labour, if he has any, is often lighter than that of any honest artificer, or agricultural labourer: his diet is often better, his relaxations are more numerous, his anxieties are often less: at night he retires earlier to repose, and enjoys more conveniences; and he rises in the morning without a thought as to the wants of the day, which are all supplied with regularity, and in sufficiency: thus cherishing and confirming that very recklessness about the future, which is the usual vice of criminals, who seem to have no such day as to-morrow in their calendar.

Again, the Law intends and presumes that the sufferings of the offender should be proportioned to the enormity of his offence. The Prison frequently inverts this principle; and not satisfied with releasing the most guilty from the prison labour and regulations, actually raises him to a post of authority over his less guilty fellow-prisoners, there to exercise over them either the favouritism or petty tyranny, in which his partiality or dislike may prompt him to indulge. The Law enacts for the same crime the same penalty; whereas, the penalty varies according to the Prison in which it is inflicted. The Law views the untried prisoner as innocent, and, by implication, forbids him to be treated as criminal. The Prison opposes the design of the Law; sparing neither the feelings, nor the shame, nor the morals, of the prisoner; surrounding probable, and in many instances, positive innocence with every thing that can shock the moral sense, or, what is more dreadful still, lure it to its ruin. The Law designs that Prison Discipline shall act as a corrective, and possess a moral efficacy to reform the offender. The Prison often receives the novice in crime, the petty pilferer overwhelmed with shame, terror and remorse; and sends him back skilled in iniquity, hardened in effrontery, the accomplice of the most daring offenders, himself a finished, irreclaimable villain! The Law expects and presumes that the prisoner will be trained to habits of industry which shall survive

I.
HOME DISTRICT.

the term of his confinement, and serve at once to guarantee and facilitate his future good behaviour. The Prison either leaves him to all the baneful effects of utter idleness, or its discipline consists in teaching him to *tread the wheel*—an employment which is enough to make him avoid all labour to the end of his days. The Law presumes that the religious and moral instruction of the prisoner will be attended to with that careful assiduity which ought to be bestowed upon the most effectual instrument of moral transformation, and which, whenever it has been tried, has been found to possess an efficacy which no substitute can produce. The Prison either makes no adequate provision even for the stated Sabbath services, or rests in them alone as sufficient means of imparting to the prisoner that acquaintance with the facts, doctrines, and duties of religion, which personal communication and systematic instruction can alone properly communicate. Such is the striking and deplorable contrast which the condition of the vast majority of our Prisons presents to the spirit and provisions of the Law, and to the necessary characteristics of a good system of Prison Discipline.

Another quality which a good system of prison discipline should possess is that of subduing the prisoner, and convincing him of his weakness from the moment he enters within the reach of its influence; so that he may patiently submit to the discipline of the prison. The prisoner on entering his cell ought to see at once that all his efforts to struggle with that discipline will be utterly unavailing. Every thing around him should present the appearance of a barrier, against which the utmost exertion of his strength, seconded by his most skilful ingenuity, and the most untiring perseverance, must contend in vain. This is of the utmost importance: for when once the prisoner finds such to be his condition, and that no exertion of strength or ingenuity can afford the slightest hope of altering or bettering his position, (and criminals are always on the look-out for, and are remarkably quick at discerning such circumstances,) he quietly conforms to it, gives himself up to those reflections which such a position is calculated to produce, and his mind presents to those whose duty it is to direct, superintend, and instruct him, a fit soil for sowing those seeds from which correction and amendment almost uniformly spring. But if, on the other hand, on entering his place of confinement, he sees even a remote chance of effecting his escape, or of carrying on a clandestine communication with his fellow-prisoners, he will instantly set about compassing these purposes, and the attempt will pre-occupy his thoughts to the exclusion of every other. In this case, the utmost strictness of discipline, the greatest watchfulness on the part of his keepers, and the most judicious and unceasing attention on the part of his instructors, will be thrown away; they will not only have no influence in reforming his morals or correcting his habits, being unheeded and unfelt; but they will be attended with this positive mischief—they will satisfy the prisoner that all this array of penal discipline, however imposing it may be designed, and believed, to be, is utterly powerless when addressed to those whose superior dexterity enables them to despise it. Thus self-confidence, the pride of artifice, and dependence upon indirect resources, are engendered and sustained;—the mind becomes more deeply and subtly fraudulent, and better fitted to contend with, evade, or overcome the law, and unrestrainedly to prey upon society.

The necessity of this quality in a sound system of prison discipline is suggested to us by several facts which have come under our notice in the course of our researches and inquiries; although it is one, the propriety of which the very nature of the case, and the anxious desire of those who feel an interest in the correction and amendment of the convict, might naturally point out. Its application refers to every situation in which the convict may find himself placed during the whole period of his confinement. Upon no pretence whatever should he be taught or tempted to contemplate the most remote prospect of being able successfully to employ force, fraud, or ingenuity, individually, or in combination with his fellow-prisoners, to alter or alleviate the inconveniences of his position. If he is so circumstanced, mark what follows—the apprehension of such attempts must be provided against by numerous prison regulations; the observance of those regulations must be enforced by numerous punishments;—those punishments must inevitably generate feelings of irritation and annoyance; while they betray the fears of those who inflict them, and the weak points of the system which they are designed to uphold. The prisoners see plainly by what a slender thread the whole frame-work of the system is held together, and that a moment's relaxation on the part of those who conduct it, or a moment's outbreak on the part of those who are

subjected to it, would lead to its subversion. Such, apart from other considerations, must be the inevitable consequences of endeavouring to prevent by punishment a prisoner from doing that which, under a good system of prison discipline, he would never have the opportunity or temptation to do.

The next quality which we deem indispensable in a sound system of prison discipline is the capacity of producing in the prisoner permanent habits of useful labour. It must never be forgotten that the system contemplates the return of the prisoner to society, upon the expiration of his sentence. The State ought, then, both on grounds of policy and humanity, to take the best possible security that the convict shall leave the prison with those habits which afford the surest ground for expecting that he will not return to those pursuits, or again indulge in those practices, which have subjected him to the penalties of the law. Now, next to the inculcation of religious duties, and to the preservation of character, which the system to which we refer ensures to the offender, nothing affords better security for his future good behaviour, than the resources which *habits* of industry confer. But the habit must be *permanent*. If the system cannot effect this, its efforts to benefit the convict by a regular course of daily labour will prove abortive. It is not the training and treatment which the prisoner undergoes in confinement that we are mainly to look to; it is the habits and feelings with which he returns to the world, which determine whether his training and treatment have been judicious or otherwise. In this view, the moment of the prisoner's departure from the gaol is the most important. The disposition and resolutions with which he issues from the prison door at the instant of his enlargement are the only sure tests by which the character of his penal treatment can be determined. He may have been habituated during the whole period of his sentence to a course of unintermitted, useful, and productive toil; and yet be restored to liberty with a determination never to betake himself to another day's work while he lives. And if these be the impressions with which he quits the prison, we may be sure that notwithstanding all the inconvenience which the discipline may have caused him, it will not be long before he returns. The feelings, therefore, which the prison labour is calculated to generate, is a matter of the very last importance in a proper system of prison discipline. The question is not how much work a convict can do, or how well he does it, or how closely he is kept to it, or how high a price it will fetch in the market; but with what *temper of mind* he performs his daily task? We cannot too earnestly urge the most serious attention to this point.

We have not the slightest doubt that the necessity of prison labour will receive from all who are engaged in the administration of the penal system, a large share of attention. But the views with which labour has hitherto been enforced appear to us to be mischievous and erroneous. By some it is regarded only in connexion with considerations of economy and finance: by others it is viewed as subsidiary to the maintenance of the internal police and order of the prison: and by all it is thought to be indispensable as a most efficacious instrument of reformation. But labour, as such, and merely for its own sake, is neither the cause nor the sign of the prisoner's moral amendment. It is not liked by such characters when first imposed as a daily task; and the repetition of the act will not conduce to its being voluntarily embraced. The labour, therefore, which is constrained, will not be continued when the force which imposes it is removed: the industry which is compulsory, will not only cease when the compulsion is withdrawn, but the recollection of it will mingle ever after with the thought of labour of every sort, and will leave upon the culprit's mind a lasting distaste for those occupations to which it should be one of the leading objects of the prison regulations to inure him. Bodily exertions are never voluntarily resorted to, but from the hope of some enjoyment which they are to produce, and the enjoyment is thus identified with the means of procuring it. But whenever this association of ideas is broken, labour is deprived of those cheering accompaniments which render it a resource, as well as a duty; and the recollection of its distasteful character will adhere to the convict during his future life, and prevent him from betaking himself to it, even when his distresses might be supposed sufficient to overcome his dislike to toil. Forced labour must always produce this disagreeable connexion of ideas; and whenever the coercion ceases, the natural aversion to fatigue will combine with the remembrance of the evils with which it was embittered, and make the culprit fly to vice to forget, or to crime to avoid it. If these reflections be well founded, employment should be offered to the prisoner, and regarded by

I.
HOME DISTRICT.

him as an alleviation of punishment, not superadded to aggravate it. In short, no succession of involuntary acts, to which adults may be coerced, is calculated to produce permanent habits of industry; they must be the effect of the will, operated upon by the judgment, producing a conviction that such acts are beneficial. This brings us back to the position with which we set out, that the penal system ought to recognise the necessity, and to aim at the production, of permanent habits of labour. The System ought scrupulously to avoid all imposition of bodily exertion as a task, and to place the prisoner on his arrival in such a situation as shall soon lead him to solicit labour as an alleviation, as a source of positive enjoyment, as a privilege to which he becomes entitled by the simple circumstance of having asked for it. The wish for the means of honest labour in one whose crime has probably originated in a repugnance to engage in it while at liberty, is a hopeful sign in the newly committed offender, and is one of the leading characteristics and one of the noblest triumphs of a judicious and humane system of Prison Discipline. Under such a system effectual means would be taken to make the prisoner feel that labour is an indulgence, and a solace; and then it would be offered to him as such. The prisoner would not be threatened with it as an evil, nor would it be urged upon his acceptance as an advantage to any but himself. And when he ceases to avail himself of the alleviation which labour is calculated to afford, it is withdrawn from him, and he is thrown back upon his previous position, to be again taught by the experience of its discomfort that he has forfeited, by his own misconduct, the most effectual means of assuaging the painful tedium which arises from having no one to converse with, and nothing to do. Experience has shown incontestably that, by proper management, and by a mode of treatment which secures the bodily health, and preserves the mental faculties unimpaired, the desire for labour may be speedily generated, and the habit of labour permanently maintained during the period of the prisoner's confinement; and that, too, not only with the concurrence of his will, but at its original suggestion.

Another indispensable characteristic of a good system of Prison Discipline is, that the prisoner should be placed in such circumstances as shall most powerfully lead him to reflect upon his condition and conduct, and dispose him to receive, with docility and reverence, the instructions and admonitions of those appointed to teach and advise him. Of all the means which a sound system of Prison Discipline employs, moral and religious instruction is that from which the best and most durable effects are most generally and reasonably expected. But it seems to be forgotten that the best religious training depends, so far as human agency is concerned, upon the frame and posture of mind of him who is the subject of it. However earnest, or judicious, the teacher's addresses may be, they can make no impression when spoken in the ear of one who is indifferent, inattentive, or averse from receiving them. It is obvious that the frame of mind, in which offenders in general enter the walls of a prison, is not very favourable to religious impressions, or to the feelings which naturally dispose persons to the reception of such instruction as is fitted to lead them to self-examination, and to resolutions of amendment.—But if, in addition to the natural repugnance of such characters to entertain the thoughts which befit their condition, there be added the society of those who are similarly circumstanced; if they be plunged at once into all the bustle and activity of the prison; the marching and countermarching from the cell to labour, and from labour to the cell, six or eight times each day—the novelty of the scene around them—the excitement—the enforcement of regulations to which they are strangers—the punishment of the refractory—the subdued demeanor of the timid—the sullen submission of the morose—the shifts and expedients of the crafty—the threats and perplexities of the superintendents—all these acting powerfully and incessantly upon the mind of the convict, must completely occupy his attention, and produce a tumult and distraction of thought, and a total absorption in external objects, the most unpropitious that can be conceived to the profitable enforcement of religious truth. Such circumstances are neither calculated to originate serious reflections in the prisoner's mind, nor to foster and cherish them if they had previously existed there. On the contrary, the society of his fellow-prisoners is to such a person a positive source of pleasurable feeling, a solace to the dispirited, a scene of excitement to the adventurous, and to all a most effectual means for stifling every serious thought, and for barring every avenue by which the prisoner's instructors might hope to urge home their admonitions and reproofs. The importance of this fact justifies the earnestness with which we have enlarged upon it. Experience attests

the truth of our representations, and shows that no hope of the prisoner's permanent amendment can be justly entertained, where obstacles so formidable as those to which we advert, are permitted to oppose the entrance, or neutralize the efficacy, of moral and religious instruction. No chaplain of a prison can rationally expect to succeed in his ministrations, when such impediments are thrown in his way; such a state of things must inevitably discourage even the most able and conscientious minister of religion from devoting his time and energies to a task which, in its very nature, must be hopeless; and thus would the State be deprived of the advantage of such a valuable functionary, precisely in those very circumstances in which the difficulties of the case would render his services most desirable and necessary.

No good system, then, will contemplate, for a moment, the association of the inmates of a prison, however strict a superintendence may be exercised over them, or however short the time during which they are permitted to be assembled. No vigilance is sufficiently wakeful to prevent the rapid and subtle commerce of looks and gestures, nor can any quickness of hearing detect the furtive conveyance of imperfect but intelligible sounds. By the "muttering behind the teeth," unobserved by the keepers, but well-managed and fully-understood by the prisoners, while the lips are unmoved, the most mischievous communications can be made in the lowest whisper. The most pernicious intercourse is that which is carried on in secret; and the greatest skill of the culprit is that by which he is enabled to elude the watchfulness, or to triumph over the precautions of those set over him. Superintendence, it is true, can do something; but then it depends upon its severity: and severity produces evils as bad almost as those against which the superintendence is designed to guard. It excites irritation, feelings of hatred, resolutions of revenge, and passions gloomy, dangerous, and resentful. Under such circumstances as these, no benefit can be expected from instruction, religious or moral; and, indeed, it would be almost a mockery to employ it. We therefore maintain the necessity of adopting such a system as shall effectually guard against those evils, by placing the prisoner in such a condition as shall completely separate him from seeing or communicating with any one of his fellow-prisoners on any occasion, or under any circumstances whatever. Compelled dissociation from his guilty companions, and the absence of all false excitements, are objects the most distasteful to a culprit. But they are at once salutary and severe: they produce that self-communion, that introversion of mind, which is most favourable to the reception of every useful and serious admonition. In stating this, we do not rest our assertion upon theory alone; but upon our own experience, and numerous facts attested by unexceptionable witnesses, who, though natives of different countries, and holding on other points the most various and discordant opinions, are unanimous in this—that religious instruction, when given to the prisoner under circumstances which are calculated to exclude external impressions of an unfavourable tendency, and to lead the culprit to reflection, is, with hardly any exception, of signal and abiding efficacy; and that, when the circumstances are adverse, the religious teaching is fruitless. We know that it is alleged, that, under the most favourable circumstances, and with our best exertions, we shall not always be successful. This may be true. Are those unhappy creatures, then, whose hearts are not irremediably hardened and corrupted, to be deprived of the benefit of a sound penal system, adapted, under the Divine blessing, to lead to the reformation of their morals, and their spiritual improvement, because others may be found, upon whom its salutary power would be exerted in vain? We desire to see the System established for the sake of those whom it will eventually reclaim. We must not be deterred from doing good to *many*, because we cannot do good to *all*: remembering that in every reformed criminal the State has not only one dishonest and mischievous member the less, but one useful and worthy member the more. This consideration should at once encourage the efforts of enlightened philanthropy, and silence the cavils of the coldest scepticism. Let religion be permitted to have fair play; suffer her to minister comfort to the afflicted, and to instruct the docile; let her aid be called in where it is required, and where it will be welcome: but let her not be subjected to the indignity of being employed under circumstances so fatal to her operations, and obtruded, as it were, upon those who are so situated, that their hearts cannot be softened to feel her benign influence, or their ears opened to her admonitions.

Let, then, no regulations be adopted which have a tendency to thwart the great aim of a good penal system: let not the labour of the convict be carried on under circumstances which must counteract all the measures that are taken for his amend-

I.
HOME DISTRICT.

ment: let not the prisoner find an asylum from galling reflections in anything *without him*, but in the voluntary labour of his hands; nor in anything *within him*, but in the acceptable consolation which religion provides for the penitent. Let all irritation be avoided, by cutting off all temptation to those offences for which irritating punishments are inflicted. Let the less advanced in crime see his restoration to an honest course facile and certain; and let the sufferer for a grave offence feel in all his treatment, that even for him society has some regard, and that the severity of his privations has a direct tendency to his lasting benefit. Thus will the prisoner be led to feel no pain but that which is inflicted by remorse, and to experience no gratification but that which springs from sources never tried before—honest labour, and religious instruction, not imposed upon him as a part of his sentence, but extended to him as an alleviation of its rigour. This, we respectfully submit to your Lordship, is the triumph of the System. The convict, upon his enlargement, will look back upon his prison as a place in which he has been treated with salutary strictness, and will resume his station in society with feelings of gratitude for moral benefits for which he will consider the rectitude of his future life to be but a very inadequate requital. Such will be the results of treating men as beings who are accessible to reason, and who, in the midst of all their depravity, have secret springs of thought and feeling within them which may be happily and permanently touched.

The next requisite in a good System of Prison Discipline is, that it should hold out encouragement to persons of every description to prosecute the offender. It is well known that, under the present system, many excellent persons feel a reluctance to institute legal proceedings against a culprit, from a persuasion (too often well grounded) that a committal to gaol will only make a bad man worse; and that, whatever may be the degree of his moral turpitude, the discipline of a prison will not deter him, if he is obstinate; nor reclaim him, if there be any remains of virtue within him. No ground should be afforded for such a determination; else the offender will inevitably speculate upon it, to his own undoing, and to the injury of society. Let every one be convinced by the excellence of our prison system, that the best thing he can do for an offender, young or old, a novice or otherwise, is to subject him to its discipline. Justice will then assume her proper sway: no feelings of misplaced commiseration will shield the guilty, or encourage the wavering to the commission of crime. He who yields to temptation will be arrested at the commencement of his career: and thus it may reasonably be hoped that the number of atrocious crimes will be greatly diminished by the timely discouragement and suppression of trivial offences. It is from slight offences, negligently or leniently corrected, that great crimes generally proceed. The petty theft is the parent of the felony.

Another point to which special attention is due in the framing of a sound penal system, is to take care that it shall be of such a nature as to admit of its being carried into operation with exact uniformity in every prison; in order that the working of the system shall not be influenced, as to strictness or lenity, by the character of the moral agents by whom it is administered. A system which is chargeable with a defect in this particular is utterly unfit for general adoption. The severity which arises, not from the system itself, but from the character and temper of the governor and his assistants, implies in its very nature the exercise of a discretionary power which cannot safely or legally be lodged in any hands. The same may be said of a laxity of discipline. Both have a tendency to run to an excess; and the effect of the one upon the prisoner is as pernicious as that of the other. Great severity irritates and exasperates; excessive lenity neither reclaims nor deters. Besides, this want of uniformity is, upon the very face of it, illegal and unjust. The sentence of the Judge contemplates the infliction of a punishment measurable, ascertained, and definite in its nature and degree. The System, then, which admits of so glaring an absurdity as a variable standard to regulate a fixed quantity, carries its own condemnation along with it. It is in evidence that the same prisoner who, for a given sentence, would in one gaol be treated with disproportionate indulgence, would undergo in another gaol, nominally conducted upon the same system, a measure of harshness at once extrajudicial and cruel. Public opinion will never be brought to countenance such a violation of the principles of justice and policy. It is, therefore, incumbent upon the advocates of any prison system, no matter how excellent it may be in other respects, to show satisfactorily, that it is free from so palpable a fault. Let the punishment be determined by the law, and let the System carry the punishment into effect without deviating, on the one hand, into oppressive severity, or, on the other, into

unjustifiable remissness or indulgence. The offender will then know what he is to undergo, and will not add to his hope of escaping detection, the expectation that, even should he be convicted, his "good luck" may yet befriend him, by consigning him to a prison in which the known remissness of the administration divests his punishment of nearly all its terrors. This, however, would be the inevitable effect of such a vicious system: prisoners, as is well known, are influenced, not by the chances against them, but those which are in their favour; so that whatever the excess of suffering may be which the system inflicts upon individuals, its general influence upon society at large—its power to deter—will be measured only by its leniency. The reverse of this is the great aim of penal jurisprudence; in which it is a cardinal maxim, that punishments should be inflicted so as to produce the most direct and immediate correction and amendment of the offender, with the greatest possible effect upon the mass of society. Whatever goes beyond, or falls short of this, is an act of oppression to the individual, and of injustice to the public. Under the best system that can be framed, and notwithstanding the utmost circumspection in the choice and superintendence of the agents who carry it into operation, so long as those agents are men, there will be failures and imperfections. Let us not add to their number, and aggravate the evils of these unavoidable defects, by adopting a system which must open a wide door to others which, however inevitable they may be under it, do not belong to a more efficient plan.

To the last mentioned requisite we beg to subjoin another, closely connected with it, and which is only beginning to excite that public interest to which, from its importance, it is entitled;—we mean the capacity in a good penal system of ascertaining early, and readily adapting itself to, the character and temper of the individual. It is plain that if the reformation or intimidation of the convict ought to be the aim and object of his treatment while in confinement, this purpose can only be rationally and successfully pursued, by discovering, as soon as possible, what is the peculiar cast or frame of mind of the prisoner; what are his capacities, wants, feelings, and inclinations; and by suiting the treatment which he is to receive, and the behaviour and conduct of those who visit him, to the character which he appears to bear. Unless this be done, the whole process of penal discipline is a mere game of chance, or rather an absurd and abortive pursuit of an end without the employment of any likely means. We do not think it possible to overstate the importance of bearing in mind this consideration. The efficacy of a sound system may be safely said to depend upon the accuracy and facility with which it discovers the temper and character of the prisoner, and upon the facility and effect with which it adapts itself to the exigency of the case. The endless diversities of human character require appropriate treatment. Some prisoners are stubborn, and should be dealt with accordingly; some are tractable, and will readily hearken to reason; some are ignorant of their duty, and must be patiently instructed; some are penitent from the hour of their commitment, and need comfort and encouragement; some are committed for longer periods, and with them a regular course of moral teaching and useful labour may be advantageously pursued; others are committed for periods too short to attempt such objects, and upon them the main point is, to make impressions calculated to intimidate and deter. In short, no system can address itself with effect to the case of the individual convict, unless it possesses that self-adjusting power of adaptation to these different circumstances:—it should bend to the submissive, and show itself inflexible to the stubborn, without incurring the charge of favouritism to the one, or undue severity to the other:—it should cut off all attempts to struggle against its authority, by the obvious hopelessness of resistance:—it should encourage those who are disposed to be obedient to its regulations, by convincing them that every thing that can advance their interest will be secured to them, and that against every thing that has a contrary tendency they will be scrupulously and effectually protected. Wherever the prison regulations have provided for these things, the consequences have been most encouraging. Experience proves that such a system has a powerful effect in tranquillizing the mind of the convict; in rendering him tractable, communicative to his instructor, and impressing him with the persuasion that his treatment and condition have a direct reference to the supply of his moral and physical necessities, and that his own benefit is the sole aim of the discipline. Everything which the prisoner sees, every thing he hears, is fitted to remind him of his condition, his guilt, the wisdom of amendment, and the shield which the precautions of that Society, whose laws he has broken, mercifully throws around him. Even the occupations in which the