

REMUNERATIVE PRISON LABOUR

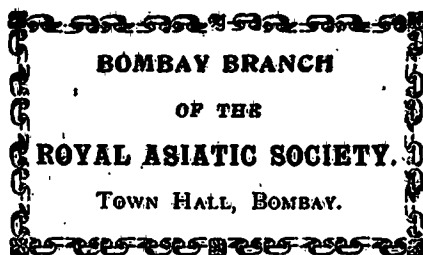
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ON
REMUNERATIVE PRISON LABOUR,
AS AN INSTRUMENT FOR
PROMOTING THE REFORMATION
AND
DIMINISHING THE COST
OF
OFFENDERS.

26834
ac.

BY

SIR JOHN BOWRING, LL.D., F.R.S.,

J.P. and Deputy-Lieutenant for Devon.

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Prison Discipline
prison labour



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TO THE RIGHT HONORABLE THE EARL OF DEVON,

&c. &c., &c.

My Lord,

It was scarcely to be expected that the Magistrates assembled in Quarter Sessions, occupied, as they necessarily are, with so many matters of detail, should be able or willing to lend a patient ear to the somewhat elaborate and, perhaps, unattractive reasonings and statistics which are gathered together in the following pages, and of which I could only present a short and imperfect synopsis at our last Meeting. I venture now to dedicate them to your Lordship as throwing some light upon the all-important topic of Reformatory Prison Discipline.

I have the honour to be,

My Lord,

Your Lordship's obedient Servant,

JOHN BOWRING.

CLAREMONT, EXETER,

January, 1865.

PRISON DISCIPLINE.

THE whole subject of Prison Discipline may be regarded from two distinct points of view. That of the harsh, inexorable system—which deals only with pains, penalties, punishments—which visits the criminal with all the “terrors of the law”—which acts only on his fears—which makes his labours profitless, discouraging and dreary—and looks to results solely from the disgust and abhorrence which are to be associated with prison employment. This is the plan generally adopted among barbarous or half civilized people. Its action is short, sharp and simple; it disposes of convicts summarily and despotically. “They have sinned—let them suffer!” is the Alpha and the Omega of this sort of gaol administration. The crank, the treadmill, water lifting, stone breaking, oakum picking, absolute isolation—unremunerative, hopeless, heartless toil—these are the powerful levers—the sole machinery by which the evil-doer is to be coerced into better courses. He is to be healed by many stripes. Upon his head society is to heap the burning coals of vengeance. He is to drink nothing but the sour waters of affliction. To him prison is to be a school where only the rod is to be used—the prize never; the workshop, where he is to learn that labour has no sweets but only bitterness; so that if a dislike to work brought him to gaol, that dislike is to be intensified and ingrained into his very nature by gaol experience. Now it is submitted nothing can justify this scheme of severity except its absolute and undoubted success. On the other hand a study of our criminal annals—an attention to Prison statistics, whether at home or abroad—will show that, compared with the moralizing and encouraging influences of productive employment, these solely punitive arrangements have proved in the result a melancholy failure. Little by little the system, which is wholly deterrent, has been abandoned among the most cultivated nations of Europe; even in this country more benevolent and enlightened

views are slowly penetrating; and it is hoped the period is not far distant when the Legislature will bring all our prisons under those salutary regulations, which, keeping discipline distinctly in view, will make *reformation* the highest object of penal visitation, and, as far as may be, render profitable employment the instrument of that reformation.

No one doubts that discipline is the all-important agent for Prison Reform. If discipline be made as efficient, or more efficient when connected with profitable labour, the question seems solved by all the balance of benefit that profitable labour leaves behind it; but if, by making employment lucrative, there be a favourable result of morality as well as of money, the argument for its use becomes all the more potential. And this, as far as my diligent inquiries have gone, is the more reasonable, the more humane, as it is assuredly the more Christian view of the subject. Reward may be as potent an instrument in the hands of the magistrates as punishment. There are some natures no doubt so hardened by habitual crime, that the hope of good or the fear of evil have almost equally lost their power. These, however, form not the rule but the exception. The utterly incorrigible are not the many but the few, and numerous and touching are the examples where the gentler and more encouraging visitations have subdued and ameliorated persons upon whom the heaviest penalties have in vain been brought to bear.

The axiom that all wise administration seeks to produce "the greatest good at the smallest cost," has a special force in reference to Prison Discipline. Pain as well as pleasure—punishment as well as reward—are equally instruments in the hands of authority for the removal of what is mischievous and the encouragement of what is useful to society.

The most profound and philanthropic writer on Prison Discipline—Jeremy Bentham—of whom Talleyrand said, "He is robbed by everybody and is always rich," lays down the principle that the objects of the machinery of Gaol government are "partly economical and partly moral; that such profit be drawn from the labour of the convicts as may altogether, or at least in part, compensate for the expense of the establishment, and that the morals of the convicts be improved by habits of steady and well-directed industry." And further, in pointing out how profitable employment should be made subservient to reformatory objects, he says: "It not only prevents men from growing worse, it has a positive tendency to make them better. Habit renders all occupation tolerably easy,

and it becomes still easier when the bitter ideas of infamy and compulsion are removed, and the prospect of gain is brought in to sweeten the employment." This, indeed, is but an exemplification of Shakspeare's teaching, "The labour we delight in physics pain." And, again: "Labour, encouraged by example and followed by reward, loses the character of servitude, the labourer becoming in some measure a partner in the concern. Those who knew no business will, under the new Prison Education, obtain new faculties and new enjoyments, and when they shall be set free will have learned a trade, the profits of which are greater than those of fraud and rapine."² Contrasted with this it may be truly said that dreary, wearying, discouraging, unproductive work is but

"The lowering buckets into empty wells,
And wasting life in drawing nothing up."

It may be well at once to dispose of an objection which was once popular, but which, under the extending influences of politico-economical knowledge, has now much less hold of the public mind,—it is that the labour of the prison ought not to be allowed to compete or interfere with honest labour outside the prison walls. But the produce of the labour of a prisoner is as much a portion of the national wealth as that of any other labour, and those who are the trustees of that prison labour, namely the Magistrates, are bound not only to prevent its being wasted but to turn it to the best account; and, to say nothing of our highest moral and religious responsibilities to Him who has entrusted us with power, we owe to society the obligation that the power so entrusted to us shall be used for the best interests, both economical and social, of the community. Nor are the unfortunate criminals who are delivered over to our custody and control without their claims upon us. Miss Carpenter entitles her admirable book just published, and which has the highest title to the attention of the Magistracy, "Our Convicts." Ours! and indeed to them we owe an obvious duty. It is not enough that an offender should be removed from the scenes of his misdoings. He is committed to our keeping by that society whose laws he has violated; all that he is, all that he has, is ours, and we have it in charge as good stewards to restore the trust, not deteriorated, but, if possible, improved under our stewardship. The Lawgiver and Magistrate exercising their undoubted right of protecting person and property from violence and invasion, cannot disassociate themselves from grave responsibilities towards those who have fallen under their ban. Taken as a whole, malefactors belong to a class whose very misfortune gives them a title to our sympathy and solicitude. With some striking but rare exceptions the general intelligence

of the tenants of our gaols is found to be considerably below the common average, and they mostly belong to the classes among whom the distribution of worldly goods is small, the education imperfect, and the influence of temptation *proportionally great. But, as regards physical strength and capacity to work, their aptitude will be found superior to those ordinarily possessed by their fellows.

Taking these elements into consideration, if it can be shown, as will probably be the result of thoughtful investigation, that remunerative labour gives the strongest incentive to the reformation of the guilty, and has been practically found a potent instrument for the diminution and suppression of crime, we shall be scarcely able to avoid the conclusion that, subject to the needful requirements of Prison Discipline, the labour of prisoners should be made as profitable as possible.

Were it even established, which it cannot be, that Prison Labour ought not to be brought into the home market to compete with other labour, plans have been adopted in several of the continental prisons, as will be shown, to remove the supposed difficulties.

But, after all, the produce of the labour of prisoners must, in order to be disposed of, meet other labour in the general market either at home or abroad. It can never be so remunerative as out-door labour, which has all the energies and appliances of freedom—of various and constantly improving machinery—of great capital—and of that impulsive passion for gain which is a part of our common nature, and which must be enfeebled under the pressure of imprisonment—and in the anticipation of remote and uncertain, instead of positive and immediate benefit. Hence the quantity and the quality of the convict's work can never, on the whole, average that of the free artizan, and must come with great disadvantages into the general market. There is much less of real competition from a given number of labourers *in* prison than from the same number of labourers *out* of it, and it will be found that, under the most approved and remunerative system, the whole amount of Prison Labour will have no more effect in lowering prices than the removal of a bucket of water has in lowering the level of the waters of the Exe. It would indeed be an additional recommendation if it had such an effect, for one of the main objects of sound commercial legislation and of manufacturing industry is to create customers by diminishing the cost of production. Every consumer knows that what is saved in cheapness is a saving to the individual, and such savings to the individual do in the aggregate form the national wealth.

Reformatory power will not in every case subdue criminal and long-established habits; there are felons too hardened and ferocious to be dealt with by any of the gentler influences; but general results must be received as an all-sufficient argument, and exceptional cases ought to weigh but little in the balance.

Experience shows that the Reformatory principle is less applicable to short than to long terms of imprisonment, and that in case of sentences of a few days or weeks, Prison Discipline should be minatory and severe; but in no case, whether the confinement be brief or prolonged, should the importance of labour as the means of correction and reform be neglected. The cases are few in which the criminal should leave the prison with no instruction other than that which chastisement affords. The greater work assuredly belongs to our convict prisons, and the most satisfactory arrangement is a classification of offenders, by which, in process of time, punishment should merge into remunerative labour; and that the greater or less industry exercised by the prisoners should facilitate or retard his transfer to more pleasant and profitable employment.

In the case of our County Gaols there is no doubt a very large proportion of prisoners who are committed under short sentences; among these the reformation of character must be looked for rather in the dread of punishment from severe discipline than in the expectation of reward from diligent and productive labour. But it is not less true that in every stage of confinement the training to some useful occupation should be constantly kept in view. The progressive movement, from the more painful towards the more pleasureable and profitable toil, should be presented to the convict at every step. Hard work and unproductive work, are by no means synonymous as they are sometimes considered to be; on the contrary, there are many trades whose occupants receive high wages on account of their laboriousness. As the *minimum* period of condemnation to penal servitude is about to be raised to five years, all convicts sentenced to any less period of confinement than five years may be the tenants of our local establishments. Hence arises a more urgent need of turning the longer imprisonments to more advantageous account, and the earlier the business of education can be associated with the penalties of discipline, the better for the criminal—the better for society at large.

It has been sometimes urged—“By what right would you at the public cost instruct a felon in a trade, so that, when he comes

out, he is to be the competitor of the honest man?" The answer is—by every right, and by every duty; by the right of society to have crime diminished; the right to have the evil-doer reformed, and to have, if possible, the means of creditable existence placed in his hands; by the duty we owe to the criminal himself, who is handed over to our custody, not only for purposes of punishment but of reform. Teach him *a trade* at the public cost? It is indeed at the public cost that he is left in idleness, or engaged in profitless labour. Return him to society instructed in some useful employment, and with the power of earning a respectable livelihood, and there will be no cost to society, but an ample saving. Unreformed he levies his contributions by fraud or violence. He is a destroyer of the public wealth, as well as a disturber of the public peace. As a labourer he will add to the property and prosperity of the nation. It has been estimated that an evil-doer *costs* five times as much to the community, as the well-doer is called upon to provide for his own support. It cannot be contended that if the expenses of confinement result in the transformation of an offender against the laws to an example of industry, that those expenses are not abundantly repaid. The felon who is convicted because he is the enemy and the interrupter of the common weal, should, if possible, be made its ally and supporter. Though labour may often be employed as a penalty for the criminal; the condemnation to utter idleness will sometimes be found to be a penalty still severer. Criminals left to themselves are known to pine and to pray for occupation. In that very desire there is the germ of improvement—a germ which ought to be carefully watched, encouraged, and developed.

To say nothing of the frauds and forgeries on a gigantic scale, of which we have lately had such startling examples, the amounts plundered by individuals, especially by pick-pockets, acting together in confederacy, would seem incredible unless reported under high authority. One man (Thompson) stole, in five years, no less than £18,000; another (Bohanna), in six years, £15,000; a third (Kelly), a thief from the age of ten, plundered £11,570; one family (the four Clarkes, of whom the oldest was only 20 years old), £6,520.—(Our Convicts, i. 24.) Such are examples of the *cost* of idleness and profligacy. The cost of instructing a thief in honest labour would leave the balance not on the side of the rogue, but on that of the community.

Before looking to the state of things at home, I would call attention to the statistics, all of an official character, with which I have been favoured by foreign Governments, or individuals the best informed on these topics.

In France the plan of absolute isolation of prisoners by day was abandoned in 1848, and a classified system of employment introduced. In all the central and departmental Prisons the areas were turned into workshops, and, with some modifications, the arrangements successfully carried out in the Auburn prison of the United States were adopted, in which, let it be remarked in passing, the re-committals are not 6 per cent. The last Report made to the Minister of the Interior, states that there are 19 central Prisons for men and 8 for women. The average number of convicts is 21,049, of which the proportions are—of town population, 8; rural population, 13. The criminal population is 8.05 per 1,000. The deaths in prison are 4.66 per cent. The system, which has gradually been extended is the sale of the labour of the prisoners to contractors, under the prison regulations. On the first introduction of the contract system the yearly receipt from that source was £12,000 per annum. In 1862 it was £47,000. The whole amount of profit from labour in that year was—

From Male Prisoners	...	...	£97,000
,, Female	...	...	24,000
making in all...			£121,000

Of this, proportions varying from one-tenth to six-tenths were allowed to different classes of prisoners, a part of which is distributed during their confinement, and the rest is allowed to accumulate and is given to them at the time of their liberation.

The average number of workers among men is 85 per cent.; among women, 93 per cent. The number of working days in the year 251. The average gain of the men, 5 $\frac{7}{8}$ d.; of women, 5 $\frac{1}{2}$ d. per day. The cost of maintenance about 8 $\frac{1}{2}$ d. per day. The gross outlay on prison management, comprising every charge, was—

	£577,000	or	£27 12 0	per head.
Labour...	£121,000	or	£6 8 6	
net cost ...	£456,000	or	£21 3 6	

As far as practicable the convicts are employed in the trades to which they have been brought up. The daily net profits in the Prisons are—Saddlers, 12d.; Shoemakers, 8d.; Tailors, 7 $\frac{3}{4}$ d.; Basketmakers, 7d.; Matmakers, Stonecutters, and Weavers, 5d. per day.

Among convicts, the per centage proportion of the uneducated to the educated is as 42 to 58. Of the general population of France, the proportion is as 30 to 70.

In a Report lately made to the French Legislature, by M. Jules Simon, he states that, under the beneficent influences of the new system, the number of prisoners had diminished by half; that in

one of the departments (that of the Basses Alpes) the prison had twice been without a single occupant. He attributes the change to the spread of education among the people, and especially to the reforming influences of the Penitentiaries upon young offenders.

The daily cost per head in the Penitentiaries is 6d. In the Agricultural Penitentiaries, 5½d. per day. Of these last the most remarkable and the best known is that of Mettray, established by M. Demetz. Of this the experience of twenty-four years enables us to speak with confidence. It maintains 700 youths, and is now only one of ninety-three similar establishments. Their influence upon the diminution of crime is most instructive and encouraging. Before the foundation of these colonies the recommitments of young criminals was 75 per cent; the last report from Mettray states that in 1862 they were less than 4 per cent., and from the other Agricultural Penitentiaries about 8 per cent. Of 1,813 youths who have left Mettray (1,053 from towns, and 760 from country districts), 871 have become agricultural labourers, 421 are employed in different trades, and 521 have entered the army and navy, of whom many have obtained honorary distinctions. The gross cost of maintenance at Mettray is £20 per head; the produce of labour, £8—consequently the net cost is £12. It is estimated that the average cost of *reforming* a prisoner in France is £42. Mr. Hill states (Charge of 1848) that the average cost to this country of every prisoner, under a system which cannot be called reformatory, is £121 per head. Thus our unreforming discipline costs nearly three times as much per prisoner as the reforming discipline of France; in other words, *three* convicts are returned improved to society at about the same charge which is entailed upon us by one offender, who but too often leaves our goals not improved, but deteriorated by prison experience. The annual mortality at Mettray is only 1½ per cent, and, as regards recommitments, let the returns be contrasted with those of many of our prisons. In the West Riding of Yorkshire, of the men sentenced to four years' penal servitude, 57 per cent. had been returned to prison or were known to be living by crime; only 22 per cent were ascertained to exist upon honest labour; and we find, from a hundred sources, the averment that criminals return to their guilty habits because they can find no employment, and in very many cases know no trade.

The success of these French experiments has led to the establishment of a Mettray at Rysvelt, near Zütphen, in the Netherlands, under the auspices of the benevolent Baron Suringar. It

is supported by voluntary contributions. In this institution four hours per day are given to instruction, and when the weather is favourable from six to seven to field labour. The returns speak most favourably of the position and prospects of this agricultural colony.

If there be any nation among whom the great principles of cost and result are constantly kept in view, it is the Dutch. Whatever serves *Tot nut van't algemeen*—"to promote the public good" is welcomed and adopted. The Government of the Netherlands has kindly furnished me with a special report on the subject of Prison Labour, of which a translation follows :

"Prison Labour is *exacted* from the convicted, but *allowed* to the unconvicted prisoner. In the month of November the Government arranges what particular articles are to be produced in the prisons for the succeeding year; it is held that a variety of manufacture applied to the different circumstances of the convicts in different localities is of the highest importance, but the profit to be derived from a particular branch of employment is not to be made the primary consideration. As a general principle it is thought undesirable to bring prison work in direct competition with that of the free labourer; but it is deemed imperative that the prisoner shall be taught a trade, if the length of his confinement will allow, by which he can live when released from his confinement, provided always there is no cost to the public by teaching him that trade, in other words that the article he makes shall be of greater value than the raw material he employs. Among the principal objects of Prison Labour are clothing for the Army, the Navy, the Police, and for the use of the Prisons. According to the returns in 1863, the trades most extensively carried on in the Gaols of Holland were Tailoring, Shoe-making, Weaving, Carpentering, Smithery, Saddle-making, Furniture-making, Stone-cutting, Tin-manufacturing, Turnery, Gloves, Mats, Toys, Nails, and Ropemaking. The trades latest introduced, and with most successful results, have been those of Smiths, Glovemakers, and Lithographers, and to exercise these is deemed a great privilege and an encouraging reward among the prisoners, more especially as on leaving the prison there is no difficulty in finding employment, and to give the hopes of instruction in these more lucrative branches, is found one of the most potent instruments for the reformation of the offender. It follows that a very large proportion of the prisoners work at trades less profitable than they would be if they had the appliances which

machinery provides, hand labour being the principal instrument of production. Waste of material and loss of time add also materially to the cost of prison-produced articles. Hence the general result is reached that the additional value added to the raw material averages about 10 per cent. This will be exhibited more clearly in the official returns for the year 1863. There were 2,768 persons in the Central Convict Prisons, and in the Provincial Houses of Detention 881 convicted and unconvicted persons."

Cost of Functionaries	£2,551
Implements, Tools, Materials, &c.	12,006
Wages Paid... ..	2,417
	<hr/>
	£16,974
Receipts from the Army	£4,775
" " Navy	4,343
" " Police	521
Allowance to Prisoners	8,390
Labour sold to Contractors... ..	565
	<hr/>
	£18,594

Being a profit of £1,620.

The raw materials are provided by public competition. It will be observed that the allowances to prisoners are 50 per cent. of the gross receipts, amounting to an average of £2 6s. per annum, or about 10½d. per week per individual.

The Central Prisons of Holland are those of Leyden, Woerden, Rotterdam, Hoorn, Alkmaar, Montfoort, and Leeuwarden. The most detailed statistics are published of the costs and proceeds of every department of trade, and the distribution of the funds received. The distribution of labour is very different, as for example—

NUMBER OF PRISONERS.

	Leyden.	Woerden.	Rotterdam.	Hoorn.	Alkmaar.	Montfoort.	Leeuwarden.
Tailors	201	185	43	76	20	62	—
Shoemakers	158	8	32	—	25	—	826
Prison Servants, &c.	67	36	10	76	—	30	—
Workers in Metal	43	—	17	15	—	—	—
Accountants and Aids	24	15	8	33	—	—	—
Rope, Brushmakers, &c.	22	—	—	—	—	—	—
Wool and Hair Sorters	19	2	—	—	—	—	—
Turners, Toy Makers, &c.	12	—	49	—	—	—	—
Carpenters, Masons, &c.	7	—	—	—	—	—	—
Spinners, &c.	—	30	—	262	—	—	—
Lithographers, Bookbinders	—	—	24	71	22†	—	—
Weavers, &c.	—	—	—	181	—	—	—
Workmen (outside)	—	—	—	—	32	—	—
All other Trades... ..	2	4	2	17	—	—	—
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	555	275	187	136	99	90	826

† All employed in the more profitable trades.

The tables show that the average gain to a prisoner is 2d. per day—of which one half is placed to accumulate for the time of his departure, the other half he may dispose of to his family, or employ in the purchase of articles allowed to enter the prison. But, besides the allotted portion of wages, special premiums are given for meritorious labour, amounting to about £210 yearly, which is included in the return for wages paid.

These accounts do not represent the produce of labour sold to contractors, as is the practice in provincial Gaols and Houses of Correction. Of this produce three-tenths goes to the State. This plan is found most efficient in cases of short sentences, where, from the impossibility of teaching any very remunerative trade, which requires long apprenticeship, the proportionate cost of the prisoner to the public must be more than when a longer discipline of instruction can turn his labour to account. But it has been found that bringing convicts sent under short sentences to prison into contact with those who can employ them when their term of imprisonment is over, and who frequently take an interest in their reformation and well-doing, is most salutary. Moreover, this class of convicts generally belong to trades far too various to be applicable to articles needed for the service of the State. In the year 1863, the work of 3,261 prisoners of this class was sold to contractors for the sum of £890, of which £266 reverted to the State.

The quantities of work produced in the Central Prisons in 1863 was—

Linen Manufactures	...	...	...	118,608	Ells.
Cotton ditto	...	...	...	8,264	"
Garments and Equipments	...	...	...	166,265	Pieces.
Sail Cloths	...	...	...	2,607	Ells.
Coarse Baize	...	...	...	14,214	"
Bombazines	...	...	...	669	"
Woollen Stuffs	...	...	...	6,666	"
Lamp Wicks	...	...	...	60	"
Printing	...	...	...	377	Reams.
Tin Work	...	...	...	221	Pieces.
Sewing, Knitting, Thread Work, &c...	...	...	...	5,321	lbs.
Furniture and Toys	...	...	...	10,081	Pieces.
Tools, Instruments, &c.	...	...	...	7,042	"
Buttons	...	...	...	1,298	Gross.
Brushes	...	...	...	4,243	Pieces.
Wooden Shoes	...	...	...	4,230	Pairs.
Nails	...	...	...	223,500	Pieces.

There are in Holland 13 Prisons of Custody (Huizen van Verzekering), and 21 of Arrest. In both there is solitary and social confinement, and in both work is carried on for account of

the Government and for private contractors. For Government in 1863 the produce was—

Flax Yarn... ..	13,187 Cwt.
Garments	35,603 Pieces.
Upholstery	2,115 "
Mats and Ropes	2,944 Pieces & 1,520 Ells.
Turnery, Toys, &c.	256 Gross.

And 9,691 days of other labour.

For Contractors—

Picking and Sorting	171,613 Articles and 4,076 Bushels.
Clothing... ..	3,349 Pieces.
Shoes, &c.	1,882 Pairs.
Upholstery	803 Articles.
Metals	29,485 "
Bags, Needlework, &c.	542,616 "
Mats, Baskets, Ropes, &c.	275,178 Articles and 4,960 Ells.
Needle and Network	6,880 "
Weaving, Spinning, &c.	15,062 lbs. ; 36,807 Skeins ; 42 Pieces ; 4,005 Ells.
Cigar Making	33,240 "
Writing	1,062 Sheets.

And 1,720 days of other labour.

No country presents a more pleasing example of pacific progress and general prosperity than Belgium. Its official statistics are models worthy of general imitation, and as the Belgian authorities have kindly forwarded to me a series of valuable documents directly bearing on the question of productive Prison Labour, I refer to them in some detail.

1.—The tariff of wages allowed to prisoners on work done in the Central Prisons. Of these allowances the state reserves 5-10ths of the profits from prisoners subjected to correctional or minor punishments, 6-10ths from soldiers condemned to solitary confinement, and 7-10ths from convicts condemned to hard labour for long periods. A portion not exceeding 2-10ths of the value of their daily labour may be paid to them weekly—the balance becomes a cumulative fund to be handed over to them on their release from prison, or to their families in case of their death. The details of the legislation and the tariffs of allowance occupy 41 pages. The general principle is to employ the prisoners in the trade to which they have been brought up ; if brought up to none, to instruct them in some trade—so that no person shall leave the prison without means of support.

The classifications are of prisoners employed in the service of the Gaols—Manufacturers of hemp, flax, jute and silk, tailoring for army and gaols, making of shoes, hats, and brushes, book-binding, currying, tanning, smithery, and some other trades. The general principle is payment for piece works, and the divisible profit varies from 1d. to 9d. a day.

2.—An important report, the result of official inquiries into Prison Labour, made by the Minister of Justice to the House of Representatives in 1848. One of the principal results of the investigation was to recommend that the application of the labour of prisoners should be confined to manufactures for exportation, or suited to the service of prisons—to experimental industry, and to agricultural purposes. The inquirers seem to have been unreasonably impressed with the danger of competition between forced and free labour, especially in times of manufacturing distress. This dread of home competition is now much diminished in Belgium, where the legislation has become more and more favourable to Free Trade. But as regards the importance of remunerative Prison Labour, the Commissioners express the most decided opinion. They report generally that productive labour is a potent instrument of reform; that it is not only a useful but a needful instrument; that it checks re-committals and provides against misery; and they quote approvingly the words of M. Berenger to the French Chamber of Peers, that “whatever be the character of the imprisonment to which a criminal is condemned, labour must be the basis of all moral improvement, and its employment a necessity from which it is impossible to escape.”

The Report states that the average number of prisoners in the Central Prisons, where labour is properly organised, was 5,461; that a fifth must be deducted for illness, incapacity from age or other causes, and for employment in the prison service; that 4,369 remain to be engaged in profitable labour. In the prison at Ghent weaving had been let to a contractor at 3d. a day, but the contract had been abandoned. At Alost, 309 prisoners employed by the Minister of War had gained on an average 2d. per day. At Namur contractors had paid 2½d. a day for 7 hours' labour of 217 prisoners. The produce of the labour on an average of 3 years—1845-7 was £16,350, of which amount more than three-quarters was work for the army or the use of prisons. The six Central Prisons of Belgium left a profit from labour of £20,000, of which £1,600 was distributed in rewards. In these prisons the number of confined, male and female, was 4,054; of whom the work of 3,561 was for account of the State; of 493 it was disposed of to contractors. In 1847, two-thirds, amounting in value to about £14,000, of the whole of the linen cloth used by the army, was furnished by the labour of three of the prisons of Belgium. This amount represented 1·74th of the linen manufactures of Flanders. 800 Female prisoners were engaged in spinning, who produced about 1·400th part of the thread manu-

factured in the country. In periods of manufacturing distress a less proportion is supplied by the prisons to the army. Of 673 prisoners in Ghent there were 232 Weavers, 159 Spinners, 114 Tailors, 43 Blacksmiths, the rest employed in other trades. In Vilvorde, with 651 prisoners, there were 153 Weavers, 145 Spinners, 127 Tailors, 26 Blacksmiths. In the St. Bernard's House of Correction (Antwerp), of 1,297 prisoners there were 560 Spinners, 251 Weavers, 189 Tailors, 71 Reelmakers. In the Military Prison at Alost, with 642 prisoners, the trades were confined to—Tailors 348, Shoemakers, 242, Coachmakers 24. The maximum time required for learning the trade of Shoemaking is twelve months, Weaving six months, and Tailoring three months.

3.—Return from the Minister of Justice to the Chamber of Representatives, in 1860, giving in great detail the receipts and expenditure of the Antwerp prison, in which all the convicts are employed in manufacturing stuffs for exportation. In 12 years, from 1848 to 1859, the quantity produced was to the value of nearly £400,000, the greater part made of raw materials, the growth of Belgium, and of which the native agricultural industry had the benefit; and the report prides itself on the fact that the capital of remote nations had thus contributed to the reform of Belgian criminals and to the finances of the Belgian State. The return for this period exhibits a net profit of £29,400, being an annual average of £2,450. For the last year it had been £3,240. The number of prisoners 1,295. This remarkable document states that the improvements introduced into the Antwerp prison had been of the greatest service to the Linen manufactory of the whole country, leading to new arrangements which had been most beneficial to the labouring people, and that the reputation which the Prison manufactures had obtained in foreign countries had been reflected over other Belgian producers of the same articles; added to which, every convict before leaving the prison had acquired the means of maintaining himself usefully and honourably when his term of imprisonment expired.

4.—The decennial report of the Minister of Justice from 1851 to 1860, just printed. It presents the satisfactory contrast, notwithstanding the augmented Belgian population, of a considerable diminution in the number of criminals:

In 1851	In the Central Prisons	5,134.	In 1860 ...	4,077
"	In Maisons d'Arrêt and Sureté	2,316.	" ...	2,217
Average 1851-5	Central Prison	5,088	1856-60	4,638
"	Maisons d'Arrêt and Sureté ...	7,602.	"	6,986

Being, in the quinquennial period, a diminution of 10 per cent.

Of 3,770 convicts, the trades before committal were—

1,294	Handicraft Workmen	..	..	34.4	Per Cent
584	Agriculturists	...	...	15.5	"
462	Clerks, Porters, &c.	...	...	12.2	"
394	Domestic Servants	...	...	10.4	"
224	Army	...	...	5.9	"
131	Miners	...	...	3.6	"
56	Liberal Professions	...	...	1.5	"
545	Vagabonds, Beggars, &c.	...	...	14.4	"
80	Unknown	...	...	2.1	"
<u>3,770</u>				<u>100</u>	

Of 3,715 prisoners the employments were—

Weavers	...	...	...	...	1,010
Tailors	...	...	...	...	522
Spinners	...	...	...	...	288
Shoemakers	...	...	...	...	205
Bobbin Makers	...	...	...	...	167
Blacksmiths	...	...	...	...	134
Clerks, Teachers, Cooks, Bakers, Barbers, and other Prison Services	...	...	...	...	988
Sempstresses	...	...	...	...	182
Glovesmakers	...	...	...	...	76
Under Punishment	...	...	...	...	198
					<u>3,715</u>

} Women.

Among 3,422 prisoners, the amounts paid at their liberation from their earnings were—

In 1861	Number in 10 years, 1861-1870.		
33	...	555	who received nothing.
2,250	...	7,126	" less than £2.
521	...	4,972	" from £2 to £1.
394	...	2,647	" " £4 to £8.
119	...	1,419	" " £8 to £12.
68	...	387	" " £12 to £20.
37	...	40	" above £20.

There is in Belgium a very extraordinary disproportion between the number of criminals coming from the different provinces. In the rural population of Flanders the young offenders are as 5 to 1, compared with those from the rural population of Liege; and in the town population of Limburg there is only 1-3rd of the proportionate numbers of young offenders who are found in the town population of Brabant. These very various social elements afford no doubt much matter for reflection, in reference to Prison Discipline; but when so many discordant materials contribute to the same result, and confirm the same conclusions, their testimony is all the more valuable. The town population is undoubtedly more instructed,

but it is under the influence of more seductive temptations; the rural population is less under the restraint of public opinion, whether for good or evil. But the instructional blessings of the Belgian Penitentiaries cannot be questioned. Of 100 youths who enter, 67 on an average are wholly ignorant; of 100 who quit, not one. Of 100 less than 4 read and write well on entering; on leaving 80 read and write well,

5.—The last important Document issued by the Minister of Justice is a complete system of Prison accountancy, by which every department will present, under a uniform plan, all the details that will enable the Executive and the Legislature to study the results of that code of instruction to which all the Gaols of Belgium are now subjected.

The Swiss authorities have kindly furnished me with many materials for judging of the results of their system of Prison government. They present remarkable discrepancies, which are mainly attributable to the various conditions of the Cantons and to the separate and independent local legislation which exists in that republic. But the small net cost of convicts to the State, whether from the profits on labour or the economy of administration, is very remarkable. In Geneva, where the Panopticon system was introduced, under the auspices of Dumont, the last return shows the profits of Prison Labour to be about £5 per annum per head.

In Bâleville (1862), with 228 men and 68 women, the expenditure per head was £5 8s. The net profit on labour £2 11s., after deducting 20s. average allowance to prisoners, leaving the net cost to the State £2 17s. each. In this Prison the average gains, male and female, are per working day 9½d. Shoemakers gain 13d., Chairmakers 11d., Mattress Makers 20d., Locksmiths 12d., Stonemasons 1s. 9d. per day.

In Baden (Argovia), 70 men cost £12 per head; Prison Labour, £7 2s.; net cost, £4 15s.

In Aarburg (Argovia), 186 men and 103 women cost £4 19s. per head; Prison Labour, £2 3s.; net cost, £2 16s.

In Lausanne, 133 men and 25 women cost £16. Prison Labour, £8 per head; net cost, £8.

In Friburg, 120 prisoners cost per head £18. Produce of labour, £10; net cost, £8 per annum. Sawyers and some other

workers gain 13d. per day. In Soleure, Shoemakers gain 12d. per day. In Thurgovia, the average earnings of both sexes are 10d.; the same in Ticino; in the garrisons, 8d., and in St. Gall, 7½d. per day.

In Berne, 414 men and 92 women cost £17 16s. per head. The average produce of labour is £11 12s. The net expense, £6 4s. In this Canton there is a distribution of agricultural and manufacturing labour among the convicts. The net expenses of maintenance, after deducting the produce of labour, is 2¾d. per day. The most profitable manufactures are Cabinet-making, Wood-inlaying (parquetry), Marble and Stone Cutting and Paving; Agricultural Instrument and Cart Making, Cables, Cords and Laces are less productive. In the open air, Brick and Tile Making, Turf Cutting, Mining, Quarrying, Lime and Charcoal Burning are the most remunerative work. Escapes are very rare among those engaged in out-door employment. The Berne returns for 1862 show that in the open field, or agricultural section, the daily gains of the colliers were 5s. 3d.; of Bakers, 5s.; Turf-cutters, 3s.; Matchmakers, 2s. 1d.; Labourers, 13d.; Shoemakers, 12d.; Wood-turners, 9d.; Prison Servants, 5¼d.; Weavers, 4¼d.; Tailors, 3½d.; the lowest class of labour 2d. a-day. The average work of women gave 8d. These results show the necessity of adapting the species of labour to the aptitudes of the locality, as, for example, Tailoring and Shoemaking, which may be made profitable under a system of isolation, are singularly unproductive when associated with agricultural arrangements. But the practice of conducting in chains the convicts into the country, and their constant exposure to the public gaze, have undoubtedly destroyed the sense of shame among them, and made them so prominently the objects of public infamy, that they cannot find employment when their sentences have run out, and the number of recommittals is fearfully great. The Government is now considering a scheme by which the work of reformation may be more directly and satisfactorily combined with that of pecuniary benefit to the State.

From the Munich prison as from that of Antwerp, all the articles manufactured are sent to foreign countries. The cost of maintenance, everything included, is £10 2s. 9½d. per prisoner. The average gain of each is £1 12s. 11½d. per annum. The prisoners consist of the very worst male convicts of Bavaria. They manufacture Linen and Woollen Cloths, and are employed in Shoemaking, Tailoring, Carpentry, and Smithery. Both Mr.

Bailie Cochrane and the Rev. Chauncey Townsend have published interesting reports of their visit to this prison, whose reformatory influence is seen in the great diminution of recommittals. Mr. Coombe says "Here, without any of the hard appliances which are regarded as the indispcusable elements of prison discipline in England; here the spirit of enlightened humanity has been found the most effective instrument—the cheapest and safest for the public, and the best adapted to reform offenders."—Our Prisons, pp. 93-95.

Spain possessed in Valencia an admirable prison, forming an almost solitary exception to the general state of things. It was superintended by Colonel Montesinos, who was appointed Inspector General of the Spanish Prisons. "Self-reformation," he says, was his great instrument of success. Capt. Maconochie published an account, by which it appears that it contained 1,000 convicts, who with a small staff, only one overseer to 100 prisoners, and something of a military organisation, were kept in a state of admirable discipline and carried on a great variety of trades, among others that of Printing. Under the old system the number of recommittals was from 30 to 35 per cent.; it is said now not to have exceeded 2 per cent. In nine years 2,355 prisoners had been taught trades, by which on leaving they could earn an honest livelihood. Forty workshops had been erected within the buildings solely by the labour of the prisoners, and without any cost to the Government. An English traveller (Mr. Hoskins) calls the result "a miracle," and enquires why similar experiments are not carried out in Great Britain? The want is co-operation on the part of the Government, and the removal of Colonel Montesinos from Valencia has now unhappily allowed ancient abuses to re-establish themselves.*

The net cost of the maintenance of prisoners in Tuscany, after deducting the produce of labour, is £6 14s. per head. All other charges of administration, £2 16s.; making the total outlay £9 10s. per head.

The prisons of the United States of America, being all controlled by State legislation, independent of any central Federal authority, present singular and instructive contrasts as to the cost of maintenance and the profits of Prison Labour. Those are the most productive where prisoners are allowed to labour in common.

* Mr. Commissioner Hill's charge at Birmingham on the Suppression of Crime. Also, "Our Convicts," pp. 89-92.

In the new Penitentiary of Pennsylvania, with 293 convicts, the annual expense in 1848, per head, was £12 4s. ; the produce of labour £9 4s. ; leaving a deficit of £3, while, in the Penitentiary of Charleston, with nearly the same number of prisoners (284), the annual expense per head, exclusive of salaries, was £12, while the labour produce was £21 12s. per head, leaving a profit of £9 12. In Auburn (which has been deemed a model prison), with 482 prisoners, the cost per head was £10 8s. ; the earnings £19, leaving an excess of £8 12s. per head. In nine Penitentiaries of the United States, in the year 1850, the net profits were £18,000. Estimating every charge of administration, food, clothing, &c., the net final cost in Auburn was £1 12s. ; in Connecticut, £1 16s. ; in Charleston, £2 8s. ; in Philadelphia, £9 per head. There can be little doubt that in many of the American prisons questions of discipline have been made subordinate to those of pecuniary profit, and that great abuses have been the growth of the paramount desire to relieve society from those burthens and sacrifices, which may be demanded in the very interests of that society.

I have arranged from the returns of 1862 the following statistics of the United States, of which the official statements have been accessible to me :—

STATE.	NUMBER OF PRISONERS.	TOTAL EXPENSES.	SUBSISTENCE.	LABOUR.	PRODUCE PER HEAD.
California	577	\$6,000	.....	\$4,200	\$7 5 6
Connecticut	159	2,500	.....	2,600	17 0 0
		Of this \$1,200 Establishment, 500 Provisions = \$5 8c. p. head 85 Clothing. 90 Hospital; 265 other charges.		Of which \$13,000 Shoemaking 700 Barntishing 330 Smithery \$160 Planing & Riving	
Maine	112	3,000	\$1,800	1,800	16 0 0
Massachusetts	450	16,500	.....	10,700	23 0 0
New Hampshire	102	2,600	1,200	All by contract. 2,800	27 0 0
New Jersey	408	3,100	.....	4,200	10 0 0
				\$2,800 Shoemaking 800 Chalkmaking 320 Weaving 160 Smithery	Net profit, \$1,100
Ohio	768	18,700	5,500	All contract labour 13,300	17 10 0
Pennsylvania	369	5,000	\$13 per head	3,600	10 0 0
Rhode Island	108	1,000	.....	1,600	15 0 0
Vermont	74	1,700	Not a death for two years.	1,300	19 0 0
Ten Prisons	8,137	\$50,100		\$46,100	
		Average Gross Cost per Head	.....	\$19 3 1	
		Average Net Cost per Head	.....	4 9 0	
		Average Earnings	.....	16 3 0	

The general Report of the Managers of Prisons in Scotland in the year 1864, gives the following returns:—

	Prisoners.	Cost per head.			Earnings.			Net Cost.		
		£	s.	d.	£	s.	d.	£	s.	d.
All Scotland	2,176	24	6	0	2	19	9	21	6	3
Perth (General Prison)	667	22	17	3	3	2	4	19	14	11
Glasgow	470	21	11	0	2	14	0	18	7	9
Edinburgh	350	18	18	5	2	15	2	16	3	3
Dundee	72	21	11	1	4	4	1	17	7	0
Paisley	71	20	16	6	2	19	5	17	7	1

Of the best conducted Prison, that of Perth, the Managers say :

“The industrial department has been conducted during this year very much to our satisfaction. It is an object, as far as practicable, to preserve his trade to every prisoner who has one, and to train to some tolerably remunerative trade those who have none. Notwithstanding some difficulties in the state of our markets, the sale of manufactured products has been carried on with great success, and there has never remained any considerable stock of unsold articles.”

The employments in the Perth Prison are—

MEN—	Matmakers	...	...	120	WOMEN—	Shirtmakers	...	...	77
	Shoemakers	...	...	42		Sowers	...	...	71
	Weavers	...	...	16		Dressmaker	...	...	1
	Tailors	...	...	14		Knitter	...	...	1
	Carpenters	...	...	5					
	Bakers	...	...	3					
	Winders	...	...	2					
	Bookbinder	...	...	1					
	Painter	...	...	1					
				204					150

Of whom 138 men and 82 women have been taught trades in prison.

The Scotch returns for 1864 present a considerable increase in the average profit of labour as compared with 1850, showing that more attention has been paid to the remunerative character of that labour. In Edinburgh, where the number of criminals has decreased from 581 to 350, there is an additional profit of 19s. 4d. per head. In Glasgow, where the diminution of criminals is from 724 to 470, the augmented receipts are 10s. 4d. per head. In Dundee, where instead of 180 there are but 72 prisoners, the earnings are by men, £1 4s. 5d. per head; and in Paisley, where the prisoners have fallen from 138 to 71, there is an increased profit of £1 6s. per head. It is remarked that the receipts are largest where there is the greatest variety of labour, or, in other words, where the prisoner finds employment in the trade in which he has been brought up.

Mr. Frederick Hill states that at present the average annual cost per prisoner, exclusive of rent, is in England about £21, and in Scotland about £13; consequently a saving of more than £140,000 per annum would be effected by bringing the expenditure in England down to the level of Scotland; but "He hopes the time is not distant when the cost in both countries will be reduced to a sum considerably below its present amount in either, and he feels quite confident that, with such reduction in cost, will be found an increase in efficiency." (Crime: its amount, causes and remedies, p. 323.)

Out of the many inquiries and Reports which have at different times occupied the attention of the Legislature, I would specially refer to the evidence given before the Parliamentary Committee of 1850. It contains many important statistics, and much that is suggestive and valuable in reference to "useful and productive labour," which is pronounced to be "the main element of any sound reformatory system"—an opinion in which every writer of eminence concurs.

The returns for the Millbank Penitentiary, with 770 prisoners—628 males and 142 females—give a net annual profit of £3,760 15s. 6d., or £4 17s. 6d. per head. Of the prisoners employed in productive labour there were 23 whose gains averaged from 1s. to 1s. 7d. per day; 34 Shoemakers gained 11½d.; 357 Tailors, 5½d.; Cooks, Weavers, Bookbinders, from 6d. to 8½d.; while the Oakum Pickers, of whom there were 126, gained only ½d. per day. Of the women—25 Laundresses gained 6d.; 107 Needlewomen, 4d.; and 10 Jobbers, 2½d. per day.

The work in the Pentonville Prison is confined to Weaving, Matmaking, Shoemaking and Tailoring; the total cost per prisoner is £29 8s. 9d., and the average earning £5. Shoemakers earn £10, Weavers £8, Matmakers £5 10s., and Tailors £3 10s. per annum.

The returns for the Prisons of the Northern and Eastern districts give the following as the trades of 4,743 male prisoners:—

General Labourers	1,143
Agricultural ditto	1,043
Blacksmiths	236
Spinners	219
Weavers	200
Mariners	182
Carpenters	177
Shoemakers	134
Tailors	109
All other Trades	1,209

This may be deemed a tolerably fair specimen of the materials with which a reformatory system has to work. The Inspectors complain of the number of hours—in winter often 14—which are passed in bed, and by which both mind and body are enfeebled. They recommend greater encouragement to remunerative labour, for that unremunerative labour excites dislike and disgust; they say that oakum-picking does not give more than 1d. a-day; and they state that out-door labour is best suited to the habits of the majority of prisoners.

Before the Committee of 1850 a project was brought by Mr. C. Pearson, the Solicitor to the Corporation of London, a man of great ability and of long practical experience in the field of Prison discipline, recommending agricultural labour as one of the most efficient means of reform for the criminal. He showed that 1,000 acres of land might be made to support 1,000 convicts, and to leave a considerable margin of profit. Of this scheme Capt. Chesterton, who was for 25 years the Governor of the great Prison of Coldbath Fields, reports: "Mr. Pearson proves step by step the practicability of furnishing all that the entire establishment would require to consume, to defray the totality of the expense, and yield a good profit to the State. There was not a proposition in the scheme which was not sustained by the testimony of competent witnesses;" and Mr. Commissioner Hill, in his charge of 1855, says: "I cannot but think that whoever will read the evidence adduced before the Committee must, even if not perfectly convinced, come to the conclusion that sufficient proof has been given to justify, if not to demand, such an experiment as would place the controversy at rest."

The general result of European experience is that Convict Agricultural Labour in the field is on the whole more profitable than manufacturing. The farm of the Dartmoor Prison (though the year was an unfavourable one for which the return is made) paid £1,882 2s. 6d. to the general fund. The Bavarian Government has established five Agricultural and Industrial Prisons, whose workings are spoken of as most satisfactory, and as having produced a considerable diminution of re-committals. The Prison of Katchvain, in Thurgovia, receives the vagabonds of most of the adjacent Swiss Cantons, and pays all its expenses by the produce of labour without any State assistance, and in the Canton of Friburg, where the profits of labour are £1,200 from 120 prisoners, that is £10 per head, more than 9-10ths are produced by labour in the open air.

Now, to use the words of Mr. F. Hill: "When it is considered that every shilling that is withdrawn from the pockets of the honest portion of the community to pay for the support of criminals, adds to the difficulty of the honest in maintaining their own families, and to the risk therefore of their becoming reckless and falling into crime themselves, the importance of economy in the management of our prisons becomes manifest in a moral point of view. Fortunately it so happens that economy, instead of being opposed to the primary objects of Prison Discipline, is most essential to their attainment; the same industry and frugality which keep down the expense of a Prison being among the most effectual means of rendering the Prison deterring, and of reforming the offender. (Crime, p. 321.)

Motives of economy, had there been no other, would have forced the whole question of the transportation of convicts upon public attention, for while prisoners can be kept at home at a charge varying, according to management, from £5 to £30 per annum—on Dartmoor and in Portland the expense is £25—the cost of convicts transported to Tasmania was £35, and to Western Australia £41 per annum. But the growing unwillingness of our Colonial brethren to receive our convicts, has proceeded from repugnance to a resistance so impassioned as even to menace secession from the mother country should we persist in the policy of transportation. As Governor of Hong Kong, when the prison was overflowing with criminals of the worst character, I found a general—perhaps not an unnatural—indisposition on the part of other Governors to admit our felons, though the habits of the Chinese are laborious and economic, and there is no race more easily trained and controlled by judicious management. Only on two occasions could I obtain authority to dispatch convicts to work in the coal-mines of Labuan—a doom which to Europeans would be worse than death. As the difficulties increase which are associated with locating our criminals abroad, the necessity of considering how best to dispose of them at home is now more urgently forced upon us. The Circular of the Secretary of State, calling attention to the Act passed last Session, by which the minimum of penal servitude is extended to five years, and to seven in case of a previous conviction, adds to the responsibility of the magistracy in the very degree by which their power is increased, of making prison labour both reformatory and productive. "Reform," again to use the words of the excellent Recorder of Birmingham, "must now be accepted as the unswerving purpose of the treatment of criminals. They

must by prison instruction be aided to obtain employment. The convict must work his way through remunerative industry into the field of free labour." In a communication I have just received from this experienced magistrate, he states his conviction that under a proper system our gaols might be made self-supporting, and that "the saving to the public purse would be highly contributory to the diminution of crime;" and he repeats his conviction that in this country a well-devised system combining a profitable scheme of employment, with the great end of prison discipline—reformatory objects, has never had any—not to say a fair, trial. In a very instructive Paper read last year before the Law Amendment Society, Mr. Hill points out the three great instruments of prison reform. 1st, Punishment—which is to prove that crime produces more misery than results from well-doing; 2nd, Confinement—which secures society while the criminal is subject to that confinement; and 3rd, Reformation—which, after all though the most tedious, is the most important work. The chastening terrors of the Law have been too much looked to, and have been found sadly inoperative. Something more salutary, more corrective, will be discovered when discipline is made to improve and to develope what there may be of good even in the worst of our race.

The latest French writer on the Amelioration of Criminal Law, M. Marchangy, concludes his review of our English prison system by expressing his perfect concurrence with the Lord Chief Justice, that "we neither succeed in bringing about the reformation of the criminal, nor of producing on his mind that salutary fear of punishment which will keep him from crime, or intimidate by his example other misdoers."—Our Convicts, p. 167.

One of the prominent causes of the failure of the Ticket of Leave system has been, that it turns out upon the public so many criminals for whose reform our Prison Discipline has been wholly inefficient. They have learnt little new in the habits of industry; they have forgotten nothing old in the practice of crime.

The more satisfactory workings of the Irish system were exhibited in so much detail before the Transportation Committee of 1855-6, that it may be sufficient now to refer to the published evidence—more especially that of Sir Walter Crofton, and to the exceedingly interesting narrative of the "Visits to the Irish Convict-Prisons," laid before the Social Science Association at Dublin in 1861. The testimony of the Irish Attorney-General is

particularly impressive. The several Reports of the Directors of Convict Prisons in Ireland are full of instruction. Lord Stanley has well said that "the reformation of men can never be merely a mechanical process," it is only by moral influence that the better elements can be restored if they ever existed, or created if they had no existence before.

And here it may not be inappropriate to refer to a very interesting episode in the history of Prison Reform—that of the Panopticon project which was introduced under the auspices of Pitt, Dundas, Wilberforce, and other distinguished statesmen of the day. The scheme was thwarted after the contracts had been signed by the Treasury, as it was believed in consequence of the personal antipathy felt by George the Third towards the projector, Jeremy Bentham. By the agreement a prison was to be constructed by the Government for 1,000 convicts, at a cost of £30,000, which, at 5 per cent., constituted an annual charge of 80s. per head. On condition of having the labour of the prisoners at his disposal, Bentham undertook all the charges of the establishment at the yearly rate of £12 per prisoner. This was then considered as the first step to a general revolution in our Penitentiary establishments. Some mysterious influence interposed, and an Act of Parliament passed in 1813 giving to Bentham £23,000, as compensation for the violation of the Government engagement. What millions of money would have been saved to the national purse—what amount of crime and misery would have been prevented or diminished had the contract been carried out, it is now idle to speculate on. Bentham's estimate of the then value of Prison Labour was 6d. per day; it has since increased from 40 to 60 per cent. (say 9d. per day), which is about the average return in a well-managed continental Prison.

The Report made last year by the Lords Committee, of which the Earl of Carnarvon was the chairman, has revived public discussions on the subject of Prison Reform, and has already set many of our counties upon inquiries as to the means of correcting the now-allowed imperfections and short-comings in the administration of our Gaols. In the same county, for example, the prisoner confined in Bristol costs for his maintenance £31 8s. 8d., while the whole produce of Prison Labour, being nothing but oakum-picking, is £57; while in Gloucester the average cost is £24 12s. 10d., and the labour of Mat-making, Shoemaking and Tailoring gives £248. At Leeds, from 266 prisoners, the earnings are £782; and at Lewes, with 100 cells, the produce of labour

is £1,000 a-year, from Mat-making and Service. In our Industrial School—now in its infancy—with an average of 18 boys at the average age of 11, of whom one-third are too young to work, the clear profits have been £40, being £2 12s. 9d. for working boy; being twelve times as much as is gained by the convict men in the Gaol. In the Smithfield Prison (Ireland) Sir Walter Crofton reports that the profits (after deducting the cost of materials) are £17 yearly for prisoners, the principal trades being Tailoring, Shoemaking, Carpentering, Tinwork, &c. The prisoners work in association, and are allowed 6d. per week of their earnings. But the most satisfactory and instructive of the tables published in the Lords' Report is that which shows the beneficial influences of productive as contrasted with unproductive labour on re-committals—

Unremunerative—Treadmill and Oakum-picking, 5 years (1852 to 1856), prisoners, 3,702; re-committed, 1,136—or 30 per cent. Remunerative employment—1857 to 1861, prisoners, 3,119; re-committed, 728—23 per cent.

Lord Carnarvon has had the kindness to send me the Resolutions which he proposed for adoption by the Magistrates of Hampshire—

“They are of opinion that there are some changes that may be made which will secure a more effective discipline; but in any such changes they wish not only to give effect to the penal part of the system, but to see more fully developed those influences which may tend to the reformation of the prisoner. With this view they recognize both the discipline of hard labour, and the discipline which may be enforced under industrial work. Both may be made integral parts of a Prison system, but it is important to keep them separate. ‘Hard labour,’ properly so called, belongs to short sentences, to the earlier stages of long imprisonment, and to the correction of prison offences. It ought, in the opinion of the committee, never entirely to disappear from the system of penal discipline, but it may with advantage be allowed, as the sentence advances, to give place gradually to industrial work. The committee believe that reformation of conduct, wherever possible, must be tested by the practical proofs of an industrious disposition, rather than by professions of feeling, and in this sense of the word they would wish to see the reformatory principle not only carried out more fully in the later, but commenced in the earlier stages of imprisonment. They desire that from comparatively an early time the prisoner should understand that the system under which he is placed is a strictly progressive one,

that, in the successive stages of imprisonment, opportunities will be given him of proving his good intentions by the performance of actual work, and that it depends on himself to ameliorate his condition morally and materially."

No point is more strongly pressed, by experience both at home and abroad, than the necessity of great severity in cases of short sentences. Sir Walter Crofton recommends that when Prison Discipline is applied to persons condemned to imprisonment for six months, or less, the regime should be sharp and deterrent: Capt. Donatius O'Brien, the Prison Inspector, is in favour of the same division; and thinks that in the case of the shorter detentions labour should be a secondary consideration and discipline very severe. It would indeed seem deserving of serious consideration whether the system of short imprisonments ought not to be superseded by a legislation which should in every case allow time for the discipline of instruction, as well as that of punishment, to be applied to all offenders. "On no subject," says Mr. F. Hill, "are the governors of prisons more generally agreed than in the worthlessness of repeated short imprisonments; while the indirect expense to society in apprehensions and prosecutions, and yet more in the amount of property of which society is plundered in the intervals between the imprisonments, is great indeed." A short confinement may be insufficient for bringing about reformation, for establishing habits of industry, or for giving adequate instruction in any useful trade. The recollection of a prison to those who are condemned to a short experience of its penalties, should be painful and even intolerable. In the case of the minor and unprofessional criminal, productive labour might be made subordinate to punishment; while in cases of protracted imprisonment remunerative toil should become the instrument of reform and the recompense of evidenced improvement. The Swiss Report recommends absolute isolation by day and night, when imprisonment is of less than a year's duration, after which labour in company should be permitted by day; that the two categories of prisoners be placed in separate localities; and that all convicts be subjected to central inspection under the Panopticon system.

On the subject of solitary confinement, as applied to all prisoners, without any reference to the greater or less adaptation of that mode of punishment to individual cases, a great change is making way in public opinion, and gradually influencing Prison Discipline through the civilized world. It would be strange,

indeed, and altogether opposed to the teachings of experience, that the same remedy should be applicable to every disease, whether physical or moral. If solitude is sometimes proved to be beneficial as an instrument of reform, so may society be. Man—gregarious by nature—was not born to live alone; in seclusion, his vital energies droop and decay. There are few human beings upon whom the force of example may not be brought to bear. Placed in more immediate contact with rewarded industry its influence would often be found to be irresistible. One nation after another—the most inquiring—the most advanced—have abandoned the inexorable laws which condemned convicts to unbroken isolation, and in this country the highest authorities—under the evidence of facts, and of results—whose accuracy cannot be impugned, are declaring that in their judgment the system of solitary confinement ought to undergo great modifications. Mr. Frederick Hill, whose acquaintance with the whole field of prison inspection, must give great weight to his judgment, declares strongly against the system of *indiscriminate separation*, and shows that the “inherent errors” of that system, when blindly adhered to, are equally to be avoided with those which grow out of *indiscriminate association*. (Crime—Chap. VIII.)

Mr. Paige, Governor of the Prison at Leeds. says: “The health and general improvement of the prisoners have, in my opinion been much promoted by the modifications which we make in the separate system, by teaching the prisoners trades in classes, by employing them as much as possible in the open air, and by having occupations of a useful and active kind, and affording variety instead of being monotonous and uninteresting.” (p. 245.)

And Mr. Kingswell, the Chaplain of Pentonville, declares: “That the number of offences committed by those prisoners who, by the rules, are permitted to be placed more or less in association for cooking, baking, and the general services of the prison, has been remarkably small, and the conduct of those men in general, praiseworthy and exemplary.” (p. 246.)

On the general topic Mr. Hill says: “Were prisoners arranged and distributed, not according to the accident of borough and county boundaries, but according to the nature of their occupations and other real grounds of classification, the principle of employing prisoners in such way as will best create and maintain the power of earning an honest living, might be acted on fully. (p. 206.)

Again: "The basis of all good systems of prison discipline must, in my opinion, be work—steady, active, honourable work. It is by work alone that the great mass of mankind can honestly live; and unless prisoners acquire habits of industry, and a liking for some kind of labour, little hope can be entertained of their conduct after liberation." (p. 192.)

And he very judiciously inquires: "How is the habit of steady industry to be given but by associating with it pleasurable feelings and painful ones with idleness; by cultivating each prisoner's peculiar powers, so that he may follow an occupation for which nature has fitted him, and by accustoming him to the daily and punctual performance of a quantity of work, sufficient, when at large, to procure him a comfortable subsistence? But in most of the English prisons, which I have seen, little is at present done to meet those requirements. Ward labour is, at the outset, often made degrading instead of honourable, by forming part of the sentence of punishment awarded to some of the worst offenders.

Few of the prisoners are instructed in a trade, or have even an opportunity of exercising themselves in any which they may have learnt. Pain to a certain extent, certainly often follows the neglect of the work allotted, but the pain is artificial and irregular, and not as in the outward world, the natural consequence of idleness, in the loss, measured by the amount of work unperformed, of the necessaries or comforts of life; and however energetic and industrious a prisoner may be, the hope of reward, in being allowed to partake of the fruits of his industry, is scarcely ever open to him; indeed, it is for the most part systematically excluded." (p. 194.)

The National Reformatory Union, whose views were sanctioned at the last meeting of the Social Science Association, among other recommendations for a General Gaol Bill, which is now in the contemplation of Government, proposes that the employment of prisoners should as far as possible be productive; that sentences not exceeding 14 days should be passed on strict separate confinement on low diet and without hard labour; that the earlier part of sentences over 14 days should be subject to the the same condition, but that a system of progressive improvement in diet and labour dependent on the exertions and the deservings of the prisoner be introduced.

The Hampshire magistrates have placed their prisoners in five progressive classes, and in the Report of the Visiting Justices at

the last Michaelmas Sessions they bear this testimony to the beneficial effects of the changes introduced—

“They have every reason to be satisfied with the results of the new system. On the one hand penal labour has been greatly increased; industrial labour has been still more largely developed; indulgences have been curtailed, and ameliorations in the prisoner’s condition are made to depend upon his personal exertions; on the other hand the chaplain bears witness to the improved disposition on the part of the prisoners in the discharge of their work, and the more healthy tone of feeling which shows that the mind of the criminal is in more general alliance with his labour.”

The Visiting Justice entertain a most grateful sense of the efficient services rendered to them by Sir Walter Crofton, both in counsel and action, and I have reason to know that not in Winchester alone, but in many other parts of Her Majesty’s dominions, his practical suggestions are helping to work out a great and beneficial revolution in the whole system of Prison discipline and economy.

In the returns of Prison Labour there is a defect which ought to be corrected. They seldom shew the value of the work which is done on account of and for the services of the Prisons. A well regulated accountancy—such as exists in the Prisons of France and Belgium—ought to exhibit the amount of savings from Convict labour, whether employed within or sold without the Prison doors. There are few instruments of reform more valuable and more potent than a good system of book-keeping, by which every fact which can be represented by figures should be made known to the public. The very satisfactory changes which have slowly forced their way into all the departments of the Imperial Government, will no doubt gradually penetrate into our local institutions. Our multitudinous Joint Stock Companies, Banks, Railways, and other associations, are all tending to necessitate and to popularize improved plans of account-keeping, by which financial results shall be made more and more intelligible to those who are interested. The manner in which the books are kept, and the statements of receipts and expenditure in most of our establishments, are susceptible of many ameliorations, and the reports of our Gaols especially are by no means as instructive as they might be made, to enable the Magistracy and the public to judge of the operation, the failure, or the success of our schemes of Prison Discipline.

The returns of the Devon County Prison for the last five years give the following results :

	1860		1861		1862		1863		1864	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Daily number of Prisoners	191	23	201	29	190	35	169	39	165	37
	214		230		225		208		202	
Annual Cost per Prisoner...	£25	9 6	£24	10 2	£21	17 7	£24	1 10	£22	9 6
Receipts for Oakum picking	£23	9 3	£63	7 2	£50	18 8	£56	0 0	£50	10 11
Money received from other Sources of Labour.....	NIL.		NIL.		NIL.		NIL.		NIL.	

The cost of stones (Lime Stone and Flint) has hitherto averaged 6s. per ton ; when broken very small they are sold at 7s. 6d. per ton. The cost of hammers, &c., cannot be less than £10 to £12 per annum. The quantity of stones used varies considerably, but may for the last five years be stated at an average of 170 tons per annum. When sold, therefore, the cost is just covered ; the profit is none

The average of the above five years :

Prisoners ... ..	...	...	...	...	...	216
Annual Cost of each ... ..	...	...	...	...	...	£23 18 3
Receipts from Oakum Picking	...	...	...	...	...	47 13 2
" from all other sources of Labour	...	...	...	...	...	Nil
Annual Earning per Prisoner...	...	...	...	...	...	0 4 5
Daily ditto	...	...	...	...	...	... § of a farthing.

Thus the earnings of 216 persons in our County Prison do not exceed the average wages of two Agricultural labourers in our fields, or of a single Mechanic in our cities.

The County Magistracy has been frequently classed among the least teachable and least progressive of our British institutions ; and the slow progress of Reform in matters placed under their administration has too often justified the censure directed against them. A very observing and intellectual public functionary assures me that Governors of County Prisons had complained to him of the unwillingness of the Justices to concur in measures by which Gaols might be made self-supporting, and he thinks that if the Governors had themselves a pecuniary interest in the profits made by a judicious employment of Prison Labour, the results would be most beneficial to the common interests of society. But it is obvious the first—the needful—the all-important step—is to recognize the great principle that the Discipline of the Law, however needful to punish, ought to have the still higher object of mending the offender, and of restoring him to society a more prudent, a more instructed, and, as far as possible, in every respect a *better* man. To accomplish this important end classification is of paramount urgency. Any system which is founded upon the

theory that all offenders are moulded in a common type, and are to be treated with a common discipline, displays an utter ignorance of the infinite varieties of human character. The Legislature, indeed, can only deal with the mass, and establish some general principles, but the Magistrate has to deal with individuals every one of whom has a special claim upon his attention and his care.

If the evidence collected have served to settle the moral and reformatory question in favour of remuneratory labour, I can hardly better conclude than by presenting some of the pecuniary results which it is to be hoped might be anticipated from an improved system of Prison administration, and by contrasting the receipts of the Devon County Gaol with those of some of the best managed establishments in other localities, taking the same number of prisoners as the standard for 300 days' labour:—

	PER PRISONER.						TOTAL.			
	Daily profit.			Yearly profit.			£	s.	d.	
	£	s.	d.	£	s.	d.				
Devon County Gaol ...	0	0	1-6th	0	4	5	...	47	13	3
<i>Countries where labour is less valuable than in England—</i>										
Belgium	3	15	0	...	800	0	0
France (Mettray)	8	0	0	...	1,728	0	0
General Returns	9	10	10	...	2,072	0	0
Switzerland (Thurgovia	12	10	0	...	2,700	0	0
<i>British Prisons—</i>										
Scotland—Perth	3	2	4	...	673	0	0
Dundee	4	0	1	...	808	0	0
England—Millbank	4	17	6	...	1,053	0	0
Pentonville	5	0	0	...	1,086	0	0
(Panopticon)	2,260	0	0
Ireland—Smithfield	17	0	0	...	3,673	0	0
<i>In the United States of America where labour is more valuable.</i>										
Pennsylvania	17	10	0	...	3,780	0	0
New Hampshire	27	0	0	...	5,832	0	0

These facts in figures are submitted to the consideration of those who are disposed soberly and seriously to look into one of the most interesting of social inquiries. To diminish crime is to diminish misery, and effectively to promote the public peace and the general felicity. I have not a word to say to the careless and the contented who turn complacently away from such investigations, pouring out scorn on, or expressing indifference to, the results of diligent research, and denouncing all statistics as valueless. "They prove anything—they prove nothing!" My most cordial thanks are due to the many distinguished men who have favoured me with their contributions, and I rejoice to think that the freshening and purifying breezes of reform, which are visiting every part of the civilized world, are finding their way through our prison portals.

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