

## QUESTIONS DISCUSSED AT THE CONGRESS,

WITH THE DISCUSSIONS THEREON.<sup>1</sup>

### I.—*What ought to be the maximum number of prisoners or convicts detained in any prison?*

On Thursday, July 4th, Dr. E. C. WINES presided. Before the discussion of the first question he made the following remarks.

Ladies and Gentlemen: Called by the kindness of the International Committee to preside over this dignified assemblage, on this its first working day, while expressing my gratitude for so distinguished an honour, I beg to add a remark or two touching the occasion which has brought us together from so many different countries. This Congress is convoked in the interest of humanity, of civilisation. It is composed of thinkers and workers in one of the great departments of social science and social reform—representative men and women, gathered literally from the ends of the earth. We have here representatives of governments, of prison societies, of penal and reformatory institutions, of governing boards of penitentiary establishments, of high courts of criminal jurisdiction, of police boards, of associations of jurists, of the penal law departments of universities, and of the Academy of Moral and Political Sciences of the Institute of France. There are present also many other persons who, though not belonging to either of the categories named, have long been devoted to penitentiary and humanitarian studies, and who have brought their great knowledge and their great hearts to help us in our labours. The special work of this Congress is to study and, if possible, to solve the problems, as grave as they are difficult, involved in the treatment of crime and criminals. The Congress, composed as has been

<sup>1</sup> The programme of questions submitted to the Congress was framed on the principle of considering: *first*, questions relating to the prisoner before conviction; *second*, questions relating to the prisoner during the time of punishment; and *third*, questions relating to the prisoner after discharge. The International Committee appointed a separate speaker beforehand to open the discussion of each question.

explained, and embodying, therefore, representatively, the knowledge, experience, and wisdom of the world on this subject, has a great opportunity before it, great and full of promise. It is as great an opportunity as the noblest ambition could desire, but equally great is the responsibility which it brings with it; for let it be remembered that opportunity and duty are evermore correlative. God has joined them together, and man cannot put them asunder. The business of this Congress, if I conceive it aright, is, not to fritter away its time, strength, and zeal, in minute details, and especially not to give expression to a preference for one penitentiary system over others, but to agree upon certain broad principles and propositions which may be made to underlie, permeate, vivify, and, above all, to render fruitful any and all systems of criminal treatment. We have come together to give shape, point, and practical force to a great movement in favour of penitentiary reform, may I not almost say a great upheaval of the public conscience throughout the civilised world on this subject. Let us see to it, that we rise to the full height of our duty. Let us see to it that we give a wise direction, as we can hardly fail to impart a strong impulse, to the movement I have indicated. If we do not fail in this, as I feel sure we shall not, and if we follow up our present work with some permanent organization that shall perpetuate, enlarge, and intensify its results, it seems to me not an unreasonable hope that the next fifty years will see a progress in the methods and processes of criminal treatment, and especially in the principles and application of a reformatory prison discipline, which all the ages hitherto have scarcely witnessed.

Ladies and gentlemen of the Congress, let us address ourselves to our work with courage, resolution, intelligence, and, above all, with a hearty love of truth and a genuine brotherly accord, and we cannot doubt that the guidance and blessing of Heaven will attend our labours.

Herr Ekert (representative of Germany): The question which I have the honour of introducing before this distinguished assembly is not a new one, but it has been carefully considered by me in practice. During the many years I have had charge of a prison at Bruchsal, with 500 cells, and in which thousands of prisoners have been under my treatment, the question has been forced upon my attention. My duties have

included the economical details, labour, and finances. As president also for some time of the German Prison *Verein*, I have had an opportunity of obtaining information from all parts of the world on the reform of prison systems. That entire reform depends on the sufficiency of the measures taken for it. The more the security of a prison is required, the greater the demand upon it of an enlightened age; the less can this be effected if the number of inmates is made too large. The result is the same whether the justice of punishment or hope of reformation is considered. Without individualisation an effective treatment of prisoners is impossible, and the larger their number the less practicable is individual treatment. An increased number of subordinates does not answer the purpose. The Irish system in particular requires a searching treatment of every individual prisoner. After ascertaining the opinions of many competent authorities, and as the result also of my own researches, I think the number of 500 in a single prison should not be exceeded. The financial side of the question should not be made paramount. Where money considerations prevail, all reform too frequently comes to an end. However, the question for discussion does not embrace the cost of the reform. I think the number should be rather less than 500 than exceed it.

Sir John Bowring (Exeter) remarked that much money would be saved by gathering a large number of prisoners under one roof. Prison discipline, also, might be made much more efficient in the case of a large number. At present individual idiosyncrasy was too little attended to. The elements of improvement and the tendencies to deterioration ought to be considered in the treatment of a prisoner, and the larger the scale on which such observations were made the more valuable would be the results. Labour was more productive when carried on on a large scale, and moral influences were also more effective, just as a preacher was more likely to make an impression on a large congregation than on a small one, and just as instruction could be more easily communicated in universities than in smaller establishments. In China emulation was so keen that some actually died on entering into the competitive schools, knowing that, if successful, the highest honours awaited them. He had known the son of a man of

mean position rise to the highest position in the empire. Now large prisons gave the best scope for emulation and moral influence.

M. Vaucher Cremieux (representative of Switzerland) concurred with Herr Ekert. It was difficult to exercise supervision over a large number of prisoners, and the smaller the number in cellular prisons the more surveillance and good guardianship were facilitated. M. Demetz's opinion was that 300 or 400 was a sufficient number. As for convict establishments, the number should not exceed 1,000. It was obvious that with a large number labour was more productive and the cost of management smaller.

M. Stevens (representative of Belgium) admitted that large prisons were economical, but deprecated the question of expense being preferred to the reformation of criminals. The object should be to make the prisoner capable of becoming an honest citizen. A distinction, however, should be made between prisons and penitentiaries. He agreed with Herr Ekert that in the latter 500 should be the maximum. It was an onerous task to treat 500 men, and a smaller number would be better if the cellular system prevailed. Of course instruction was more costly in the case of a smaller number, and it was more difficult to carry on a variety of occupations. Some consideration should be given to this side of the question, but it should be subordinated to the reformation of the prisoners.

Dr. Mouat (late of India) had been for fifteen years inspector of prisons in the largest presidency of India, where such large numbers of persons had to be dealt with that this question had been looked at from every point of view. Excessive subdivision of prisons would be too costly even for the richest country; but, on the other hand, with a very large number of prisoners, individual treatment was impossible, and to send out a prisoner a better man than he came in was more important than financial considerations. He would make 1,000 the maximum, and mere supervision and general control ought not to cost more for 1,000 than for 500. The subordinate staff should of course be large enough to attend to the details and to the treatment of each prisoner. The Prison Committee of 1864 fixed the number in India at 1,000, partly on financial grounds, and also with a view to moral and disciplinary treatment.

Herr R. Petersen (representative of Norway) had been for thirteen years governor of the Christiana Penitentiary, where the average number of prisoners was 224. He had long thought that number too small, and agreed with Mr. Hepworth Dixon that large prisons could be more easily managed than small ones. With a small number of prisoners there was a tendency to go too much into detail and speak too much with them, whereas, as Dixon remarked, if we could not reform prisoners, we should be careful not to corrupt them. Prisons based on the separate system should have between 300 and 400 inmates.

The Hon. H. H. Leavitt (representative of Ohio, U.S.) said the Ohio Penitentiary contained 1,000 convicts. A large number in that instance appeared successful, for a most hopeful reformation was in progress.

Colonel T. H. Colville (governor of Coldbath Fields Prison for nearly eighteen years) had once nearly 2,200 persons under his charge, and had never had less than 1,500. One year he received 13,000 prisoners. He had found no difficulty in maintaining discipline, and a cheerfulness had prevailed which had often surprised him. A large prison was obviously more economical than six or ten small ones, especially in London, where the population was so great. All the advantages of smaller prisons ought also to be secured by a proper number of officials. No doubt, however, there was a tendency to be too economical and to limit the number of officials. Ten small prisons would have ten schoolmasters, but at Coldbath Fields there was only one for the men. Much must depend on the circumstances of the locality: a prison for 2,000 inmates would be as absurd for Rutland as one for 200 in London.

Dr. Frey (representative of Austria) thought it impossible to fix a precise number. The great question was how far the governor would be able to come into personal contact with each prisoner. If, as in Austria, he was free from all economical matters, and had nothing to do but watch the prisoners, and see that they were well treated, he could attend to a large number; but if he had other duties the number must be much smaller. The number also depended on the degree of culture of the prisoners: the higher the degree the larger the number might be.

On the reception of the official report of the discussion,—

Mr. Frederic Hill contended that there might be individual treatment in a large prison. At Mettray the number was very large, but the inmates were portioned out in small groups, with a person at the head of each. The Glasgow prison, when he was acquainted with it, had many hundreds, but there was individual treatment.

Mrs. Janney (Ohio, U.S.) said the Ohio authorities thought 600 the most suitable number. A governor who was a man of a religious nature and moral influence could not become individually acquainted with 1,000.

Mr. J. A. Foote (Ohio) said in American reform schools large numbers had been found most effective. Personal inspection was compatible with this.

General Pilsbury (Albany, New York), was for 500 or 600. If the number at Albany was increased to 1,000 he should not be able to give individual attention.

Professor Foynitsky (St. Petersburg) thought individual treatment should not be sacrificed to financial considerations. In the case of a large prison there should be several governors, each taking charge of a certain number and conferring together.

Baron von Holtzendorff (Berlin) considered number dependent on the system of management. In a cellular prison 500 should be the maximum, and perhaps 300 would be better, but public works prisons might have 600 or 1,000.

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II.—*Ought classification of prisoners according to character to be considered as the principal basis of any penitentiary system, whether associated or separate?*

Councillor E. d'Alinge (Saxony): The criminal is a moral invalid whom we desire to help. This help we can only render by interrupting his course of action, directed as it had been against the welfare of society, with the sentence of the law, and also by endeavouring to prevent a future relapse in the carrying out of that sentence. The question arises what have we to do in order to attain this end? During the carrying out of the sentence we shall have to take care to ascertain the moral failing which prompted his criminal course of action;

we have next to employ means adequate for the removal of this failing: and, finally, we have to provide the convalescent with the full power of resisting, by dint of his own efforts, a relapse. This achieved, the morally sick is restored to health, to temporal and spiritual salvation. Such restoration is the object aimed at by those to whom the carrying out of the law is entrusted. It will be asked by what means is this to be achieved? Surely not by a system of punishment, nor by collective or cellular imprisonment; neither the progressive nor any other system alone will improve the prisoner. The only effective means are instruction and education, if by the classification of the individual they are made thoroughly available. The first problem of the penitentiary authorities, then, is to obtain as clear an image as possible of the mental and moral condition of the prisoner. The obtaining of such an image is fraught with more or less difficulty, according to the degree of which the detained individuals may be classed under two heads:—1. Those in which such an image or delineation is at once patent to the practised eye of the official; and 2. Those in which this cannot be done at once.

Those under the first head can be there and then psychologically and pedagogically disposed of; the place best for their education will be readily found. Those under the second head must be isolated and watched until they are understood and can also be placed. What is it that we ascertain by these diagnoses?

Evidently one thing or another. Either we find that the prisoners are morally so depraved as to render their power of will for the exercise of that which is good equal to zero—and in this case another will has to be substituted for their own—or they have sufficient power left to rouse themselves and to strike out a better path on the strength of their spontaneous resolve. To one of the former class we say: ‘*You shall* become a better man;’ those in the latter say, ‘*I will* become a better man.’ Both classes must, of course, be subjected to the same laws and regulations, and it is consequently difficult to ascertain exactly how much is affected by the law, and how much by the will of the individual. It appears, hence, necessary to establish conditions which will allow a safer judgment on these points, and to submit to these, those prisoners on

whom we believe to have operated with success. Thus the inmates of a penitentiary naturally divide themselves into three sections, which are best designated as disciplinary classes. Those who show little or no inclination to meet the educational endeavours of the authorities, and especially those who by relapses distinctly betray a deficiency of will, only turning to at the words ‘*You shall,*’ form the *third* disciplinary class or the lowest grade. Those who, with the thought ‘*I will* be better’ in their minds, co-operate readily with the exertions of the authorities in raising their moral culture, and who, with a determined will and all their strength, profit by the means placed at their disposal, form the *second* disciplinary class. Those, lastly, who for some time have worked at their improvement, and justify a hope of steady progress on their return into society, form the *first* disciplinary class. Such classification, of course, excludes the idea of being laid down as an exact pattern for every prison system, and it demands of the managers a course of action similar to that of the physician. He treats in an operative, curative, and dietetic manner; and they have, likewise, by the employment of adequate modifications of prison discipline and educational agencies at their command, to treat the prisoner operatively, curatively, and dietetically. Such a classification, based on true psychological individualisation, will and must, in every prison system, work to the highest benefit of the detained, and, in consequence, improve the political condition of the country adopting it.

Herr d’Alinge added that in Saxony prisoners are separated into three classes—the first a very strict one; the second somewhat milder, which the prisoner enters on showing a desire to do better; and the third still more lenient, entered when he has shown that that desire for improvement is an earnest one. This system has been applied to 50,000 prisoners with the greatest success.

M. Stevens (representative of Belgium) thought classification extremely difficult. External good conduct could be judged of, but how could the conscience be searched? The Creator alone could do this. In Belgium there were three classes in the congregate prisons, the good, the bad, and the indifferent, but the classification depended only on external conduct.



Dr. Mouat said the universal opinion of prison officers in India, of whom sixty were under his control, was that moral classification was impossible. The greatest hypocrite was probably the greatest blackguard in the prison. Prisoners did their best to conceal their real character, lest they should incur harsher treatment. A moral barometer was a chimera.

Mr. William Tallack was of opinion that there was a great want of classification in our convict prisons with respect to the semi-lunatic and semi-imbecile. Three months ago, on visiting Spike Island, he found forty or fifty semi-imbecile convicts so weak-minded that they could not be left to themselves at night. The governor and Roman Catholic chaplain complained to him of such men being mixed up with the other convicts. At Millbank a few years ago he remarked some cells with the walls padded with matting to prevent poor fellows from dashing their heads against the wall. Surely these men were not fit for the extremely penal treatment of a convict prison. He agreed with Dr. Mouat that moral classification was impossible, and this was one of the strongest arguments for the cellular, not solitary, Belgian system, under which every prisoner was a class by himself.

The Right Hon. Sir Walter Crofton, C.B., said Spike Island was not a prison at all in a strict sense, but a barrack utilised for the prison service. It was true there were some semi-lunatics there, confined in a certain part of the place under medical supervision; but when certified as lunatics by two medical officers, they were removed to an asylum. The utmost care was shown them, both at Spike Island and Millbank. No doubt any governor would rather be without such men, involving great trouble and responsibility, and it would be much pleasanter to have a separate building for them, but the question of expense had to be considered. If they could be properly cared for in a portion of a prison, no great abuse could arise, and the very fact of padded rooms showed the care taken that they should not injure themselves.

Dr. H. Marquardsen (Germany), as professor of laws, had paid some attention to prison discipline, and, as a member of the Reichstag, had to take part in enacting laws. He did not believe moral classification was practicable. No doubt any system of classification was better than none at all, but he did

not believe in classification only, and this was the opinion of high authorities in Germany. The cellular system was the sole basis of classification.

Mr. Serjeant Cox remarked that a person committing manslaughter, or any serious crime under sudden passion, though probably much superior morally to the habitual thief, received a much severer sentence. Crimes of violence, the result of temptation or passion, were punished severely, as being dangerous to the community, though not of themselves indicating great moral depravity, whereas petty criminals were often thoroughly depraved. It was monstrous that the two classes should be treated alike in prison; and however rude the classification, it would be better than none at all.

Colonel Ratcliff thought a distinction should be drawn between convict prisons and petty sessions prisons. In the latter, with prisoners under a few weeks' or months' sentences, classification was out of the question. In the former, classification could be arranged.

Baron von Holtzendorff (Berlin) argued that Herr d'Alinge's practical experience had refuted the allegation of impossibility. Isolation and the cellular system had arisen from the alleged impossibility of classification; but the progressive system involved classification, and the problem had been solved by Germany, and, to a certain extent, by Sir W. Crofton's system. The mark system was a self-acting method of classification according to behaviour. God alone could gauge the inner man, but the outer man could be tested by behaviour and industry. If he played the hypocrite, he must be left to God. He did not know how much of the success of classification in Saxony depended on Herr d'Alinge's personal character and ability. Perhaps the system could not be made general.

Dr. J. B. Bittinger (Pennsylvania, U.S.) urged that prison discipline had always been based on classification. First sexes and ages were classified, and then there was a succession of prisons, from the most lenient reformatories to the most severe convict prisons. The man who had committed a crime in hot blood, or while intoxicated, and the habitual criminal, ought not to be treated alike in prison. The latter was hopeless, crime being his profession; while the former was the victim of misfortune. A sense of justice was essential to reform; and if

they were put on the same footing, the pickpocket would despise justice, while the other would resent being made a felon. Surely a governor knew whether a prisoner gave evidence of reform, just as an employer knew the character of his men.

Herr d'Alinge could have shown the practicability of the system had more time been allowed him. He could understand gentlemen dealing with 2,000 or 3,000 prisoners not agreeing with him, but he could not understand how M. Stevens, who adopted a smaller number, could think classification impossible. In everyday life, at home, at school, in the streets, classification was constantly going on. Why, then, could it not be carried out in prison?

M. Stevens said he had been misunderstood. There were two kinds of classification—the first based on obedience and submission and industry; the second on moral disposition, which was more difficult, for God alone could penetrate the soul. In Belgium two systems were recognised, one based on external conduct, the other on moral conduct, which was judged of at the end of the year, and was a much more doubtful matter.

Dr. Mouat, in reporting upon the discussion, says: The discussion of character as the principal basis of classification in any penitentiary system was considered from two points of view: the one, that it was impossible to determine the exact value of an unknown quantity and of a quality so difficult to gauge with precision as to render any conclusions based upon it doubtful and uncertain. The other that, as the morality of a crime and a criminal has an intimate relation to the judicial sentence awarded to it and to him, there should be no difficulty in dealing with sentenced prisoners in a similar manner. The general tone of the discussion appeared to indicate that classification, however imperfect, was preferable to an entire absence of it; that criminals who made crime a calling, and preyed upon society, and whose low moral status was determined by those conditions, should be placed in an entirely different category from those whose crimes were due to sudden, uncontrollable impulses, and were not the result of a degraded nature and a vicious course of life. The system of observation after imprisonment, by which the prisoner controls and guides his own treatment, and the class in which he is placed, was in the main approved. There was also a tolerably general consensus that,

as individualisation is the basis of all moral treatment and amendment, so each individual should be treated as much as possible as a separate entity. That for good conduct, industry, obedience, and other external and manifest indications of amendment, the prisoner should receive due credit and be classed accordingly, but that too great stress should not be placed upon them as indicating real reformation, inasmuch as that is a point of conscience between him and his Maker which cannot be determined absolutely by any human means. Likewise, that classification in convict prisons and houses of detention and correction for minor offences must be treated in a different manner, with special reference to the very different circumstances of the persons in each of them.

### III.—*Should the prison system be regulated by legislative act?*

M. Stevens (Belgium): This question requires an affirmative answer. Since the law fixes punishments, and clearly determines their character, it is also the only means each country has for securing a uniform execution of the sentences it pronounces. The law must not only impose imprisonment, reclusion, hard labour, &c., it must also clearly specify in what these punishments consist. In a word, the character of the punishment ought to have the same certainty and uniformity as the law itself, in virtue of which it is inflicted. Prisoners should be placed under the direction of a central authority. The regulations of the public administration would determine the prison administration, the mode of surveillance, and the moral and material treatment to be adopted in conformity with the law, or would leave a certain latitude to the executive authority, making, however obligatory, a due regard for the principles fixed by the law. When prison treatment is not regulated by law, this latitude is very great, and might be made an excuse for arbitrary management, if the administration was disposed to abuse its power.

Baron Mackay (representative of Holland) agreed with M. Stevens that legislation should lay down principles of prison discipline. To use an English phrase, they should be settled by Act of Parliament and not by Orders in Council. In Holland

the law determined the way in which a prisoner should be locked up in his cell, leaving details only to the authorities. There was no subject on which information was more rapidly increasing than prison treatment, and it was undesirable for legislation to enter into details, which could not then be easily altered from time to time.

Mr. Frederic Hill, as a former inspector of prisons, had seen the working both of the English system, in which legislation had laid down a great many details, and of the Scotch, in which the plan suggested by M. Stevens was adopted. The Government instructed him to draft a bill regulating Scotch prisons, and in it he laid down principles, leaving all details to those entrusted with the management, who could make alterations from time to time as experience suggested. The working of this was far superior to the English system, which fettered the officials too much. Of course there should be persons to superintend the working of each responsible to Government and Parliament.

Dr. Mouat said the Indian system approximated to the Scotch. Mr. Fitzjames Stephen, in drawing up the Prison Act of 1870, confined himself to general principles, leaving details and the framing of rules to the local authorities. Minute rules should not be embodied in Acts, for laws could not be changed every week, whereas details left to skilled authorities could be altered whenever required.

Baron von Holtzendorff (Berlin) said the German Reichstag had taken the same view. The criminal code had hitherto given only the names of different kinds of punishment, and it required generally that convicts in houses of correction should be kept to labour, but this was permissive, not obligatory. The Reichstag had asked the Government to frame a rule defining each kind of imprisonment. While in England there were a variety of prison disciplines, the administration of county and borough gaols being largely left to the local authorities; in Germany, and especially in Prussia, all regulations for local prisons emanated from the Government. There was consequently great uniformity, and no such difference could exist as prevailed in England between gaols and convict prisons. Some governors had no confidence in any system but their own, and it was necessary to put some restraint on them. Legislature

ought to decide whether corporal punishment should be inflicted, and not leave it, as in Germany, to the discretion of the governor. It should also lay down the maximum and minimum severity, but leave the application of it to the governors. In the Grand Duchy of Baden the law is laid down that for a specified time a prisoner should be treated on the cellular system.

Signor Beltrani Scalia (representative of Italy) stated that in Italy, for a long time past, the law had laid down principles, and left the execution of them to the authorities.

Mr. G. W. Hastings, as a delegate from the Worcestershire quarter sessions, objected to any attempt to obtain the benefit of a uniform system by sacrificing local action, and that diversity of experiment which was the only way of arriving at the best treatment. It was impossible to say what was the best system of prison administration under all circumstances, in all countries, or even in all parts of countries. It was necessary for the Legislature to lay down certain broad principles, but within those limits entire liberty should be left to local administration. Valuable experiments in county prisons in times past had led to improvement in the whole of our prison system. Wakefield, for instance, had formerly a better system of discipline than prevailed in county prisons, or even in the Government prisons. Under a stereotyped system which fettered the administrators, its faults—and there would certainly be some—would be without hope of remedy, whereas, by room for experiment and diversity of action, a much better system would ultimately be arrived at. He trusted efforts would be made to obtain an interchange of experience and information among visiting justices, as had been effected by Mr. Baker among boards of guardians.

Mr. T. B. L. Baker (Gloucester), as one of the early founders of reformatories, went on for some years without help or guidance from the State. The Home Office offered assistance, and proposed inspection. To this he acceded as a very proper condition, but he objected to interference with his work, and asked that it should be judged by its results. If boys went on well after leaving the institution, and crime of that class diminished, the reformatory should be judged by that, and not by the size of the beds or rooms. Prisons should be treated in the same way. If they would keep an account not only of

the antecedents, but of the *subsequents* of prisoners, and of the amount of crime in the country, taking due care, of course, of the prisoners' health, they should be judged by this and not by the size of cells, the shape of the prison, rules as to diet, &c. This plan had worked well with reformatories.

M. Berden (representative of Belgium) supported the view of his colleague, M. Stevens. In Belgium a special law, a modification of the Code Napoléon, laid down the principles of prison administration, but left sufficient discretion to prison authorities to deal with individuals as circumstances might dictate. Two systems existed, the cellular and the mixed, but most of the congregate prisons were being adapted to the separate system, to which the Legislature had given the preference as more repressive and reformatory. Good conduct enabled prisoners to obtain a reduction of their term of imprisonment. Prisoners who, from ill-health or other causes, were unfit for the cellular system, were not subjected to it; for those subjected to it the law gave general directions which worked well, being sufficiently elastic.

M. Ploos van Amstel (representative of Holland) reports: There was general agreement with M. Stevens's observations, and according to the communications received from England, India, Germany, Italy, Belgium, and Holland, law regulates the penitentiary treatment. According, however, to the speakers, the law should not engage itself too much with details, as this would obstruct useful and necessary improvements. It was remarked that a rule can be much more easily altered than a law, and that it was impossible not to fetter the authorities too lightly.

#### IV.—*Ought corporal punishment to be admitted in the disciplinary code of a penitentiary system?*

M. Stevens (Belgium). To this question is given a negative answer. Corporal punishments tend to brutalise the prisoners. There are undoubtedly among them some natures so vicious that severe means are necessary for their restraint. But the punishment should never be of a brutal, but always of a moral nature. Bastinado and flagellation can never open a road to a

man's heart. Such punishments, as a French workman said, can only affect the hide of a prisoner while degrading him to the level of the brutes. In matters of punishment as in matters of discipline, it is important not to misapprehend the part punishment plays, to distinguish clearly the means from the end. The means consist of punishment at once severe and benevolent: the end is the reformation of the culprit, which will be certain in proportion as moral influence predominates over mere fear of chastisement. Those who use such chastisements as leave in the heart only sentiments of hatred and vengeance, may be reproached with having neglected to use in due time those moral and religious influences which alone are able to lead men to obedience and duty. It is an error to believe that all prisoners are for ever lost as regards an honest life, and that they can only be governed by severity. It is for this reason that all our disciplinary measures should bear the impress of humanity. We ought never to forget that only too great a number of prisoners are undergoing their first sentence, or are poor neglected children cast on the world without education and without support, or are ignorant men. Experience has proved that good discipline can be maintained without frequent recourse to punishments, and that many prisoners are led to obedience by the moderation and justice displayed towards them by the administration. It may be remarked, in conclusion, that in Belgium the prison regulations do not allow any kind of corporal punishment, and any officer striking a prisoner, except indeed in self-defence, would lose his situation.

Major Du Cane (Director of English Prisons) remarked that corporal punishment was familiar to all from infancy, and had existed in all ages of the world. Prisoners were not persons of refined and delicate feelings, whose moral natures were easily influenced, but persons who had to be reduced by discipline to a proper frame of mind. He believed it would be impossible to preserve discipline and to protect the officers—a few men amid large bodies of prisoners, many of turbulent dispositions—without the fear of corporal punishment. Voltaire had said of the abolition of capital punishment, 'Let the assassins begin it;' and he would say the same of corporal punishment. When criminals abstained from the use of their fists or of deadly weapons, flogging might be remitted, but till then it could not

be given up. Moreover, he had known prisoners acknowledge that but for flogging they would not have become tractable and reformed characters.

Dr. Mouat said, in Indian prisons, owing to their imperfect construction, the cane had been much more largely employed than the sugar extracted from it. He would restrict it to those who were so degraded and brutalised that the lash alone would compel them to good behaviour. In one gaol under his charge there were one hundred military prisoners. They resisted every means of discipline in their regiments: the abolition of flogging in the army made them unmanageable, and they came into his hands. They took possession of the prison as it were by force, and being strong men in the prime of life, the governor said it was hopeless for him and his small staff to manage them unless their physical natures were appealed to. He (Dr. M.) accordingly went down, paraded them, and read out their character rolls. The first was Timothy M'Carthy, described as 'without exception the greatest blackguard in the British army.' He called him to the front and asked him whether that was a correct description of him. He replied, 'It's my portrait, but it's not painted by myself.' He told him, 'You cannot deny that you are a great blackguard. If you resist the authorities in the prison, there is only one argument, and I must apply it to your back.' 'Have you the power?' he asked. 'Why do you doubt it?' 'Because in the articles of war flogging is abolished, and I am a soldier.' 'No, you are no longer under military rule.' He read him the law and gave him five minutes for reflection, telling him if he did not then change his character, the cane and he must become intimately acquainted. After five minutes the man saluted him and said, 'Sir, I give in.' It was not necessary to flog him, but without this power discipline could not have been maintained in the prison for an hour. He agreed that moral means should be pushed to the utmost, and that flogging should be resorted to only in very exceptional cases, but it was necessary to possess the power. The law awarded it for brutal assaults on women and garotting, and crimes of that class had consequently been almost extinguished. In jealously guarded cases he would retain the power, in the hope that this would render its exercise unnecessary.

Mr. Clarke Aspinall (Liverpool) observed that apparent was not always real philanthropy, and that in these days of moral suasion it must not be forgotten that punishment was meant to be deterrent as well as corrective. He was for resorting to corporal punishment where every other agency failed. Wife and women beaters deserved the lash, and in the majority of cases no other punishment had any effect. Could anyone see the blackened eyes, discoloured flesh, and crippled forms of wretched women and children, he would say that the monsters who produced these deserved corporal punishment.

Privy Councillor Steinmann (representative of Prussia) did not wish to quarrel with those who advocated corporal punishment in England, not knowing enough of its prisons and prisoners to say whether it could be dispensed with or not, but his experience in Germany led him to believe that every lash, instead of benefitting a prisoner, increased his bitterness against the authorities and society. Corporal punishment ought to be abolished in every civilised country.

Mr. W. Shepherd (governor for forty years of the West Riding prison, with an average of 1,000 inmates) stated that for thirty years no corporal punishment was inflicted there for prison offences. He doubted whether in cases where it was inflicted every other means had first been tried. There were in that prison as few punishments of any description as in any prison in the kingdom. He advocated total remission. Up to his resignation six years ago he remarked that nearly every prisoner subjected to corporal punishment returned to the prison again.

Baron von Holtzendorff (Berlin) said corporal punishment had been abolished in Baden and Bavaria without any inconvenient results. What could be done there—and in every community there were some brutal persons—he hoped would be done in England.

M. Stevens, having been cradled in a gaol, and all his life connected with prisons, maintained that physical instrumentalities were improper. Moral means were sufficient, if properly applied. In his country corporal punishment was not authorised by the law, and any official resorting to it would be dismissed. Instead of reforming men it made them savage.

It was not by the lash that men could be taught to love and respect women, but by moral agencies.

On the reception of the official report of the discussion, Dr. Marquardsen (Erlangen) said the question was discussed in Bavaria some years ago, the result being that corporal punishment was abandoned both as a punishment for crimes and as a part of prison discipline. The respect and obedience shown by prisoners had since greatly increased, breaches of discipline had diminished, and no prison authority desired the revival of the practice. The committee of the Reichstag, of which he had been a member, charged with the framing of a military code for Germany, had also set aside corporal punishment, so that not a blow would be struck in the whole empire.

Dr. Frey, as the governor of a prison with many hundred inmates, stated that in Austria the lash was abolished in 1866, experience having shown that it was demoralising. It deprived the prisoner of that self-esteem which formed the basis of his moral improvement, and the strictest discipline might be maintained by other means.

Dr. Guillaume (representative of Switzerland) said it was also being abolished in Switzerland, as inadvisable both in the home, the school, and the prison.

Major Fulford had had to deal for twenty-three years with the ironstone workers of Staffordshire, than whom a rougher and more degraded class could not be found in England. It would be impossible to manage them without the threat of corporal punishment, but it was resorted to as rarely as possible, and always made him ill, as he had to be present. Some years ago a young man was sentenced to two years' imprisonment for robbing and nearly killing with a pickaxe a fellow-worker. One morning he appeared perfectly mad, broke everything in his cell, tore up his clothes, and threatened to kill the first man who entered. He went to him, told him he would be flogged for what he had done, and ordered him to pick up the things. He refused. He accordingly told him he would have nothing to eat or drink till he did so, and locked him up, telling him to send as soon as he wanted anything. After forty-eight hours the man sent for him, and said 'I'm that clemmed, I can't stand it.' On being told to pick the things up, he did so. He was reported to the visiting justices,

who ordered him twenty-four lashes. It was his custom to have this done in the presence of all the prisoners, and the reason explained to them. The man remained for two years without having another bad mark against him, being uniformly well behaved, and returned to work as a navvy. On meeting him four or five years afterwards in another part of the county, he offered his hand to shake hands: 'Then you don't owe me any grudge for that flogging?' 'Not I. I was a damned fool.' Tender-hearted and refined people must not attribute their own feelings to these people. Bill Sykes, the habitual thief or wife-beater, thought nothing of the disgrace of imprisonment; he only cared for the stripes he received. The power was not exercised once in a twelvemonth, but do not let warders in Staffordshire and Lancashire be at the mercy of these people by taking away the power.

Mr. W. H. Wills, as governor of Nottingham prison, agreed with Major Fulford. Flogging was rarely administered, but it was a useful power.

Mrs. Julia Ward Howe (Boston, U.S.) remarked that in the case described by Major Fulford the submission was effected before the punishment was inflicted. It was striking a man who was already down. The only thing to be said for flogging was that it was a time-saving process. Reasoning would gain the same result in time, and parents were getting to prefer the slower but more permanent process in schools. No brutally ill-treated woman would thank the prison officials for sending her husband home in a more brutalised condition. She would not tell any criminal, 'You are a brute.' He knew that himself. 'She would say, 'You are God's child; you are a human being made in God's image; don't dishonour it; and no matter what you have done, I cannot dishonour it in you.'

Mr. F. Hill agreed with Mrs. Howe that Major Fulford had completed his victory before the corporal punishment was inflicted. That punishment too was ordered by the visiting justices, making a very different effect on the mind of the prisoner to the effect of an order from the governor himself. There could not be a better conducted prison than Wakefield, and for at least seven years it was not practised in a single prison in Scotland under his care. He then heard no governor express a wish for the power of inflicting it, and other punishments were

less frequent in Scotland than in England. On going to Elgin thirty-seven years ago, the keeper of the prison told him a powerful man had barricaded himself in his cell. His notion was to send for a number of men and force it; but he (Mr. H.) advised him to let the man be without food till he himself asked him to enter. The result was that the prisoner submitted.

The Hon. J. R. Chandler (Pennsylvania, U.S.) said the laws of Pennsylvania did not prohibit flogging, but public opinion had so long been ahead of the law that its enforcement would astonish the people. Twelve years ago, on being deputed to inspect prisons, he found in one a remnant of barbarity, a *douche*, but no prisoner had been submitted to it for years. The warden of the eastern penitentiary told him of his having entered the cell of a rebellious prisoner whom he melted by reason; and who was afterwards perfectly well-conducted. It was the old fable of the sun and the wind. Kindness and Christian affection were worth twenty rods and a thousand *douche* baths.

The Chairman (Mr. Hastings) was glad to say corporal punishment was not inflicted in the county prison of which he was a visiting justice. A few months ago there was a case of very violent behaviour, and at the visiting justices' meeting it was proposed to flog the man. He suggested that the man should be sent for, remonstrated with, and told that if he would only submit to the regulations, which he must see was the best course, he would not be punished. This was done; the man promised to obey orders, and, as far as he knew, had since done so. He had not had sufficient experience to say flogging should never be resorted to, but the preponderance of arguments and experience at this Congress seemed against it, and he hoped visiting justices would consider whether, in some cases at least, it could not be dispensed with. As Mrs. Howe said, when a man had submitted, was it not time to release him from punishment?

V.—*What should be the kind and limit of instruction for reformatory treatment applied to convicts?*

M. Stevens (Belgium): The means of moral influence should consist chiefly in education. The scholastic should comprise

reading, writing, arithmetic, the elements of grammar, history, geography, geometry, and linear drawing, especially in relation to trades and useful arts. Illiterate prisoners should be the objects of special care, and should be taught reading with the smallest possible delay, that they may participate in the moral influence exercised by the library, and that their minds may be usefully occupied in the intervals of leisure and on holidays. It is important to give a vigorous impulse to primary instruction in prisons since public instruction has received so great an extension. Those leaving prison ought at least to know the indispensable elements of primary instruction. As regards the moral education of prisoners, special instruction ought to be given for this object in school by the teacher. It should especially inculcate the performance of social duties. It may be given as direct instruction or in the form of dialogues. From fifteen to twenty minutes should be devoted to it on every attendance at class. This instruction ought to review the principal existing vices of society, and demonstrate their sad and shameful consequences. Alternately the teaching should be based on the virtue opposed to the particular vice discussed at the preceding lesson, and should set forth the beauty of virtue and the moral and material advantages which arise from it and are enjoyed by those who practise it. Finally, an explanation should be given of the life a man ought to lead in society, and how it must be based on industry, morality, and religion. Other lessons will be given on the most frequent violations of the penal code, especially noting such crimes as robbery, swindling, rape, indecent assaults, assassination, murder, violence, &c. In all moral instruction, an effort should be made to develop the sentiments of justice, family affection, and patriotism. Next comes religious education. By this is understood the special religious instruction given by the ministers of each faith to the prisoners attached to it, who are ignorant of the essential truths of religion. This instruction is not to be confounded with the moral instruction, or with the religious instruction given by the chaplains to the prisoners in general. The exercise of worship and religious instruction demands a most careful organization. The sentiment of religion is deemed the last and strongest influence in a penitentiary education. In Belgium, the prisoners of the various



creeds receive the religious teaching of ministers of their respective communions. When a Dissenter is imprisoned in a locality where a minister of his religion does not reside, the administration is always ready to pay the expense of bringing one for him from a distance. All Roman Catholics must desire that the same aid should be extended to their co-religionists, both on the Continent, in England, and America. Lastly, I mention professional education. This part of his education is intended to teach the prisoner a trade, if he has not already learnt one, by the aid of which he may earn his living on his liberation. Consequently, in the workshops more care is taken to teach him his trade thoroughly than to make his labour productive. It is certainly very important to effect the moral reformation of prisoners, but it is equally as important to give liberated prisoners the power of supporting themselves and of taking their place among other workmen. The professional apprenticeship of prisoners should in no case be sacrificed to the pretended necessity of introducing into the prisons such works as are profitable to the State. The labour should be so organized as to be advantageous rather to the future of the prisoner than to the Treasury. Work is undertaken in prison to make the punishment more efficient as a moral and reformatory agent. The moral, not the financial result of industrial labour, is mainly to be kept in view.

Mrs. Elizabeth Chase, a member of the Prison Board of Rhode Island, agreed with M. Stevens that if moral instruction was given, there would be no necessity for corporal punishment.

Mr. W. Tallack rejoiced that county and borough authorities were becoming alive to the importance of teaching prisoners trades. Moral and religious instruction should not be subordinated to industrial labour, as was done by the Prison Act of 1865. Ninety-five out of every hundred prisoners could not read or write, and it was only common justice to teach them. If not, how were they to study the Bible? The Act shelved religious instruction till the evening, when the prisoners were exhausted. At Portland there were opportunities every day of study, but very little instruction, the prisoners only meeting in class an hour a week. Even at Lusk he was surprised to hear that a large proportion of the prisoners, after spending five or ten years at Spike Island and Mountjoy, were unable to

read and write. At Spike Island, nearly all the time was spent in working in gangs, like Carolina slaves, corrupting one another, so that at the end of the day they were little fit for secular and religious instruction. Part of the morning or middle of the day should be devoted to this. Mr. Merry, a Berkshire magistrate, deprecated exclusive industrial labour, maintaining that silent congregate labour left the head empty, and the heart hard.

Dr. Varrentrapp (Frankfort-on-Maine) remarked that the object of secular instruction should be not merely to enable prisoners to earn on honest living, but to preserve their physical and mental equilibrium. A weak prisoner, who had to be made a tailor, required the open air and gymnastic exercises, and there ought to be no limit to secular instruction. After reading and writing well, a prisoner should be carried on to the higher stages of arithmetic, and have his mind exercised. He might, as in some cellular prisons, having to perform a certain task a week, be allowed to do it at what hours he liked, leaving him free to study as long as he chose.

Mr. H. T. M'Farlane said every care was taken in Irish prisons to provide first for religious and then for industrial and literary instruction. He was surprised to hear Mr. Tallack's statement as to Lusk, for the prisoners there showed him their account-books, showing the amount they were to receive on leaving. A discharged prisoner once waited on him as Chairman of the North Dublin Guardians, to tell him he was going to America, having saved 30*l*. He was well-educated, and his children had been educated in the workhouse. He doubted whether it was well for prisoners to be thus better off than the majority of labourers. At Mountjoy the classes took their turn of instruction from 9 A.M. to 3 P.M., and the chaplains gave religious instruction at any hour they pleased.

Rev. Richard Tomlins, after eight years' experience as chaplain of Manchester gaol, thought the greatest drawback to religious instruction in gaols was the requirement of the Act of Parliament that the chaplain should use the Prayer-book. Its very fitness for ordinary congregations made it insufficiently short, simple, and comprehensive for prisoners, many of whom had never entered a place of worship, and several of whom did not even know of a future state. He found eighty-five last week

unable to read and write, and they required to learn the very A B C of Christianity.

The Rev. G. B. Hamilton, as chaplain of Chelmsford gaol, found the use of stated prayers by no means irksome. It was connected with a short week-day service, consisting of a few verses of a hymn, five minutes' explanation of a few verses of Scripture, and a collect or other prayers. He had had men perfectly ignorant of Christianity. Prisoners had lately been allowed to work for themselves after finishing their tasks, which had had a wholesome effect in many instances.

Miss Mary Carpenter urged that society was bound to cultivate the powers God had given to a prisoner—powers which had not been cultivated at all, or only in a perverted manner—and enable him to discharge his duties better as a prisoner and a man. The instruction of adults, however, was excessively difficult. From her reformatory experience of eighteen years, she knew that to teach children fourteen or fifteen years old required much time and patience. Adults, ignorant of reading and writing, and of all duties to God and man, should have such instruction as to fit them for the discharge of their duty in future, and to promote their highest welfare. In India, the Government did not acknowledge the duty of giving instruction in gaols, nor were proper teachers appointed. Instruction should be so given as to be made a pleasure, so that the prisoner would not desire the lower indulgences which had led him into evil. Good intellectual was allied to religious and moral instruction, and need not be separated from it.

M. Stevens said it was unnecessary to reply, all agreeing that instruction of every kind should be given for the reclamation of the prisoner.

Dr. Bittinger, in his official report of the discussion, says: It was agreed on all sides that the instruction should be secular, industrial, moral and religious, but nothing was said on the relative importance of these kinds of education, or the manner in which they should be given. The experience of two chaplains, as to the compulsory use of the Book of Common Prayer in English prisons was at variance. One affirmed the unsuitableness of that book, because it lacked adaptation to the circumstances of the criminal in its want of plainness and comprehensiveness; and the other affirmed its general usefulness.

Both agreed that a certain simplicity, familiarity, and informality of manner must accompany the administration of religious services among our prison population, if we are to expect any good results. Individual dealing with prisoners on the subject of their spiritual concerns was recommended, and stated to be more acceptable to prisoners, and more useful to them than was generally supposed. As to degrees of instruction, it was agreed that a limit must be set to secular education by the physical condition of the prisoner. It was further agreed, that the object of this education, both as to kind and degree, must be to send back to society a reformed convict, and one who will be able honestly to win his way in the world. This demands that the whole man should be educated. To accomplish this result, which, as was shown, is exceedingly difficult in the case of adults, it was urged that the education of the convict must be held as one of high principle and sacred duty, and not merely as an economic conviction. The sense of the Congress may be thus stated: That one object of prison discipline is to reform the convict, and to fit him for a useful position in society; and that, to this end, the education of the whole man—intellectual, moral, religious, and industrial—must be assumed on the highest principles of duty.

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VI.—*Ought training schools for prison officers to be formed, and for what class of officers?*

Dr. Guillaume (Switzerland): The question whether we ought to give a special education to the officers who have to direct the penitentiary education of prisoners appears so simple that it is not necessary to discuss it at length. All are agreed that preventive means ought to be placed at the foundation of every penitentiary system which aims at the diminution of the number of recidivists. Society, that is the State, has thus the greatest interest in giving special care to the moral, intellectual, and professional education of prisoners. This end can be attained only when the officers and *employés* are thoroughly efficient. The information obtained in different countries shows that where the prisoners' moral reformation is the main object, the superior officers possess the necessary qualifications,

but that this is not the case with the subalterns. One of the best means of reforming criminals is assuredly moral influence exercised by the superior and inferior prison officers, who must be distinguished by their character, their profound knowledge of the human heart, and of the weaknesses and temptations to which it is exposed. Vicious and criminal men will only become good when they are unceasingly surrounded on all sides by salutary influences; when, unknown to themselves, they will be as it were fascinated by the moral and intellectual ascendancy of the men with whom they are placed. It appears manifest that the inferior officers, though honest and careful to discharge their duties, do not possess in a sufficient degree all the qualities desired. They are generally drawn from a class of society whose education is not sufficiently extended to give them the moral ascendancy of which we have spoken. They imagine they do their duty if they literally obey regulations which, in most prisons, are to a certain extent artificial, and remind us of the rigid discipline to which soldiers are subjected. Whereas, it is indispensable that the inferior, as well as the superior officers, should comprehend the object of the rules, and be acquainted with the moral and pedagogic means of penitentiary treatment. This is the more necessary, as the subalterns are brought into closer and much more frequent contact with the prisoners. The education of children is certainly attended by fewer difficulties than that of vicious and criminal adults; and yet in all countries teachers of children receive special instruction before they are acknowledged fit to undertake their official and delicate work. We have schools of medicine and law. Special instruction is given to infirmary nurses. In all countries there are schools in which instruction is given for the perpetration of the greatest of all crimes—war; and yet no special instruction is given to persons to whom is confided the duty of converting criminals into useful and good citizens. Much attention ought to be paid to the education of inferior officers. To make them educators of prisoners their salary must be increased and their duties exalted to the dignity of a profession. Want of time prevents the discussion of the manner in which their education should be given. Each country will determine whether it will be desirable to establish a normal school, or whether the *employés* shall pass a pre-

paratory training in a prison, or receive a course of periodical theoretic teaching. The discussion just mentioned would without doubt at this time be useful, but it suffices at present to recognise the principle that a special education of prison officers is not only desirable, but necessary and indispensable. This view is simply the expression of my own opinion: the work of educating suitable prison officers should be initiated by a philanthropic society. To private initiative we owe establishments for unfortunate children, schools for infirmary attendants, for nurses for the sick and wounded. Non-official charity can also bring within the sphere of its activity the creation of institutions for the special instruction of the *employés* of prisons. This education might perhaps be given them in institutions for unfortunate, vicious, or criminal children. The decision of such questions may, however, be left to the philanthropic initiative of the different countries. What is stated before is summarised by proposing to you to adhere to the following resolution, passed by the Congress of Cincinnati:—

‘Special training, as well as high qualities of head and heart, is required to make a good prison or reformatory officer. The administration of public punishment will not become scientific, uniform, and successful, until it is raised to the dignity of a profession, and men are specially trained for it as they are for other pursuits.’

Major Du Cane (Director of English Prisons) said prison officers, like persons entering the army or the medical profession, learned their duties from actual experience. No preliminary instruction would be so valuable as seeing the supervision of skilled officials in actual practice. If there was a country where the prisons were so bad as to be unfit for the training of officials, the question would be in a different position, but he did not think this was the case. At one time English prisons were as bad as could be, but we had got far beyond that stage. Thirty years ago prison officers as a class were not up to the level of their duties, the reason to a great extent being that the governors were not sufficiently qualified, but proper regulations and constant and intelligent supervision had been applied to the working of prisons, so that all might now be said to form a very school of instruction. The tone of the officers was all that it ought to be. A moderate amount of intelligence and educa-

tion was required, and enquiries were made of those under whom they had served to see whether they were suitable persons. They were required to be firm and intelligent in their duties and relations with the convicts; to be honest and trustworthy; to have their temper under control; and to show the prisoners by their manner and actions that society was not altogether their enemy, but wished to show them the way to well-doing. Prisoners had a notion that they were at war with society and that everybody who exercised authority over them was tyrannical, but the subaltern officers should show them that this was not the case, and the governors should show that they were impartial judges; while in the inspector the prisoners had an appeal to a person not directly in contact with them. Above all there was the Home Secretary, to whom petitions and complaints could be referred. In this way there was such a check on the conduct of officers that there was every reason to believe they did their duty efficiently. When recruits entered such a body, they entered a school in which they learned their duties.

Baron Mackay (Holland) was informed by his colleague, M. Ploos van Amstel, governor of the largest prison in Holland, viz., the cellular prison of Amsterdam, that it had not been found necessary to employ specially trained officers. Dutch legislation discouraged technical education. Better material was found in a man with a general education than in a man trained *ad hoc*. The question had been discussed of schools for carpenters, painters, &c., but it had been found better to educate persons well, and that they afterwards proved the best workmen.

Sir Harry Verney, M.P., thought Major Du Cane was probably right in preferring officials taken from the intelligent classes to persons specially trained. It had occurred to him, why should not governors be selected from the subaltern officials? In England they were generally taken from the army and navy, but it might, perhaps, be better to advance prison officers. Many years ago he visited Dr. Wichern, at the Rauhes Haus, Hamburg, who was educating a number of young men as prison officials. They were not soldiers, but had been engaged in the work from a desire to promote the spiritual welfare of their fellow-creatures. Dr. Wichern told him they would have under

their care at Berlin 500 military prisoners, and he thought thirteen or fourteen prisoners were quite enough for one *Hausvater*, i.e., the master of a separate house where prisoners were living. They were not confined, but were engaged in agricultural pursuits; they did not run away, and their discipline was very strict. Like most Germans, they understood the value of strict discipline, and conformed to it.

Dr. Mouat explained that Dr. Guillaume had been misunderstood. He wished the prison to be the school for prison officers. Having selected men of ordinary intelligence, command of temper, &c., they would be put into the prison to learn their work, and would be promoted according to merit, until, possibly, they reached the top. As to his own opinion, the strictest examination was required before entering the medical profession, otherwise it would be an *experimentum in corpore vili*. There was preliminary instruction in the hospital and dissecting-room, and what these were to the surgeon the prison was to officials. Let there be sufficient brains and good character, and let them be sent there to learn their work. In Bengal, where he had the direction of sixty prisons, and found a difficulty in obtaining proper men, his plan was to make them learn the work in the central prison and then draft them off to the other prisons. As to governors, he had found the discipline of soldiers and sailors so different from that of a gaol, that they were not peculiarly fitted for the post. In the army and navy the object was to make a man a machine and obey orders, while in the gaol it was to train a criminal into good habits, discipline being but one element of that training. *Ceteris paribus*, he would rather not select a man who had not been a gentleman and a man of education in the broadest sense of the word. A prison was a moral hospital which required a large amount of knowledge, of mental phenomena, religion, education, training, and high aims in reclaiming the idle and vicious. Some special training was therefore advisable both for subordinate and superior officers.

Baron Mackay said all agreed with Dr. Guillaume if he desired training within the prison. What had been objected to was a normal school outside the prison, where theories on prison discipline would be taught. Let a man have a good general education, and be afterwards trained in the prison till he gradually got to the top.

Major Fulford had been governor of Stafford gaol for twenty-three years. He had previously been an officer in the Royal Artillery, and most of the sixty-four candidates for the post were military and naval men, while at every subsequent election of the kind there had been an increasing number of that class of candidates. It would be absurd to have a college for subordinate officers. The visiting justices seriously considered their testimonials before appointing them, and in a very few weeks it was seen whether a man was competent. At Stafford they were always taken on probation, and some, though with every wish to do their duty, were found in some way unfit. He had between fifty and sixty officers, and a complaint was rarely made against them by the prisoners. The visiting justices saw the prisoners every fortnight without the presence of the officers.

Mr. S. G. Rathbone (Liverpool) pointed out an objection to the promotion of subalterns to the highest posts, viz., that the salaries now given to subordinates did not attract men of education. A governor needed quick perception of character and great firmness, qualities not specially cultivated by a prison life. He thought naval and military men specially fitted, being accustomed to deal with men in large numbers, and having acquired a general knowledge of human nature. Some of the best managed prisons had governors of this class, and it had been the tendency of late years to prefer them.

Dr. Guillaume had not spoken of a normal school but of a general education for subaltern officers. His remarks had not applied to the governors, who should be men of superior qualifications, possessed of large general knowledge, kind heart, judgment, and good temper. He admitted that honest, conscientious men were found among the subalterns, but it was desirable that they should co-operate in the high aims of their superiors.

A Lady remarked that nothing had been said of the training of female officers for large prisons.

The Chairman (Dr. Wines) said that when M. Demetz established the agricultural colony at Mettray, thirty years ago, with his colleague, he felt that the task of training bad boys and men into good should not be entrusted to the first comer, he therefore established a preparatory school, and spent six months with his colleague and chaplain in training

twelve or fifteen young men as officers. The school had been kept up ever since, with twenty-five or thirty young men at a time having a three-years' course of training, and M. Demetz was strongly of opinion that Mettray would not have succeeded without it. The success of the reformatory probably surpassed that of any other institution in the world, only three, four, or five per cent., at the outside, of those who left it ever returning to a career of crime.

Baron Mackay, in his official reports on the discussion, said the speakers from England and the Netherlands, fully granting Dr. Guillaume's main proposition that nothing should be left undone to secure efficiency, were not in favour of special normal schools. They agreed that a good general education was necessary, as also firmness, intelligence, and probity; but that the acquisition of practical knowledge could only be obtained by them while they were doing their duty in prison, as there are no special theories on deportment of officials towards prisoners. Speakers from England attached great value to the selection of the governor of a prison, and were mostly of opinion that he should not rise from the lower ranks, but be chosen from other professions, where experience had shown his competency. There seemed to be a general agreement about the immense importance of the matter, but considerable difference of opinion as to the practical means of attaining the object, some speakers believing in a theoretic system, others being more inclined to let the matter be worked out in the various prisons by the personal efficiency of the governor or other prison authorities.

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VII.—*Ought transportation to be admitted as a punishment? If so, what ought to be its nature?*

Count Adolfo de Foresta (Italy), Procureur-General at Ancona, read the following paper:—Permit me first of all to distinguish between transportation as I understand it, viz., that established in France by the law of May 30, 1834, and transportation as practised in England, or transportation pure and simple. The latter I reject; I comprehend the great objections which it raised, and I am not surprised that so

practical and enlightened a country as England has eliminated it from its legislation. Transportation, however, as carried on in France—transportation with compulsory labour in a colony—I approve as the best punishment for great criminals. It seems to me to answer perfectly the double object of all punishment, viz., the protection of society within the limits of justice, and the reformation or amendment of the convict. It fulfils the first of these objects, the protection of society, for the most dangerous criminals are thus cast out from the bosom of society, the grave inconveniences of relapses are avoided, and would-be criminals are deterred by the prospect of banishment from their country and family. The second object is equally met, that of moralising these individuals, and giving them hope and means of becoming again useful to themselves and society in another country where, after undergoing part of their punishment, they can send for their family or found a new one, thus beginning another existence in an entirely different atmosphere, which will not seduce them with their former errors. While thus approving the French system I would not sanction that part of it which ordains the transportation of all persons condemned to hard labour, even for five years, and which forces to remain all their lives in the colony all who are sentenced to more than eight years. It appears to me that thereby the whole system of gradation of punishment is subverted. By imposing a perpetual punishment as well to the eight years convict—perhaps a simple thief and housebreaker, or a person guilty of striking and wounding—as to those sentenced to hard labour for life—viz., assassins or highwaymen—all are unjustly mixed up in the same lot. It is true the former are free in the colony after their eight years' punishment; but the latter, if well behaved during a portion of their term, also obtain conditional liberty, and are thus placed in the same position. Moreover, the difference in penal colonies between convicts under punishment and liberated convicts is not so great that the latter do not sometimes regret their being no longer clothed, fed, and lodged by the Government. In short, the French system establishes several categories of perpetual punishment, which is contrary to all those modern principles that admit at most but one kind of life punishment. In my opinion only life convicts should be transported at first, and

afterwards convicts sentenced to fifteen or twenty years and upwards, on condition that the former, even though conditionally liberated or pardoned, should never quit the colony, and that the latter might leave it on the expiration of their whole term.

Thus understood transportation would have great advantages, which I shall presently point out, without the inconveniences for which it is generally disliked. It is said the colonies no longer wish for convicts, and that it is not just to throw on others what we do not like ourselves. According, however, to the system I have explained, the convicts would be confined in colonial penal establishments as they are in the mother country, and the liberated convicts would feel no inconvenience. Moreover, their number would be very limited, for it would be restricted to great criminals, and they could always be easily located at points altogether or nearly uninhabited. After undergoing a portion of their punishment, which should never be less than the half, and for life sentences not less than fifteen years, they should have conditional liberty, be given uncultivated land, and allowed to form a family in localities apart and far from all contact with the free colonists. It is said, again, that transportation does not sufficiently deter the culpable. This is true of transportation pure and simple, but certainly not of transportation combined with hard labour. Finally, it is said transportation is more costly than ordinary imprisonment. I believe this depends on circumstances, and that sometimes it may be even rendered productive for the country. Moreover, as remarked by M. Stevens, in questions of humanity and public security we must not reckon by shillings and pence. I conclude by asking you to affirm that transportation in a penal colony is just, useful, and suitable for all great criminals who deserve imprisonment for life or for fifteen or twenty years.

In reply to Count Sollohub (representative of Russia), Count de Foresta said that by hard labour he meant that practised in the French galleys, and in New Caledonia and Cayenne, except the plan of chaining the prisoners together. Breaking stones, making roads, etc., were kinds of such labour.

Mr. G. W. Hastings was convinced that transportation would never be revived by this country, and he was glad to think he shared in the work of abolishing it. He would warn

the foreign delegates that no country resorting to transportation could create or maintain a sound system of prison discipline. As long as we got rid of all trouble by throwing convicts on our colonies, we did little to improve prison discipline; but when the colonies very properly refused to receive them, great improvements began, both in the English and Irish systems.

Professor Wladimiroff (St. Petersburg) thought the question depended largely on the conduct of the dangerous classes in a country, and on whether it had colonies or not. For Switzerland, Belgium, and even Germany, it was a theoretical question; but for Russia, it was a very practical one, connected with the colonisation of Siberia. A thorough investigation of the matter was impossible here, and a superficial discussion of it would have no good result.

M. Pols (representative of Holland) said transportation had many advocates in Holland, but he believed they would not be so if they had seen it in practical operation. It was unfair for a country to throw its convicts on another country. If they were sent to a new colony, the natives were doomed to extermination. As to colonisation, the descendants of the convicts would, as in the English colonies, object to receive them, and the system would again have to be changed. Transportation for any length of time was impracticable.

Count Sollohub agreed with his colleague that Siberian deportation was a vital question for Russia. As to transportation proper, he would combine it with imprisonment, separation at night, and the duty of returning every night to the prison, otherwise disorders might arise. A locality should also be selected which needed colonisation and cultivation, and which needed external aid for the development of its resources. In that case transportation would be beneficial.

Mr. G. W. Hastings remarked that if convicts were sent to an inhabited country, it was doing a great injustice, and the people, as soon as they were strong enough, would resist it; if sent to an uninhabited country, it was virtually sending them to a prison 10,000 or 12,000 miles off, not subject to the supervision of the public and the Government, and always liable, as our experience has proved, to great abuses. Moreover, the cost of the convict was as great as at home, and

the expense of the voyage had to be incurred in addition. Expense and the lack of proper supervision condemned the system.

Colonel Ratcliff (Birmingham) said the treatment of convicts sent abroad had not been such as to implant habits of industry or make them useful citizens. He had seen this at Gibraltar. A large number of convicts were not skilled artisans, but belonged to the lowest class; and he thought they should be forced, when under long sentences, to learn a trade which they might afterwards live honestly. It would be an advantage to substitute for stone-breaking and oakum-picking the system of the Cologne penal settlement. Of the 12,000 convicts there many learned trades, and on discharge took their place in society as skilled artisans. Unless taught trades it was difficult for them, with a loss of character, to earn an honest livelihood.

Count de Foresta, in reply, said he approved of the abolition of English transportation. He advocated the sending convicts under life or fifteen or twenty year sentences to distant and if possible uninhabited regions, with separation at night and compulsory labour. This protected society, and was more conducive to reformation than imprisonment in the mother country, for they were estranged from their old associations and temptations. He was aware that the Australian colonies, though founded by convicts, ultimately refused to receive them, but when this happened in other countries which became sufficiently populous to reject them, it would be time enough to consider what should be done.

The Chairman (Baron von Holtzendorff) remarked that England was both an example and a warning in this matter. The success of Australia with a sparse population and a demand for labour was an encouragement, but the conflict which arose between the colonists and the mother country was a warning. It was evident that the more rapidly a penal colony increased, the sooner transportation must come to an end. Russia, however, might deny that deportation to Siberia was properly transportation, and might call it inland colonisation, just as if destitute children were sent from New York to a distant part of the Union, it would not be considered transportation. An opinion adverse to transportation on the part of the



Congress should not prejudice the question of free emigration of discharged prisoners, or of inland colonisation by juvenile offenders. It appeared to him that the experience of England was strongly against transportation, but that the question should be left open to the decision of countries that believed themselves to be placed under better conditions than England.

VIII.—*Ought the punishment of privation of liberty (imprisonment in genere) to be uniform in nature, and differing only in length; or ought several kinds, differing in denomination and discipline, to be admitted? In the latter case, what kinds are to be admitted?*

Count Sollohub (representative of Russia), in opening this question, remarked that the object of a hospital was not to keep its patients, but to send them out cured. The same should be the case with a prison. Its object should be to combat the moral malady and return the patients to society cured. As hospitals, moreover, endeavour to prevent a relapse of the physical disease, in prison the efforts of the authorities should be directed to prevent a relapse into the moral disease of crime. It was important to consider in every case whether the offence was the result of perversity and a passion for crime, or whether it was the result of penal law and of prison treatment. He feared that insufficient precautions were often taken against the contagion of gaols. Every effort should be made both before and after conviction to protect the prisoner from contagion, by which his disease might be aggravated and his cure rendered less probable. The treatment of different classes of criminals should be different. Accused persons were treated less severely than convicts, but in the most civilised countries he had seen unconvicted and convicted lodged in the same corridor and the same cell. An innocent man placed with a convict naturally felt shame and indignation; he felt that his position in society was lost by such contamination. His affairs were at a standstill, his family in distress, and he cherished a spirit of vengeance. An indemnity ought to be paid to a man unjustly accused, and every accused should have easy communication with persons outside the gaol. Each kind of prison

should have a special aim. A prison which tried to compass two different objects would not succeed in either. There should be two classes of prisons, one for prisoners whose characters evidenced moral perversity, and the other for those whose offences were the result of a sudden breakdown of principle or of uncontrolled passion. In Russia the division of prisons had regard to the character of the different classes of criminals.

Count de Foresta (Ancona) said there existed in France and Italy three classes of punishment: sentences to simple imprisonment, to reclusion, and to hard labour. The first class was limited to five years, but in case of relapse the term might be doubled. The prisoner was employed in one of the labours carried on in the prison. Reclusion had five years as a minimum and ten years as a maximum, and involved the loss of civil rights. Hard labour implied civic degradation and civic death, and persons sentenced to it for a term remained subject for their whole lives to the supervision of the police. He contended that there should be only one kind of sentence, the only difference being in length, and there should be different prisons with different disciplines for the various terms of imprisonment. Prisoners for three or four years should not be placed in the same buildings or treated in the same way as those sentenced to ten or fifteen years' imprisonment.

Dr. Mouat admitted that it was desirable to make punishments proportionate to guilt, but feared there was no moral barometer by which guilt could be strictly measured.

Count Sollohub, in replying, said duration of punishment was a question very important for Russia. It had been investigated by two commissions, but at present the Government had come to no decision. Short sentences were frequently followed by relapse, giving insufficient time to reclaim prisoners, whereas sentences of medium length allowed time to instil habits of industry. It destroyed the malady and awakened in the prisoner a new existence.

The Chairman (Baron von Holtzendorff) said the Count had not stated how far the distinction between accused and convicted prisoners should go. He believed there was no difference of opinion as to a variety of prisons.

IX.—*Ought a kind of imprisonment consisting only in a mere privation of liberty, without obligation to work, and without contact with other kinds of prisoners, to be admitted for special crimes not implying any great perversity?*

Count A. de Foresta (Ancona).—Speaking to savants and men of experience, I need not expatiate on the theories which admit the natural distinction between crimes of perversity and crimes of passion. Both should be punished, for the protection of society requires it; and sometimes crimes of passion should even be more severely punished than those of reflection, the injury to society being much greater in the case of a murder committed in a fit of jealousy or other passion than in that of a petty theft. There is, however, a kind of crimes of passion which, while deserving punishment, since they disturb social order, are accompanied only by a slight degree of perversity, or are crimes only by their excess, offending at bottom no natural law. It is not for me to enumerate this class of crimes; it will be the function of penal codes to arrange under this special category those which should be deemed to constitute crimes of passion implying no great depravity. To give an example, I think duels, insults, assault and battery, with premeditation, rape, press offences, etc., might be included in this category. This being established, and coming to the question before us, I think it indispensable that the person condemned for these offences should receive a treatment quite different from others. It appears to me that in depriving him of liberty for the time necessary as an expiation proportionate to the wrong he has done, according to the degrees fixed by the penal scale, enough is done. To shut him up in a cell, to set him to compulsory labour, to associate him with thieves and forgers, is evidently excessive. Let us consider that the persons guilty of these offences are frequently well-educated, young, and uncorrupted—for my proposal does not apply to recidivists—and that for them the solitude of a cell, and forced labour, would be too rude an aggravation of punishment, which, moreover, would not be designed for their reformation. Simple detention in a fortress, where they could read, work on their own account, and see their relatives, would be a sufficient punishment. By not mixing them with other criminals, by not even placing

them in the same localities, nor under the same denomination, the sentiment of their personal dignity will be preserved; they will not be morally debased, and on returning to society they will not encounter the obstacles or prejudices which usually attend all liberated prisoners. It is not a privilege which I propose, but an act of justice; for ordinary punishment is too severe, and moreover unjust, when applied to this kind of crimes. I therefore propose the following resolution—‘The Congress expresses its desire that in the various penal codes framed or amended, crimes of passion not implying great perversity should not be punished only by ordinary imprisonment, but by simple detention in a fortress or other secure place, without the cellular system, obligation of working, or confusion with those sentenced to ordinary imprisonment.’

Professor Wladimiroff (Russia) remarked that simple infractions of the law did not involve criminality. He thought it should be for the jury to decide to which class a prisoner belonged, it being a matter connected with personal liberty.

The Hon. J. R. Chandler (United States) said the principle was recognised in Pennsylvania. The man who violated the law in passion was sentenced to confinement separate from other prisoners, and was exempted from hard labour and prison dress. He could also see his friends and discharge the ordinary duties of life. This plan was eminently successful, and there was no reason why it should not be so elsewhere. Assault under provocation was punished in this way.

Dr. Mouat had been connected with prisons where such a system existed, but a more corrupting system could not be devised. Last year 7,000 persons were sentenced in India to mere deprivation of liberty, retaining their own dress and living in corrupting idleness.

Dr. Marquardsen (Erlangen, Bavaria) said the code adopted in Germany three years ago recognised the principle. The judge decided whether the criminal should have hard labour or be kept *in custodia honesta*. A distinction was not made between crime and crime, but between criminal and criminal. Persons whom the judge excluded from the rank of the common criminal were confined in a fortress or equivalent place, and were not compelled to work. Generally speaking, however, persons guilty of minor crimes should not be left without labour.

He should recommend what had been the law of Germany for some time, viz., a distinction between the labour imposed on the habitual criminal and what he might call the occupation suitable to a prisoner's former life. Criminals were divided into hard-labour prisoners and such as were employed in the trades and professions they were accustomed to.

Mr. Rutherford Ancrum remarked that in England first-class misdemeanants were excused from hard labour, and were allowed privileges as to dress and diet, and seeing their friends, but there were no separate prisons for them. As to non-convicted prisoners, he knew a county gaol where they had no communication with other prisoners, saw their friends and legal advisers, and had a better diet, no contamination therefore being possible.

M. Pols, in his report, after remarking that mere political crimes might have been included among the offences to be thus specially treated, says—In most countries where new penal codes have recently been framed, such a kind of honourable custody (if such a term may be used in lieu of the Latin *custodia honesta*) has been adopted. The result of the debate was, I believe, wholly in favour of Count de Foresta's proposition.

X.—*Is it possible to replace short imprisonments and the non-payment of fines by forced labour without privation of liberty?*

Count A. de Foresta (Ancona).—In my experience as magistrate I have always been struck with the great inconvenience of confining in prisons persons sentenced to imprisonment of short duration. While there is not time to instruct or reform them, they unhappily find time to get corrupted. On the other hand, the number of these prisoners being very large, they are very costly to the State. Moreover, during their detention their families suffer, and are often themselves driven to crime by want. Pondering these circumstances, I have thought they might be diminished if not entirely got rid of by substituting for imprisonment obligatory labour during the day, leaving the condemned free to return to their families in the evening like ordinary labourers. This idea is, I believe,

quite novel, not having yet been anywhere adopted. In my opinion it would be quite just and logical, especially for the nonpayment of fines. At present the poor man is punished by a fine, and it being impossible to pay it, must pass so many days in prison for such and such a fine. Since labour is the poor man's capital, it is money, would it not be more logical for society to reimburse itself by means of his labour, instead of flinging him into a cell where he produces nothing and may be corrupted? I do not think my argument would find many opponents in theory, but it will be objected to as impossible or at least difficult in practical execution. Impossible? No. Difficult? Yes. But should one flinch from it on that account? Have not things and institutions much more complicated been organized? It seems to me that in every important town, in every capital, there are always a number of works and public services to which those condemned to compulsory labour might be appointed. You have hospitals where you can make them occupy a number of salaried offices. You have model farms, you have highway and port works; finally, you have prisons and penitentiaries where labour is organized and where you can easily employ in separate workshops those condemned to obligatory labour, and they might also be employed for transports or other foreign services. The head of the police, or other official charged with this service, would have a list of all the condemned persons of the province, with remarks on their aptitude for a particular kind of work. He would know the necessities of the public services or workshops where he could place them. By degrees he would place them at suitable work, and failing to repair to work they would be imprisoned and kept in separate cells in the communal prisons. Under this threat they would certainly not fail to perform their duty. The produce of their labour would be partly given to them for the wants of their families, and would partly appertain to the State as compensation. This system could be specially applied to large barren tracts, or to the construction of roads, for which labour is often lacking. The condemned would have his hours of compulsory labour like the free workman, and in the evening would return to his home, where he would act as he pleased.

Mr. W. Tallack remarked, that the treatment of vagrants in

this country was analogous to that proposed by the Count de Foresta for petty offenders. They were not discharged after their night's lodging in the workhouse until they had done three or four hours' stone-breaking, with the view of defraying the cost of their reception, and of making it a little deterrent. He should like to see the proposal adopted for petty offences. Many a lazy man would be benefited by so many hours' labour a day, and the worst portion of the community would be deterred, without breaking up homes and ruining families.

M. Stevens thought there would be inconveniences in the system. Some prisoners were unaccustomed to manual labour. Again, how could employment be found for painters, musicians, &c.? Work in public would lack the penal element necessary in prison discipline even for trifling offences, and there would be some danger in collecting a dangerous class of men together without the privation of liberty. He preferred to shut men up, and subject them to moral influence.

Sir John Bowring thought the suggestions in the Count's paper could be more effectually carried out if the condition of individual offenders and the circumstances of the locality were taken into account. In an agricultural district the men would have agricultural aptitudes, and should be employed in that way, while in towns they would be accustomed to various trades which might be carried on in prison. He once found a locksmith in a solitary cell earning seven shillings a day. Labour could be more organized in gaols than at present. Why should not prisoners make clothes and shoes, not only for other gaols, but for the public service? In Belgium a large portion of the army was clothed by prison labour. Why, again, should not prisoners be taught shoe-making, which might be done in three or four weeks, and why should not one or two particular gaols be appropriated to that branch of industry? The objection as to competition with free labour was unfounded, for the man out of prison was a more formidable competitor than the prisoner. Moreover, if competition lessened prices, it was a public advantage.

The Rev. C. M. E. Collins (Cornwall) agreed with the Count, except as to forced labour. He had long had misgivings, as a magistrate, whether he had not indirectly helped men to become criminals, rather than deterred them, owing to the

matter-of-course way in which short imprisonments were substituted for fines. Imprisonment should be made an object of dread by surrounding it with disgrace, and resorting to it in as few cases as possible. By sending men to prison for a mere statutory offence, the feeling of shame was broken down, whereas self-respect ought to be maintained. There was a moment when a slight impulse would keep men on the right side of crime, hence shame should not be broken down for *ce n'est que le premier pas qui coûte*. He had seen the agony caused in a respectable family by its principal member being committed to prison, and branded as a gaol-bird. Self-respect might be a very effective instrument in the repression of crime.

Count Sollohub preferred professional and industrial labour, such as agriculture, to the employment ordinarily pursued in the *bagne*. There would be some difficulty as to surveillance, but he believed it might be surmounted, and the creation of gaol-birds was certainly to be deprecated. The tendency was too much to consider such questions from a financial point of view, whereas higher considerations should be paramount. He hoped Count de Foresta would develop his plan more fully in a treatise, for it could not be adequately discussed in mere outline.

Baron Mackay (Holland) regarded the proposal as chimerical. The punishment of a man employed, for instance, in agriculture, would consist only in a retrenchment of wages, which would be punishing his family more than himself. If, on the other hand, he retained his salary, the only change would be his working in one place instead of in another, and in that case where would be the punishment? Perhaps the loss of his employment; but this it was desirable to prevent. It would only be a punishment for persons not accustomed to work, and instead of alleviating it would aggravate punishment in those cases, while mere intellectual work, if allowed, would be too slight a punishment.

Mr. J. A. Bremner (Manchester), as a magistrate, deemed the question a more important one than it appeared at first sight. One object of punishment should be equality, but the English law contained great though unintentional inequalities. A magistrate frequently imposed a fine, with seven or fourteen days' imprisonment in default. If, therefore, the offender had

money, he escaped punishment. Where there was inability to pay a fine, both justice and morality demanded some other alternative than imprisonment. On a recent inspection of Manchester gaol, he found some harmless-looking boys of thirteen or fourteen; they had thrown stones and broken windows, and the law provided no intermediate punishment between fine and imprisonment. They were therefore exposed to the contamination of a gaol. Surely children should not be put in gaol for slight offences.

The Chairman (Baron von Holtzendorff), would point to Prussia in proof of the feasibility of the scheme. For twenty years there had existed a law providing labour as a substitute for a fine, in the case of offences against the forest laws and wood-stealing.

Count de Foresta was glad his proposal had received general approval, and he denied that it was chimerical. He would not set these offenders to degrading occupations, such as the sweeping the streets in chains—a practice associated with the galleys in France—but would employ them in a workshop weaving, making cloth for the army. There might also be agricultural colonies, especially in Italy, where there were uninhabited tracts, and in islands in Apulia and the Tuscan archipelago, which would produce excellent wine. Such labour would have a moralising influence.

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XI.—*Ought any kind of privation of liberty to be imposed for the term of natural life?*

Baron von Holtzendorff (Berlin), in opening this question, said that in former times all punishments, except perhaps fines, had a tendency to be lasting. First the life of a prisoner was taken away; then he was banished for life. There was no conception in old times of fixing a term. There was, indeed, large power of pardon, but the idea of outlawry, etc., was for life. In Greece and Rome the notion was that labour was dishonourable; to work by compulsion was slavery, and slavery was a doom for life—the doom of the man condemned to hard labour. The modern idea was to look on work as honourable. We had abolished slavery, and labour was the sign of a free

man. The idea of salvation, that men ought to be reclaimed, now also prevailed. The combined idea of labour and salvation led to the question whether life sentences should be abolished. If capital punishment and life sentences were both abolished, the worst cases of murder would undergo, perhaps, fifteen or twenty years' punishment. He would not, however, as a legislator, take the responsibility of abolishing capital punishment without retaining life sentences; the latter must remain as the substitute, at all events for one hundred or two hundred years. At present, whoever objected to capital sentences was bound to maintain life sentences. Such a punishment, however, like other punishments, should have the elements both of fear and hope—fear for the worst, in the actual enforcement of imprisonment for life, and the hope of release after ten or twelve years on proof of reformation. He would, therefore, maintain life sentences.

Dr. Wines (United States Commissioner) said the principle of keeping alive hope even in the breasts of men sentenced to imprisonment for life had been embodied in the legislation of Missouri. The law was that a prisoner under such a sentence, who conducted himself with uniform propriety, became entitled to his liberty after fifteen years in the State prison.

Dr. Mouat said the same principle existed in India, which was far in advance of the mother country in some of these matters.

M. P. van Bemmelen had proposed in Holland a state of seclusion for dangerous criminals after the close of their penitentiary treatment, with as much freedom as seclusion permitted. Under this plan a judge might sentence absolutely dangerous criminals to seclusion for several years, and even for life, not as a punishment, but to render them innocuous, on the same principle as dangerous lunatics.

The Hon. D. Haines, as a judge for fourteen years, and as subsequently a State Commissioner to enquire into prison reform, considered the great object to be the protection of society, either by physically restraining the man from the power of doing evil, or by inculcating an indisposition to do evil. Reformation demanded hope; for if the criminal had no hope, society could have no hope for him, and this was his objection to lifelong imprisonment. If hope remained, it was very uncertain and

remote. Let the sentence cover the probable chances of life if one liked, but let there be the hope of restoration to liberty and friends.

M. Stevens agreed with Baron von Holtzendorff that lifelong imprisonment was no end in itself, but that it was demanded as a substitute in the event of capital punishment being abolished. Theoretically speaking, perpetual penalties should not exist; it was the means to an end, not an end in itself.

M. Vaucher Cremieux (representative of Switzerland), while admitting that the tendency of the age was to ameliorate punishments of all kinds, was for retaining capital punishment. How could it be replaced? Perpetual imprisonment for assassins would be a much severer penalty, and the security of society forbade the liberation of an assassin or a man condemned to perpetual imprisonment. Such a sentence implied a possibility of escape, and this possibility would render society uneasy.

Mr. G. W. Hastings said it would be irregular to discuss capital punishment, that being one of the questions which the committee set aside owing to the necessity of reducing the number. In this country there was practically no such thing as imprisonment for life; for though such sentences were passed, hope always remained, the prisoner being uniformly liberated by the Home Secretary in the event of good conduct for a number of years.

M. Stevens, in his official report, says—It was admitted that imprisonment for life should be subject to the following conditions. Expiation and regeneration excited by hope; a prolonged period of cellular imprisonment; conditional liberation of prisoners who have undergone cellular imprisonment for the term fixed by law, and have given proofs of amendment, and by their preceding conduct and certain circumstances of offence are entitled to indulgence; collection in a common prison of prisoners not admitted to conditional liberation, and of those sent back to prison for misconduct.

XII.—*What is the best mode of giving remission of sentences, and regulating conditional discharges?*

The Right Hon. Sir W. Crofton said remissions of sentences and conditional liberation were now interwoven with the convict system of the United Kingdom. The maximum remission to convicts sentenced to penal servitude was a fourth of their term, after deducting the nine months spent in solitary confinement. The title of a man to remission was furnished by a system of marks, by which he advanced from class to class until, according to his deserts, viz., the industrial records furnished by the marks, he obtained a partial or entire remission. The public works prisons were thus based on a progressive system of classification. Advanced thinkers had advocated certain views as to length of sentences, but he asked them to recognise in the existing system many of the things they desired, such as the abolition of fixed sentences, and the substitution of a labour sentence for a time sentence. A man could shorten his sentence by his industry. It had been alleged that abuses existed in the public works prisons, and the epithet 'gang labour' had been applied to the system. The system, however, had frequently been tested by committees and commissioners. When the Fenian conspirators were in prison, all sorts of charges were brought against it, which resulted in an inquiry by certain police magistrates, and more recently there was Lord Devon's commission. Had any abuses of moment existed, they would assuredly have been brought to light. With an increase of population, and with increased vigilance on the part of the police, crime had decreased under this system, concurrently with which there had been police supervision and the registration of criminals. If crime was reduced, and if the public works prisons were self-supporting and yielded a surplus, what more did people want? The intermediate prisons in Ireland, with their undoubted success for sixteen years, were the strongest argument for the public works system. If abuses existed, it would be impossible to dispense with guards, and to encamp the prisoners like ordinary labourers. Portland and Chatham were favoured in point of construction, and were probably rather better in their arrangements, but at Spike Island the prisoners had been for sixteen years in a state of

semi-freedom. It would be idle to say that a system devised sixteen years ago was not capable of improvement in its details, but he preferred progressive classification to any other system. As to conditional liberation, he wrote sixteen years ago: 'It is quite evident that conditional liberty and registration are the only means of obtaining positive and reliable statistics of criminals, and thereby testing the value of our prison training. It protects society, for the criminal who consorts with bad companions and shows he meditates criminal courses, is at once re-consigned to the prison from which he was liberated at too early a period. It surrounds the commission of crime with obstructions so formidable as to break up habitual offenders. The incompleteness of criminal statistics have long ago been a subject of reproach. Unless they are more perfect and reliable, but little unity of action can take place.' Conditional liberation and registration had been adopted, so that the tests of the system were now perfect. He would not force it on other countries, though he should like to see them also adopt the principle of progressive classification.

M. Stevens stated that in Belgium conditional liberation was arrived at in another way. In many cases the prisoner was reformed, and in some the work was crowned by his liberation. Reduction of punishment—as for instance, from fifteen years to ten—was granted. It was thought better to have a certain period of separate detention, without the possibility of demoralising agencies, and with intercourse with good counsellors, than congregate labour. Reduction of sentence depended not so much on a prisoner's conduct as on his having undergone a period of separation proportionate to the sentence. There was a system of rewards in the shape of books, smoking, visits, and correspondence with his family, and liberation was held out with a curtailment or remission of police supervision. In cases of exemplary conduct and entire reform, the royal prerogative of pardon was exercised. As for perpetual sentences, the law limited cellular imprisonment to ten years, after which they were collected in a common prison, without hope of release, if the ten years penitentiary treatment had failed to entitle them to conditional liberation. The result of this system was that the proportion of recidivists among those condemned for a first offence was only four or five per cent., and the annual number

of criminals had declined from 7,000 to 4,000 in spite of increasing population and wealth.

The Hon. J. R. Chandler advocated a system involving part of the Crofton system, viz., cellular imprisonment. In the eastern penitentiary of Pennsylvania the prisoner was placed in a cell to endure the whole of his sentence, or to shorten it by his good conduct. He was only solitary with regard to his fellow-prisoners, and did not know his companions, not in misery but in improvement, unless, indeed, he knew from the papers before his arrest who some of the prisoners were. Out of 750 prisoners, he never saw one, yet he had an almost daily walk in the sunlight, had a cell in which the sun shone and where he might labour, and which was as comfortable as almost any working man's residence. He was visited thrice a day for food, and once a day by the superintendent of labour and the moral and religious instructor. Moral and religious people of his own creed visited him sometimes twice a day, to enforce the doctrines in which he was reared, and not to startle him by any attempt to proselytise. He had seen two letters addressed to the moral teacher by men who had been close neighbours for four years without knowing it. Eight years ago there were 282 females in the prison. At his suggestion separate cells were made, and the women were dealt with individually, the result being that for the last two years there had not been more than 100, and generally less than eighty. Forty English ticket-of-leave men, he had heard by letter, had recently arrived in the town where this penitentiary stood. Now American criminals never came to this country; their system did not lead men to pretend to be reformed.

Mr. W. Tallack defended the cellular system as approved by the Congresses of Mechlin and Frankfort, preventing companionship with evil and allowing abundant communication with good. A few months ago a convict at Spike Island murdered a fellow-prisoner, and there had been repeated murders at Portland, Chatham, and other public works prisons. This could not happen under the cellular system. Mr. Gunning, chief officer at Lusk, told him 'the congregate system is hardest upon those who are trying to do well.' It broke down the best of the convicts, while it was a fine thing for those who loved to revel in obscenity. The Devon commission refuted, indeed,



certain charges, viz., of cruelty against the officers, but not charges against the congregate system. The Irish system was good, but the Belgian, Dutch, and Pennsylvanian was better.

Mr. F. Hill, as an inspector of prisons, was at first strongly in favour of the separate system, but experience gradually weaned him from it. Mere isolation, while excellent as a part of a system, was not a system *per se*. Where it was rigidly enforced it could claim admirable results, but so could the other system. Good conduct as a preliminary to liberation was common both to the Crofton and Belgian systems, and whether the prisoners were in cells or worked together was irrelevant to this discussion. Under a separate system it was difficult to test reformation, for temptation did not exist. He regretted to hear of the invasion of Pennsylvania by the English ticket-of-leave men; but till lately the system was so wretchedly worked, that liberation did not depend on good conduct. For the last two or three years substantial proof of amendment had been required, and he thought these men must have been liberated under the discarded system.

Major Du Cane said in England a prisoner had to effect his discharge by his industry. He could not show much moral reformation, for the prison discipline prevented his relapsing into particular moral offence, but he could show by industry the effect of discipline and instruction. A prisoner, however, who misconducted himself, forfeited the remission earned by industry. That remission ought to be a fourth of his sentence, not including the first nine months, which was strictly penal. If a prisoner did as little work in a day as he could without being reported for idleness, he earned six marks, while if he thoroughly exerted himself he could earn eight. The number of days of his sentence was multiplied by six, giving the number of marks he had to earn. Thus, a man earning eight marks a day would get off one quarter of his sentence. Great precautions were taken that the marks were properly awarded. Instructing wardens, acting under a staff of professional officers, measured the work, which was all priced out. These marks referred also to the various stages a prisoner went through. Imprisonment was divided into certain classes, and as the prisoner worked his way up these classes, he gained some slight privileges. This system had not been carried out in county and borough

prisons, where the authorities did pretty well as they liked. A released prisoner was under the supervision of the police and of Prisoners' Aid Societies, having to report himself and to obey certain regulations. If he gave any signs of wrong-doing the police could take him before a magistrate, and on proof of his misconduct he was sent back to prison.

Mr. T. H. Nevin said, in his State (Pennsylvania) the two penitentiaries had existed for forty years. Both were originally separate prisons, but eight years ago it was decided in Western Pennsylvania that the solitary system was not the best. It tended to insanity among prisoners for five, ten, or twenty years. The solitary and congregate systems were now therefore combined, with great success. The men worked in gangs, but never spoke to each other, and had their meals in separate cells. On Sunday they assembled in chapel and at Sunday-school. Good conduct gained a remission of a month in twelve months' sentence, and so on in proportion. Inspectors took down the marks they had earned and reported to the governor, who granted a pardon.

Dr. Frey advocated a combination of the separate and congregate system. A prisoner kept in a cell was not likely to withstand temptation on his release; he should mix with other prisoners, so as to prepare for re-entering society. Solitary confinement had been introduced in Austria, but it was limited in all cases to three years. A prisoner under a longer sentence afterwards mixed with other prisoners.

Mr. J. A. Foote said the Ohio system was nearly identical with the West Pennsylvanian, but had been much longer in existence. It comprised cellular confinement and congregate labour, instruction, and worship. Public announcement was given of an application for pardon, and this was considered by the court which had sentenced the prisoner. Finally, the governor of the State considered the representations, and if he granted the remission published his reason, so that if it had been obtained by misrepresentation the public kept the man under constant inspection. Formerly indiscriminate pardons were obtained by personal application and influence. At Columbus, containing 1,000 convicts, there was a chaplain, and every Sunday good people went and taught, their sympathy

and intercourse conducing to the prisoner's reformation. Associations also took supervision of them on leaving prison.

Sir W. Crofton repeated his assertion that the Devon commission, which inquired into the Fenian complaints, minutely examined the records and mode of discipline, and complimented the administration on the system pursued. Mr. Gunning had been chief warder at Lusk for sixteen years, and he defied him to say that any abuse existed. The prisoners there slept and worked together, and their conduct was inconsistent with Mr. Tallack's description of them.

The Chairman (Mr. Hastings) remarked, that keeping a prisoner apart was like keeping the hand on a spring; the moment you lifted up your hand it flew up. When a man thus treated was discharged, the change was so great that he was almost certain to fall back into his original habits. He should be educated for liberation, after passing through the cellular stage, by associating with his fellow-criminals; and next by going to an intermediate prison, where he had much greater liberty and where a further test was applied. If he still went on well, and gradually acquired habits of industry and fitness for liberty, he passed into the further stage of liberation under supervision.

*XIII.—Is the supervision of discharged prisoners desirable? If so, what are the most efficient means of accomplishing it?*

Mr. Barwick Baker—The law actually in force in England provides that a person convicted a second time for felony may be condemned, besides his sentence to prison, to be under the supervision of the police during a period which shall not exceed seven years. The person thus under supervision must present himself, and give an account of his conduct at the end of each month, either to the police or some person duly authorised to receive his report. If he changes his residence, he must give notice at the police-station of the district which he is leaving as well as of that to which he is going. As long as he does this, the police will be his friends, and endeavour to help him as much as they can, finding him work and giving him in case of need money furnished by the Discharged Prisoners' Aid

Societies. This system is highly beneficial to the person under supervision, because without hindering him from obtaining work it exercises over him that friendly benevolent guardianship so useful in the case of a person whose honesty is not altogether established. It lends itself very easily to his circumstances, offering him complete liberty so long as he conducts himself well, and being severe to him only when he fails in his duty. Moreover, it secures to the public a protection of seven years instead of one, and allows the term of imprisonment to be shortened by one-half, thus effecting a saving of one-half the total cost of his expenses.

The Rev. T. Carter deemed supervision a great advantage to the discharged prisoner, because formerly he was always apprehensive that an unfortunate acquaintance would tell his employer what he was, leading in nine cases out of ten to his discharge. Now he had only to refer to the police for his character.

Mr. F. Hill remarked that the Rev. Mr. Clay organized supervision in Lancashire years before the Legislature adopted it. He found it caused a diminution of crime and was beneficial to the prisoners, the police helping them to obtain work.

Mr. Murray Browne said it was sometimes alleged that the police supervision would prevent prisoners getting work, but Prisoners' Aid Societies knew that this was not the case. Last year, on the Home Secretary taking their opinion, thirteen out of sixteen were favourable to the system.

Mr. Stevens contended that in countries where an organized police existed, discharged prisoners should be under no more supervision than other citizens. In Belgium a man might be sent by the police to a small place, not being permitted to go to large communities, but he might not find work there, and was likely to relapse.

Mr. Baker, in reply, said much depended on the character of the police. If they were the enemies of criminals, and anxious to injure them as much as possible, he should object to supervision. As to the prison 'taint,' he held it a righteous punishment, and a prisoner should not be freed from it till he had obliterated it by uniform good conduct for years. A discharged prisoner could not find work as easily as the honest labourer, but practically he could always find it, though not possibly, of

trust which he might obtain if his character was not well known. He might regain his character by steady conduct, but not through ignorance of his antecedents.

[End of the first set of questions discussed.]

XIV.—*Ought prisoners, on reconviction, to be subjected to more severe disciplinary treatment than on their first entrance?*

Mr. S. Petersen remarked that, looking at the question superficially, an affirmative answer would be likely to be given to it. A recidivist apparently deserved severer treatment for the obstinacy of his criminal propensities. On looking more closely, however, into the matter, it involved some injustice. In Bavarian, as in most other prisons, while the length of the imprisonment was determined by the judge, the conferring or withdrawal of certain privileges with respect to diet, cutting the hair, &c., were left to the prison authorities, and might be withdrawn in the case of the recidivist. Surely, however, the judge took into consideration whether a prisoner had been previously a criminal, and regulated the sentence he passed thereby. It should be for him alone to award the punishment. If the prison authorities increased the severity of the punishment, the prisoner was punished twice, which was manifestly unfair.

M. Ploos van Amstel (representative of Holland) was of the same opinion. Punishment should be made more severe in the case of recidivists, by longer terms of imprisonment being awarded by the judge.

M. Stevens did not think that prison authorities should aggravate the punishment. The law should give longer sentences to recidivists, but all should receive the same treatment in prison, otherwise there would be arbitrary differences, and the severity would go on increasing for the third and fourth offence. It should be remembered that relapse was frequently caused by the criminal finding himself persecuted, and every door closed against him, society thus being responsible for a great part of his misdoing.

Dr. Frey (representative of Austria) maintained that recidivists should be more strictly treated. They felt this more

sensibly than longer sentences, and they were fully aware that this would be the result of relapse. In the prison of Carlau, in Styria, they were first put in an isolated cell, this being limited to three years, and then had three stages of congregated imprisonment, the first very strict, the second less so, and the third still less. Those who after ten years' imprisonment returned to crime might be kept half their sentence in the first stage, whereas in other cases the stage did not exceed a third of the sentence. This system had produced good results. The true means, however, of preventing relapse should be sought in a good penitentiary and police system.

Sir W. Crofton considered that cumulative and lengthened sentences were essentially connected with this question.

Count Sollohub thought the question of punishing recidivists was one for the law, not for prison authorities. If the latter made the treatment more and more severe for this class, a degree of cruelty would be arrived at incompatible with reformatory influences. He did not agree with M. Stevens that society was to blame for relapses, and that recidivists were entitled altogether to sympathy. He agreed with M. Robin that prisoners' aid societies were the best means of preventing relapses, and reinstating a prisoner in society. The treatment in prison should be such as to enable prisoners to profit by these associations.

Dr. Guillaume said it was not the custom in Switzerland to give longer sentences to recidivists. In some cantons they were condemned to bread and water two or three days a week. If they belonged to the class of petty criminals, they were generally in a state of physical debility, and if subjected to a spare diet it left the prisoners in a state of debility which made them relapse. The sentence should be sufficiently long for them to be taught a trade, for this was more effective than prisoners' aid societies. He deprecated recourse to a severity which Christianity disavowed.

Count de Foresta also thought the treatment of recidivists was one for the law, not for prison authorities. He was opposed to their being treated differently from the other prisoners, as this would tend to cruelty. The term recidivist should be strictly defined, and should not be applied to a man who, after having in passion or excitement committed a crime,

committed another kind of offence. It was for the judge to award the punishment, and a thief on third conviction ought to have a more severe sentence, as a man almost incorrigible, who had not profited by previous treatment; but the severity should not be excessive, for, as remarked by M. Stevens, society was also culpable. He might be forced back into crime by the refusal of employment. He agreed in the importance of teaching a trade. In Italy the recidivist received the maximum sentence assigned by the law, but not severer treatment, and all prisoners should be treated alike. The law might provide that the recidivist should not receive the minimum punishment.

The Rev. Dr. Bittinger (United States) advocated a longer sentence for the second conviction, and a still longer one for the third. This was consonant with the criminal's sense of justice, which must be appealed to if he was to be reformed, for he would despise the justice which punished a burglar for the fifteenth offence the same as it did the novice. Recidivists were almost entirely criminals by reflection, such as forgers, horse-stealers, and burglars. They made crime their business, and feared nothing but detection. They liked liberty and good fare, and feared bread and water, solitude, and privation. Unless they received this treatment, a premium was put on relapse.

Mrs. Ward Howe remarked that many recidivists were women, who could not be counterfeitters or horse-stealers. The criminal should be shown something better than his own savage standard of justice, and should be taught a high idea of human justice.

M. E. Robin (Pasteur—Paris) was convinced, by fifteen years' experience as gaol chaplain in France, that the recidivist was not reformed by aggravated treatment. He remembered two men who were condemned to ten years' imprisonment. One died from his severe treatment, and was not reformed. The other was difficult to manage; his intellectual faculties began to give way under the severe treatment, and he feared he should become mad. He saw him, and induced him to promise that he would work and comply with the regulations, for when a man refused to work his case was almost desperate. By means of that promise, he (M. Robin) obtained an alleviation of his treatment, which so transformed him that he appeared hardly

like the same man. He learned a trade, and on his release, in consideration of his good conduct, was exempted from police supervision. He went to America, and earned an honest livelihood. A criminal should be treated with firmness indeed, but with kindness, and enabled on release to provide for his subsistence. Patronage societies in France began their influence on prisoners before their release, by regular visitation, and this was the proper course. They were allowed to visit the prison daily, and come into intimate contact with the prisoners, whom they exhorted to work and submit to the rules. Severe discipline was opposed to Christianity and humanity.

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XV.—*Should prison labour be merely penal, or should it be industrial?*

Mr. Frederic Hill opened the discussion by reading a paper, which will be found in Part III.

Major Fulford, governor of Stafford prison, contended that prisons were not reformatories, but should be a terror to criminals. The penal element in county and borough prisons was much decreased in consequence of the report of the House of Lords' Committee, and the number in his prison had since dropped from 780 to 200. He did not say that this was entirely owing to the penal element, but those who were not professional thieves or drunkards were certainly deterred by the penal element. The prisoners were offered work on their discharge, which there was no difficulty in doing in Staffordshire, and not above three or four per cent. of those for whom work was found ever returned to the prison. High moral teaching had no effect on the professional thief or drunkard, who were scarcely reformed in more than one case in a hundred. These prisoners were very submissive, and liked to break the monotony of their cell by talking to the governor or chaplain, and telling them they were reformed; but they looked on imprisonment as one of the accidents of their profession. They rarely took advantage of prisoners' aid societies, and would continue coming to the gaol till their death if they did not get penal servitude. Murder, manslaughter, embezzlement, etc., were seldom committed more than once; but the thief meant to be a thief, and

no prison discipline could be too strict for him. He should not, however, be left in the county prison, but sent to a convict establishment for a term long enough to break his habits. Penal labour should be retained as long as there was such a class of people to be dealt with.

General Pilsbury, warden of the Albany Penitentiary, New York, always found economical management and moral treatment go together in American prisons. Albany always paid its own expenses, including the salaries of the governor and subordinates. Not unfrequently prisoners who found the prison discipline very distasteful at first were redeemed from idleness, drunkenness, and cruelty, and became useful citizens. Penal labour was not calculated to reform men.

Dr. Wines, referring to the Moscow house of correction, founded, and for six years managed, by Count Sollohub, said a prisoner there was allowed to choose a trade, and, on mastering it, had two-thirds of his earnings. This was such a stimulus that in two months a man often became a skilled workman. During six years, out of 2,100 prisoners released, only nine had returned to the prison, and hundreds were pursuing, in their native villages, the trades they learnt as prisoners. Count Sollohub attributed the success of the institution to its industrial training.

Mr. Hibbert, M.P., stated that in Salford prison, generally containing 700 or 800 prisoners, all had to do a certain proportionate amount of treadmill labour, which was used as a lever to industrial work. The treadmill pumped water, thus saving 200*l.* or 300*l.* a-year. Last year the prisoners' earnings amounted to 4,549*l.*, paying for dietary, clothing, and everything except the officials. The amount increased every year. Industrial labour alone was impossible with short sentences; 4,116 out of 6,163 prisoners were sentenced to less than a month, 2,031 of them for seven days, and 1,030 for fourteen days. Industrial work could not be taught in such short periods, and deterrent labour was therefore necessary. It was a mistake to suppose that the Act of 1865 required the treadmill, crank, or shot-drill. It required hard labour of the first-class for three months, but it allowed the Home Secretary to sanction other forms of hard labour; and at Salford carpet weaving, cocoa matting, plaiting-machines, etc., had been sanctioned.

Count Sollohub said labour should be distinguished into three classes: punishment, occupation, and regeneration. These had been too much mixed up in prison discipline. He had devoted seven years of his life to some interesting and successful experiments in Russia, as to which he should be ready to answer any questions.

Sir J. Bowring warmly condemned the treadmill, and rejoiced that Continental languages had no word for it. It should be called a work-waster or wind-raiser. In Scotland it was viewed with horror. In his county there were 400 men constantly on the treadmill, which cost 1,760*l.*, so that even when it was abolished it would continue to be an annual charge of 90*l.* or 100*l.*, representing the interest on the outlay. It hardened the old gaol-bird, and made him associate labour with non-productiveness, and he knew how to cast all the burden on the poor broken-down fellow who had not been in prison before. It was cruel to the weak and feeble, and frequently caused death. Governors and magistrates might find elements of good in the worst prisoners, and what might they not do among the best? How many might they make happy whom they rendered miserable!

M. Ploos van Amstel said the hard labour in Amsterdam penitentiary was industrial, the manufacturer paying wages to the prisoner, a portion of which went to himself. Remunerative labour was good both for the State and the prisoner. The punishment of death, and all physical punishments, had been abandoned in Holland. He had been grieved to see a treadmill in an English prison he had visited, and with which he had otherwise been gratified.

Colonel T. Colvill (Coldbath Fields) said there were 600 prisoners a day on his treadmill, the largest ever made. He had never known a man the better for it; they never liked labour before, and the treadmill made them hate it. The old prisoner knew how to wait till the step came down to him, and if he had healthy lungs did it without difficulty, whereas it was cruel for the weak-chested man, and perhaps injured him for life. A negro put on it by mistake after the surgeon had excused him on account of heart disease, once fell from it dead. Many had their legs and arms broken; the other day, a man under a short sentence had both his legs broken. It was a

wicked waste of human skill and labour to put a mechanic sentenced for a trifling offence on it, instead of setting him to work at his trade.

Mr. Pownall, a visiting justice of Middlesex, asked how many accidents had occurred during Colonel Colvill's sixteen years of office?

Colonel Colvill said there had been, perhaps, half-a-dozen accidents in sixteen years. They were inseparable from machinery on a large scale, but they were especially distressing in the case of men forced to work at the will of others. A dozen trades were taught in his prison, the value of the work being several thousands a year, but the law required the treadmill for all sentenced to hard labour. Perhaps sixty or eighty were exempt from it.

M. Stevens said there was no distinction on the Continent between penal and industrial labour; all was industrial. The punishment consisted in the deprivation of liberty, and it was a punishment to take away labour, which was a man's consolation in prison. If an indisposition to labour was implanted in prison, the prisoner, on release, would avoid labour. He objected to brutalising labour.

Mr. Pownall asked whether the Middlesex magistrates ordered a man on the treadmill contrary to the surgeon's opinion?

Colonel Colvill said certainly not. They had no more power, however, to keep a man off the treadmill than he had; it depended on the surgeon's certificate.

Dr. Mouat spoke of the difficulty he found in India in providing the punishment required by the law. He found unproductive labour brutalising. The treadmill was tried in Calcutta, but caused many accidents, and was abolished as cruel and unjust. Subsequently he was required to introduce a modified form of it, but resolving that it should be productive, he made it grind wheat. The percentage of accidents was very small; but the anger and bitterness shown by the prisoner on ascending or descending it always made him feel that it was inhuman and unchristian. If prisoners were to be regenerated, they must not be made miserable, but must have an interest in their work, and be taught to apply it to useful purposes. The prisons under his charge had yielded a profit of 500,000*l.*, and during the last five or six years repaid forty

per cent. of the cost. Remunerative labour relieved the taxpayer and preserved the self-respect of the prisoner.

Mr. Hibbert, M.P., quoted the Act of Parliament to show that where the magistrates provide other forms of hard labour, the crank, shot-drill, and treadmill are unnecessary.

Dr. Frey said industrial labour prevailed in Austria. This alone would call forth the full working powers of the prisoner.

XVI.—*How far should the visiting justices, or boards of prison managers, control the administration of prisons?*

M. Loyson (representative of France), in opening the question, referred to the constitution and organization of the commissioners of supervision established in France. He said the functions of these bodies were carefully defined by long-standing regulations. Their special mission consisted in the religious instruction and moral reformation of the prisoners. Their services were entirely gratuitous, and they were generally chosen from the leading inhabitants of the district. The commissioners and the governors of prisoners were independent of each other. The former did not act as administrators, and confined themselves within well-defined limits. If the members of the commission perceived in their daily visits abuses or neglect of rules, or met with complaints from prisoners, they 'officially' apprised the governor of it. Only in the event of his refusing to interfere could they appeal to the prefect of the department, or to the Minister of the Interior. Commissioners thus situated offered advantages which no other system could attain for the good government of the prisons. He recommended to the consideration of the delegates of other countries this effective plan of control, urging that the daily visits of local commissioners were better than the occasional visits of inspectors.

M. Vaucher Cremieux stated that in Switzerland, at the outset of penitentiary systems, there were commissions of surveillance, partly constituted as described by M. Loyson. During revolutionary struggles, however, the composition of these bodies was altered. At present the Grand Council appointed a

commission which was unconnected with the prison authorities, and might visit the prisons or not visit them. They could point out defects, and suggest remedies, but had no executive power.

Colonel Ratcliff (Birmingham) remarked that in England there was independent supervision. The visiting justices saw that the law was properly administered, and corrected any irregularity that might arise, while the Government sent down an inspector yearly to examine all the details of administration.

XVII.—*Ought the government of prisons to be placed wholly in the hands of one central authority?*

Mr. Hastings (Worcester), in introducing this question, said it primarily affected England, but it also concerned other countries, and he was anxious for the opinion of the foreign delegates on it. There were in England two classes of prisons; county and borough jails, governed by the local magistrates under instructions from the Home Office, and convict establishments, managed directly by the Government. Some high authorities on prison discipline wished all prisons to be placed under a uniform system under the Home Office, local control being abolished. This would secure uniformity in discipline and treatment, which so far would be advantageous; but he doubted whether we had reached the point of deciding that one system was better than every other, and of enforcing it everywhere. Even if there was now one system superior to all others, he doubted whether it was so excellent as to be incapable of improvement. A central system was apt to become stereotyped. The present variety of detail, and the interchange of opinions and experiences, would probably pave the way for a better system than any which could be theoretically devised. In small countries, easily managed by a central authority, a uniform system might be expedient. In Scotland there was said to be uniform and excellent management, under a board sitting at Edinburgh; but, however this might be, the whole population of Scotland did not equal that of London; and while it might be easy for one or two officials to manage 3,000,000 people, it was not so

easy with a large and varied population. As a delegate from the Worcestershire Quarter Sessions, he believed, and Sir J. Pakington, if present, would concur with him, that whatever the defects of county gaols, the practice of various methods and details would lead to a thorough comprehension of prison discipline. While grateful to the Home Office for its aid and inspection, magistrates believed themselves competent to carry on gaols, some of which, such as Wakefield, had set an example to the Government prisons of improvements in discipline. He should be glad to know whether on the Continent uniformity had worked well.

M. Ploos van Amstel stated that in Holland the Minister of Justice was chief administrator of prisons. This worked well in some respects, but changes of ministry were not infrequent, involving possibly changes in prison management. A council of three or four members should act with the Minister. Local boards, nominated by the Government, were charged with the interior administration or supervision of the prisons in every locality.

M. Stevens admitted that political decentralisation had its advantages, but questioned whether this was the case with administrative decentralisation. In Belgium, all prisons were under a uniform system. If a local commission suggested an improvement, it was considered by the central authority, and, if approved, was introduced in all prisons. Punishment as well as law surely ought to be uniform.

Mr. Hastings admitted that inequality of punishment was an inconvenience attending the English system. Fourteen days' hard labour did not mean the same thing in different prisons. This, however, might be remedied by intercommunications between visiting justices.

Dr. Guillaume remarked that each of the twenty-five Swiss cantons had its own legislature and administration, there being there no uniformity. It was the opinion however of those interested in penitentiary treatment, that the direction of prisons should be entrusted to a central authority. In some cantons, the police had the direction. A central authority should also have the supervision of hospitals, refuges, and similar institutions which had a preventive or other effect on crime. He attended last year a penitentiary congress in Germany, where



opinions were divided. North Germany wished the Minister of the Interior to have the direction, and South Germany the Minister of Justice. He preferred the former.

The Rev. Thomas Carter defended the English system, remarking that the punishments inflicted in county and borough gaols were never of long duration, and that magistrates would be jealous of yielding the control to the Government, into whose hands it would put a large amount of patronage. Prisons generally were now well managed, and he anticipated no advantage from a change of system.

Mr. T. B. L. Baker had visited most of the English, and some of the Scotch prisons. The latter were managed by an Edinburgh Board, who could not know with precision the circumstances of each locality. Local magistrates, as in England, were better acquainted with the feelings of the people, and could manage prisons better than a central body. Commissions of eminent medical men had laid down the cubic space and diet required by each prisoner, but they might as well lay down a uniform size of clothes. Nature had not made two men alike, and the circumstances of no two persons were so much alike as to make absolute uniformity desirable. Our system moreover had the advantage of interesting country gentlemen in the lower class, and he had found that benevolent Scotch gentlemen did not take so much interest in them, and were not able to do so much good.

Colonel Ratcliff said magistrates frequently felt the desirability of a wider discretion in dealing with prisoners summarily, instead of committing them to the Quarter Sessions. This power would save much expense.

XVIII.—*What is the treatment likely to be most effective for the reformation of juvenile offenders?*

The discussion was preceded by the reading of two papers, one by Miss Mary Carpenter, of Bristol; and the other by Charles L. Brace, Esq., of New York, for both of which see Part III.

Mr. J. A. Foote (Ohio) wished to pay a tribute of thanks

to England and Europe for having established reformatory schools, and to tell the Congress that Americans had carried the idea further. It was the romance of doing good. The American schools were on the same principle, even to the making parents pay when able for their children's maintenance. The Ohio Legislature determined to have a house of refuge, but for two years the people would not sanction the expense. At length a bill passed empowering the governor to appoint three commissioners to examine the schools in the country and report on a plan. A German gentleman on the commission, Mr. Remmelin, having private business in Europe, visited Red Hill, Mettray, and Hamburg, and told his brother commissioners about it. They were glad European boys would submit to such a system, but thought it must be because there was better family government, for in America many parents had to say 'By your leave' to their children as soon as they got into pantaloons. The commissioners recommended the purchase of 200 acres for an institution on the family plan, and that 100 of the worst boys should be sent to a refuge at Cincinnati. An agreement, however, could not be effected with Cincinnati; and Mr. Salmon P. Chase, then governor, recommended that as the land had been bought, and it was too late to recede, the experiment should be tried. Mr. Remmelin took twenty boys from Cincinnati, and he (Mr. Foote) took nine from Cleveland, a gentleman picking out for him the very worst boys in the city. They asked whether they would have liquor, and insulted him and the governor, so that he expected the whole thing would fail. Mr. Remmelin abused him as only a Dutchman could for sending down such outrageous boys. On going down after six weeks a lad accosted him: 'How d'ye do, Brother Foote?' 'Where have I seen you?' 'You sent us here.' Such was the change in their appearance that he could not recognise them. 1,172 acres of land were cultivated, and not a death occurred for nearly eight years. One of the boys had been to college, and was now superintendent of schools in West Cleveland; another was managing a large workhouse; another showed great bravery during the war.

M. Vaucher Cremieux said it was easier to reform juveniles than adults. Great progress had been made in reformatories, and he particularly advocated agricultural colonies like Mettray,

where out of 4,000 inmates it was believed there had not been one who had not been completely regenerated. If juvenile offenders were reformed the germ of crime was destroyed.

Mr. A. D. Hendrickson, representing the industrial school in Wisconsin, said it was commenced seven years ago, on the congregate plan. One of the boys set the old building on fire, and it was burnt down, no lives being lost. It was full of bars and gates. They heard of the family system, and resolved to adopt it in the new building. The boys were divided into groups of thirty-five, a man and his wife taking charge of each group—he should prefer a smaller number. There was a school-house, also a ship, and nearly 300 acres of land. Some were employed on the farm, others in the garden, in making brooms, willow baskets, cane-seated chairs, etc., viz., those unable to learn a business. Some were tailors, shoemakers, etc. There were no bolts or locks, and the boys were sent out miles with a team, every confidence being shown in them. They were educated physically, intellectually, and morally.

M. Victor Bournat remarked that while England had her Miss Carpenter, France had her M. Demetz, who regretted that he could not attend the Congress, but wished it God-speed. The French law prescribed that when a person under sixteen years of age was charged with vagrancy or theft the question should be put whether he had acted knowingly, and had understood the consequences of his actions. If this was answered in the negative the prisoner was restored to his parents; or, if he had none, was sent to a penitentiary colony. Young offenders sentenced to less than two years' imprisonment were also sent thither. Those sentenced to longer terms were sent to correctional colonies, as also insubordinate inmates of the penitentiary colonies. The prison of La Roquette, the only one on the cellular system, received minors arrested or accused. If they behaved well they were set at liberty and apprenticed to a trade. If they behaved well they were never interfered with; but if otherwise, they were sent back to prison. In the country juvenile delinquents were chiefly employed in agriculture.

Mr. James Marshall referred to the Feltham industrial school, the first of the kind established in England. Unfortunately, the age of those admitted was limited to fourteen,

and the training extended over three years. The institution was partly a reformatory and partly an industrial school. A ship was sunk in the ground, with the view of qualifying them for sailors, which many of them became, being well received by captains. Military training inculcated habits of submission and discipline. Middlesex had also established an institution for girls at Hampstead. Religious instruction was given, health was attended to, and education and industrial training were given; cooking, house-work, &c., being also taught. There was no difficulty in obtaining situations for them, for they were more skilled servants than proceeded from many an honest man's home.

On the adjourned discussion upon this question, Mr. Herbert Safford asked whether it was the practice in New York to compel parents to pay for the maintenance of their children in the institutions referred to, and whether the country homes, to which allusion had been made, were large or small.

Mr. C. L. Brace replied that poor parents were not obliged to pay for the maintenance of their children in these institutions, but if they chose to do so they could. The farmer's homes were very simple, humble affairs, and were ranged, according to Western society, on a very equal plan; so that a child placed in one of these homes became a member of the family, grew up with the rest of the children, and shared all the benefits of their society.

In answer to Sir J. Bowring, Mr. C. L. Brace said there was no magisterial power of committal to the institution.

Mr. Howe (Ohio) said he appeared there as the representative of a free school, established on what was called the family system. Mr. Foote had explained how the system became introduced. It had been supposed that it would not be possible to manage the wild and vicious boys of their country upon the open plan, where there were no bolts or bars or prison appliances. The Legislature did not listen to the request that was made for money to build a house of refuge; but permission to use what was called a lock-up, a stone building 16 feet by 22 feet, was obtained. About half-a-dozen cells were constructed in it for refractory cases, but they were not wanted. Subsequently cottages were built, 100 ft. apart, with distinct playgrounds, at a cost of 2,000*l.* or 10,000 dollars. Each cottage

was designed for fifty boys, requiring three persons to conduct it—a man and his wife and an assistant. The church which had been erected for the use of this institution was the only church in the United States towards the building of which the State Legislature had contributed. Half the boys attended school in the morning, and the other half in the afternoon. The orchard contains 300 acres. Fourteen hundred boys have been discharged from the institution since its establishment, and only six had since been convicted and sent to prison.

Sir T. Fowell Buxton did not think the experience of ladies and gentlemen from the other side of the Atlantic had anything better to teach the Congress than the system which had just been described by Mr. Howe. The great point of difference between this system and the one prevalent in this country was that it was not necessary to keep the boys in the institution in New York for so long a period as we were compelled to keep them in similar institutions in this country. The average time during which the boys were kept in the New York Institution was about six months; but in England he believed it was seldom possible to reduce the average retention to less than twelve or eighteen months. He would, consequently, like to have more information on this point. The circumstances of the population in the United States rendered it easier to get rid of the boys. There they could be more easily fitted for the lives which lay before them; and it might be that there were also greater facilities for sending them out to the distant Western States, where the population was thin, where there was much to do, and where there was one single habit of manual labour throughout the whole population. When a boy got to those parts, he had no chance of finding another lazy boy to play with if he wanted to do so. It might also be that in England we were rather too aspiring in the homes which we sought for the children. On these points he would be glad to have further information.

Sir John Bowring said it was true that the average period of detention in the homes was about six months; but it was to be remembered that the children in them were not generally criminal children; they were neglected, deserted, or vagrant children, whom it was not thought necessary to keep for a long period. Then home influence was vastly superior to that of a

public institution; and it so happened that there was an endless demand in the West for children's labour. The homes they found were not luxurious, but there were no better homes in the world than those good western homes. The children grew up under the best influence, and ultimately became farmers as tenants or fee-holders.

Mr. Baker said he had now been a reformatory school manager for little more than twenty years and three months, and he had found that one reformatory school was like another. Mr. Baker then described the experiment he made twenty years ago, and the efforts that were then put forth to procure Government assistance. The first object they had in view was not so much the reform of the boys as the putting of them in a place where they could not corrupt others, and the result justified this view. In 1856 laws were passed enabling reformatories to spring up pretty well over the country. Juvenile crime had been steadily increasing, the number of committals that year being within 19 of 14,000. In 1860, the number of committals was reduced to 8,029. That was a satisfactory and encouraging result.

Mr. Foote (Ohio) spoke in high terms of the efforts of Mr. Howe in regard to the establishment of homes for the reformation and training of boys, and remarked that industrial schools were now springing up all over the country.

Baron von Holtzendorff said that amongst the preventive measures in Germany was compulsory education, which had worked in such a way that such spectacles as met the eye in New York or London, or in any of the great towns, could not be seen in Berlin. They must not wait until a child appeared to be on the verge of crime, but he should be instructed as to his duty to society and himself beforehand. No child under twelve years of age in Germany could be brought before the magistrate for any offence he might have committed. It was reported to the schoolmaster, who inflicted on the offender the necessary chastisement. Then the law said that a boy between the age of twelve and eighteen might be sent to a reformatory, which was generally under the management of private persons. There he might be detained until the age of twenty. He was of opinion that the progressive treatment might be applied to juvenile delinquency. The prevailing opinion in Germany was

that it was not sufficient merely to detain a child to the age of thirteen and fourteen at a public school, but that there should be a complementary course to the age of eighteen, and that boys and girls who had left school ought to be obliged to attend evening lectures twice a week. This was thought desirable because the period he had mentioned was a very dangerous one. Such a complementary course was believed to be of much importance; and some such provision had been already made in Saxony. The subject was now occupying the attention of the Prussian Government.

Mr. A. D. Hendricksen gave an account of a school for the State of Wisconsin. It was exclusively for boys who had committed crime, or who were vagrants, having no visible means of support; and the latter class consisted largely of the sons of widows and of absolute orphans, who were looked after up to the age of twenty-one. A board of five appointed by the managers had entire control of the school, which was periodically visited and reported upon by a committee appointed by the Legislature. Last year there were 288 inmates, of whom 81 were American born, 57 were Irish, 48 German, 40 English, 16 coloured, 8 French, and 6 Norwegian, the remainder being Welsh, Hollanders, Canadians, Prussians, Poles, etc. The object of this institution was to destroy the prison by rendering it unnecessary, as a certain Assyrian king destroyed his enemies by making them his friends.

Dr. Guillaume observed that the people of Switzerland had come to the conclusion that the only means of destroying crime was by taking means to prevent it. Statistics showed that the want of proper education was a principal cause, if not the only cause, of crime. Some of the causes of crime were of long standing, and sometimes they were hereditary; but he contended that a suitable education in infancy would destroy or remove the hereditary predisposition to crime. He remarked that virtue was hereditary; and that probably the greatest philanthropists of the day owed their virtues to the influence of several generations. Neglected children were not responsible for their moral infirmity, although it subsequently might entail upon them public chastisement. He agreed with the gentleman who had preceded him as to the importance of reformatory treatment of juvenile offenders, but held that if

Christian and charitable families could be found to place them in, it would be a preferable plan. As in Switzerland a sufficient number of such families could not be found, they had been compelled to establish institutions in which to educate orphan and neglected children, and they had now in existence some seventy or eighty of them. All were organized so that they might resemble as much as possible the family circle; and the results, he was happy to say, were very satisfactory. The cases of unsuccessful treatment were not more than ten or fifteen per cent.; and what he meant by those who turned out well was that the children grew up orderly and respectable people, honestly earning their living, subsequently marrying and becoming themselves founders of new homes, which was the grand object of life.

Mr. W. H. Wills (Nottingham) said that twenty years ago he had an opportunity of witnessing the effect of giving fifty of the best-conducted boys in a school gardens to cultivate; and this had a powerful influence upon all the boys in the institution, which was four times the number named.

The Rev. W. T. Crombleholme adverted to a statement by Baron Holtzendorff that children under twelve, instead of being taken before a magistrate, were taken before the schoolmaster, who was the person appointed to correct them. The statement suggested that in Germany a schoolmaster must be made more of, and be a more responsible person than the schoolmaster was in this country; and he could not help thinking that if the schoolmaster here had a better position, and was looked up to with more respect, that would have an exceedingly good influence on schools and on children generally. It was added that when a boy had left school at twelve or thirteen he was obliged to attend lectures once or twice a week. He supposed such instruction corresponded to that given in English night schools, which he was sorry to say had for some time been losing ground. The Government appeared to be making them of less importance than they really had been, and than they really ought to be; and it would be well if the public would give the matter a little more consideration. The night schools in the large manufacturing towns would become almost useless unless more encouragement were given to them in the way of examination. He was glad that the Congress had given ex-

pression to the feeling that the improvement of the condition of children and the prevention of crime was a matter of far more importance than cost; but he regretted that there appeared to be among economists a strong feeling against industrial and reformatory schools which militated strongly against the increase of their number. Money spent upon industrial schools and reformatories was exceedingly well laid out. During the last few months an attempt had been made to take the inspection of industrial schools and reformatories from the Home Office, and to place it under the Education Department. It was felt by the managers that this would be a misfortune, and it had been prevented for the present. The training in industrial schools and reformatories was of a different character from that in elementary schools; but in the former special attention had to be paid to the formation of habits of order, industry, and self-respect. It was not possible to apply to industrial schools and reformatories the same standard of examination that was applied to elementary schools, because it was necessary to pay more regard to moral training than to reading and writing.

Mr. Aspinall (Liverpool) did not think any day of the Congress had been more usefully occupied than this had been so far. In England we were beginning to appreciate that prevention was better than cure, and was much more likely to succeed. We might prevent where we could not cure. In the matter of moral and religious training it was better to strengthen those who stand than to endeavour to lift up those who fall; the one ought to be done and the other not neglected. Credit enough had not been given—that they would never seek nor desire it—to the originators of the reformatory movement. (A voice: That is true.) It was much to be regretted that in this country we could not sufficiently often get Parliament to make social questions imperial ones. We had exciting party conflicts, but they were not so profitable to the masses as they ought to be, considering the time they occupied and the matters which they prevented Parliament considering. Thanks to Miss Carpenter we had some reformatories; but we had masses of population congregated in the most artificial manner, in lanes and valleys, which we did not show to foreigners. We ought to be ashamed that with all our wealth we had done

so little for the valuable lives of teeming millions, who ought to be the first consideration of a Christian community. We now had in England in full working order our reformatory system, which reached certain of the poor, wretched, and suffering class; we had our industrial schools, which were admirably designed to reach others of the same class; we had our workhouse schools, which educated a large number of poor and neglected children; and now, following the example of Germany and other states, we had made elementary education compulsory: but even these four agencies for ameliorating the condition of our neglected classes, would leave a large area for philanthropic effort in our great towns. In order to be sent to a reformatory, a child must have committed a distinct act, indicating the necessity for reformation; in order to be sent to an industrial school a child must be wholly neglected and likely to fall into crime; before entering a workhouse a child must be essentially a pauper, which is a melancholy starting-point in life. And many children who would be sent to school under the compulsory Act, would emerge daily from homes in wretched alleys, cellars, and garrets, in which they would be subjected to the most dreadful influences; and looking to the morally pestiferous atmosphere breathed by many who would not come more under the influence of the law then, there was a very large field open to ladies and others for doing a great work in improving the parents of the children. We must take care of the children; but was it not a needful and urgent thing to do something for the homes in which they lived? We had yet to learn that advanced civilisation meant something more than pomp, vanity, show, and self-indulgence; that civilisation meant the uplifting of the poor to a position at least of consistency with those philanthropic and Christian principles which we all professed to act upon, but which we most of us practically ignored in our daily life.

The Rev. S. C. Baker, who could plead three apprenticeships to reformatory management, said that that for boys with which he was now connected in Monmouthshire, although it was the smallest, was not the least successful. As to the family system, they had no choice; they had been a small family from first to last; the managers had considered themselves *in loco parentis*, and the superintendent and his wife had

acted as father and mother to the boys, who had come to regard them as such, and that not only in the school, but also when they had left it and gone into the world; so much so that on their earnest entreaty the matron had gone to nurse boys that had suffered illness in their situations. There could be no question of the importance of the family system, because the object was to reinstate boys, not only as inmates of institutions, but as members of families and of society. People who went to see the Monmouthshire reformatory were somehow disappointed to find that the home was simply a farmhouse, and that the school was held in the barn; yet there was almost everything that a reformatory should have. The farm when taken was in a rough, uncultivated, and exhausted state, but by degrees it had been brought into good condition. Gardening was one of the most important features in the reformation of the boys, and nearly the whole farm was now a well kept garden. Not only did the work reform the boys, but the undertaking was most successful in a pecuniary point of view, so much so, that when a return was made to the inspector, he sent it back, on the erroneous assumption that there must be a mistake in the reported amount of profits.

Mr. A. H. Safford desired the meeting to return to the discussion of the relative merits of large and small establishments. The printed reports seemed to show that whatever might be the advantages in regard to training, the advantages as regarded expense were greatly in favour of small establishments; and that had been one experience in England. Personally he saw ten thousand criminals a year, and his conclusion was that the want to be supplied was that of home influence. In too many cases children were brought before the magistrates by their parents, or more generally their step-parents, with a view to their obtaining the advantages of the education supplied at the industrial schools. We had been too tender-hearted in the past about making education compulsory; we allowed the thistle to take root and to flower and the seed to spread, and then parents who would consider it a disgrace to send their children to a workhouse school, sought to get them into an industrial school. We should strike at the root of this by a direct system of compulsory education. Cases had occurred in which parents with an income of 2*l.* a week

had got one child, two children, and even three children into industrial schools, and those parents did not pay to Government even what it would cost to keep the children in bread and butter. They wholly seemed to have lost sight of the question raised by Miss Carpenter, whether it was possible to procure employment for children without the intervention of industrial and reformatory schools; but this seemed to him to be a matter of very great importance. If we could provide criminal training without subjecting youths to the stigma of a criminal proceeding, we should do much good. He supported any proposition for placing children under the protection of the State instead of leaving them in the hands of degraded and dissolute people, living in miserable overcrowded rooms and houses. We were too tender-hearted in our treatment of marine store dealers who made purchases of children under sixteen. We must stop that traffic, to remove the temptation which it offered to children; and if we could get hold of them and accustom them to hard work they would not become thieves.

The Right Hon. Sir Walter Crofton said it was clear that the feeling of the meeting was in favour of the family system as opposed to the congregated system.

Mrs. Meredith very much wished to know what became of the children of prisoners in continental countries, and what was done with children born in prison of mothers who were not married.

Dr. Marquardsen (Bavaria) said that in Bavaria such children were taken care of by the State, as if their parents were not living.

Mrs. Meredith: When parents are discharged from prison must they take their children immediately?

Dr. Marquardsen: If they are able to support them they can get their children back again.

Mrs. Meredith: But if they are unable?

Dr. Marquardsen: When children are not provided for as to instruction the State interferes.

Mrs. Meredith: But if a woman comes out of prison without means of support, and if she has a child, do you allow her to return with her child to an abode where crime is rampant?

Dr. Marquardsen: The State assumes the right to look after children compulsorily.

Dr. Guillaume said that in Switzerland the children of parents in prison were cared for by the Commune, the local authorities being compelled to extend this care to them. It was, however, of a selfish nature, and wanted heart. Private assistance was destined to replace the obligatory assistance.

Mrs. Meredith: Such as is afforded in this country?

Dr. Guillaume: Certainly. I have been charmed by my visits to the industrial schools of England.

The Rev. Joshua Coit (Massachusetts) said that in that State such children became wards of the State; they were placed in reformatory schools, and might be put in the charge of families, where they would be visited by the State agents. In many cases, children under sixteen who were accused of crime were not placed in reformatories at all, but were at once placed with families. In reply to the question, Does the parent absolutely, in all cases, lose control of the child? he said, Yes, except under special circumstances; when, by order of the Court, a child may be given up.

Mr. Ford said that hitherto certified industrial schools for those who were not sent to prison had been established in this country wholly by voluntary effort. Now that education had been made compulsory, counties and boroughs had the power to establish such schools. It was a singular fact that in England the more criminal institutions, the reformatories, had remained stationary ten years; and these were only sixty-four or sixty-five. But the least criminal class of institutions—the industrial schools—had more than doubled in number during the same period. In 1861 there were forty-one, and fifty had been established since. Thus it appeared that the least criminal class were doing away with the necessity for the more criminal class, and he did not doubt that some reformatories would soon be turned into certified industrial schools. Altogether, 40,000 had passed through the schools since 1854. The greater part of the money for the maintenance of the schools had hitherto been provided by the Government; but part had been contributed from local rates, by parents, and by the proceeds of industrial work.

At this point the discussion of the subject in full Congress was stopped; but it was resumed in one of the three sections which sat on the last day of the Congress, in a room of the

Society of Arts. In this Mr. A. H. Safford asked whether Miss Carpenter proposed that compulsory power should be sought? For instance, supposing the parents deceived the school board as to their inability to pay, ought power to be used to proceed against the parents for the recovery of the payment which the board had made for the education of the child?

Miss Carpenter thought all that would be remedied by the investigations of the school agents, who performed the most important part of the whole system. When the school board at Bristol began to work, they appeared to have a liking for school agents, and at first tried to get the assistance of the one she had. They divided the city into four parts, appointing an agent for each; but in that part which had previously been worked by her own agent, there were several courts he had visited which the school board agent passed over altogether. His excuse was that he had not time enough to look after them.

Mr. Marshall heartily approved of the scheme shadowed forth in the remarks of Miss Carpenter, as one calculated to reach the class for whom it was intended. It was remarkable, however, that so many of the neglected children that swarmed our streets belonged to parents of the artisan class, who, being addicted to drink, were, more or less, in a state of abject poverty, though in the receipt of good wages. Something ought to be done for such children. The poor law guardians could not help them; for, so long as the parent was getting good wages they could not interfere, and they did not interfere at all, except on his own application for relief. A plan was in operation at Aberdeen and Edinburgh similar to that described by Miss Carpenter, and was attended with good moral effects. Such was the dirty and ragged condition of children that, unless some special means were applied, they would be quite unfit for schooling. Many of them were hungry as well. The way in which the difficulty was met in Aberdeen and Edinburgh, and perhaps elsewhere, was this: On entering the school, the children laid aside rags, and, after having a good bath, a suitable dress was put on them, and they wore it the whole day. They were taught such things as they were capable of learning; they had a playground, food of a simple character was given to them, and at night, resuming their old clothing, they returned home.



By staying at the school all day, they were able to learn at least the elements of civilisation and good manners, cleanliness, and so on, and that learning had its good effect upon their parents and all with whom they came in contact. The agency was altogether a voluntary one; and he agreed with Miss Carpenter as to the desirableness of having the co-operation of the school board agents to enforce attendance, though he feared they would not get much payment from the parents for schooling, as was shown in the case of those children who were sent to the reformatories. The magistrates ordered the parents to pay so much a week towards the maintenance of their children, and, although the sum was comparatively small, very little could be got from the reckless parents; and then the remedy was almost worse than the disease, for if the magistrate sent the defaulters to prison, the family would be dispersed, and, in all probability, sent to the poorhouse, their only source of maintenance, the father's wages, having gone with his committal. Unquestionably Miss Carpenter's plan was in some measure attended with the risk of relieving the parents of a liability that they ought to undertake, and not a few negligent ones would eagerly avail themselves of the opportunity of shifting their responsibility on to other people's shoulders; but at the same time, it was a deplorable thing to let children, wholly neglected by their guardians, grow up in crime and misery. The measure suggested by Miss Carpenter promised well, as a whole, and he hoped it would have the sanction of the Legislature.

Colonel Ratcliff, referring to the James Street Industrial School at Birmingham, established twenty-five years ago, said the system worked there produced the most beneficial results, not only on account of the education given, but also because the various trades carried on created in the children healthy habits, that induced, in their turn, a desire to continue those occupations after leaving the school. It was of the greatest importance that institutions of this character should be organized under the school boards. With regard to workhouse schools, the associations of the house were inseparable from the school, and the children grew up indifferent to their position in after-life. This had been made manifest over and over again; and where entire separation had been made, the result was quite different. In Birmingham, some years ago,

before the present workhouse school was built, the more experienced members of the Board of Guardians decided that there should be a complete separation from the house; but unfortunately there were other guardians who overruled the decision, in the belief that the mere erection of a wall between the school and the house would serve as a sufficient severance. In Shropshire there was a town in which the authorities strictly carried out the separation of the school from all the workhouse associations; and the result was that the children never expressed a wish to be dependent, in any way, upon the care of the parish. At Birmingham, several years ago, the question of national education excited much attention. An organization was formed for visiting the town throughout, and it was found that 20,000 children never went to school; and of these 700 were so utterly destitute that they could not possibly be allowed to come to school. The school fees of at least 10,000 to 12,000 were paid in order to induce parents to send their children, and in many cases clothing was provided also. A boys' beadle was now employed in bringing neglected children before the magistrate, that they might be sent to the industrial school.

The Chairman then read a *résumé* of a paper by Mr. Sheriff Watson, showing the beneficial results of a system established by him at Aberdeen for dealing with an idle, vicious, and disorderly set of children, who had been brought before him whilst discharging his judicial duties.<sup>1</sup>

The Rev. W. C. Van Meter, of New York, described how successfully he had been engaged in rescuing, and placing in Christian homes, neglected and homeless children. In his description of the history of the organization in New York, he remarked, that the portions of the city for which little or nothing was done by means of missions, but which he penetrated, had, on the average, a grog-shop for every two dwelling-houses. The rescue of children with such surroundings had to be effected by no ordinary method. Starting with the principles of the Christian religion as a basis, he provided himself with a huge basket full of flowers, and distributed them among the poor, wretched children, who liked them well, for they rarely saw flowers. In that and other ways he won the children,

<sup>1</sup> This paper is given in Part III.

whom he rescued. He had no money to carry on the work with, except what was contributed voluntarily. He would not ask the aid of the Board of Education, who at that time and in that particular district, were, eight out of ten, not only illiterate themselves, but gamblers or rum-sellers. He especially addressed himself to the question, How could he aid these children without at the same time degrading them? The principal part of the work was the removal of the children to Illinois and the Far West, where they had respectable families to live with, and received a common school education. In this way he had, since June 1861, brought into the Howard Mission and Home for Little Wanderers 11,009 children, gathered from the streets of New York. While the work was still being carried on there he was proceeding to Italy to establish a Bible school in Rome in connection with the Bible and Publication Society of Philadelphia.

XIX.—*Is it desirable to establish international prison statistics? And if so, how may this be accomplished?*

Signor Beltrani Scalia said it was needless to show the utility of penitentiary statistics, which alone could furnish legislators with the elements necessary for a reform of the penal system, and which moreover would furnish judges with valuable hints in the application of punishments. The idea of collecting and publishing every year international penitentiary statistics was first given in 1837, by M. Ducpétiaux. It was afterwards taken up and endorsed by the Prison Congresses of Paris, 1853, and Brussels, 1863; as also by the Statistical Congresses of Vienna, in 1857, and London, in 1860. Unhappily, all these resolutions had as yet led to no result. In 1870 the Statistical Congress at the Hague unanimously decided, on the motion of the director of the Berlin statistical department, that a series of tables and questions should be prepared by Denmark and sent to all foreign governments. This, too, unhappily, had had no practical result. There was no thought of imposing any restraint on the various governments. Each of them would remain at perfect liberty

to determine the form and time of the official publications it considered useful; but an International Commission ought to be appointed, comprising representatives of the different countries, which would lay down the basis of international penitentiary statistics. The Statistical Congress at the Hague also expressed a wish that the statistical tables should be drawn up not only in the language of the country, but in French. It would thus be no longer necessary for the governors or inspectors of prisons to know all languages in order to study foreign official documents.

Mr. E. H. Coates had been requested by two large American associations, representing nearly half a million persons, to ask the Congress to obtain statistics on intemperance, and also to call on the people to forbid the manufacture and sale of intoxicating drinks. They believed that the greater number of convicts were brought to gaol, directly or indirectly, through intemperance.

Dr. Wines agreed with Mr. Coates's remarks, but thought them irrelevant to this discussion.

Count Sollohub (representative of Russia) suggested the appointment of a committee to arrange for uniform statistics in all countries. He was sure no country would refuse to co-operate.

Dr. Frey (representative of Austria) remarked that a comparison between different countries would be attended with some difficulty. If the question arose how many persons suffered from lunacy under isolated and how many under congregate imprisonment, the per-centage of lunacy in the country should be considered. So with regard to the rate of mortality in prison. The difference of rate under different systems might be due to nationality, not to system.

Dr. Guillaume (Switzerland) urged the importance of statistics as a guide to prison reformers. He did not expect great immediate results, but in twenty, thirty, or fifty years, they would allow the keystone of the arch to be supplied. Minute information should be obtained of the criminal; so that the springs of crime might be ascertained and dried up.

Professor Leone Levi would propose that a committee be formed, consisting of one or more deputies from each country,

to lay down the principles of a yearly statistical report on crime and prison discipline. The Statistical Congress about to meet at St. Petersburg would welcome the co-operation of this Congress in formulating prison statistics. The classification and nomenclature of crime differed in different countries; murder in one might not be murder in another. In England there had been a diminution of indictable offences, but including summary convictions, the aggregate was greater than it was seven or ten years ago. To ascertain a decrease or increase of crime, the nomenclature must first be agreed on.

The Chairman (Baron Mackay) concurred in the importance of uniform classification. He would inform the International Committee of what had been said, and suggest that a report should be presented to the St. Petersburg Congress.

XX.—*What is the best mode of giving aid to discharged prisoners?*<sup>1</sup>

Mr. Powell (New York) said that with the paper which they had just heard in its main features he most heartily concurred. It seemed to him that the duty of society to the prisoner was inadequately discharged if it terminated on his leaving the prison door. He thought the Government owed it to the prisoners to found the necessary institutions to meet the requirements of discharged prisoners. They ought not to be called prisons or houses of refuge, but industrial institutions, supported and maintained by the Government. He would not have the prisoners wholly supported by such institutions, but have them educated on a plan of co-operative industry, by which the labourer should share the advantages of his toil. One answer to the question then was, co-operative institutions to which both men and women might resort on leaving the prison, and be there respected in the prosecution of their work. A case was mentioned to him of a man who had left a prison, but wearing clothes which were furnished by the prison, which

<sup>1</sup> This discussion was opened by a paper by Mr. Murray Browne, which will be found in Part III.

being known, caused him to be looked upon as a suspicious person, and prevented his obtaining employment. Being hard pressed he entered an office and stole a coat, which resulted in his being sent back to the New Jersey Prison. Secondly, there should be in every community, as was suggested in the paper he had heard that morning, voluntary associations for proffering assistance to discharged prisoners. Thirdly, he would have the prisoners taught the lesson of abstinence from intoxicating liquors as a beverage. Seven-tenths of the inmates of New Jersey Prison had come there, either directly or indirectly, as victims of intemperance.

M. d'Alinge (Saxony) said that forty years ago a society was established in his country for the aid of discharged prisoners, at the instance of King John. Other societies had since been established, and they had much prospered. They were worked by both ladies and gentlemen; and lately they had extended their help not only to the discharged prisoners, but also to the families of the prisoners. This was one of the most important questions that could be discussed; and one in which they should say, let all help and not be weary in well-doing.

M. Robin (Paris) asked permission, before treating of the question immediately before Congress at that moment, to report a piece of news, which he had no doubt would be interesting to all present. There was then assembled at Paris the Synod of the Protestant Reformed Church, and it had unanimously resolved to forward an expression of its lively sympathy with the objects of the Congress, and its earnest desire for the success of their efforts. He wished first of all to correct an error which appeared to be prevalent. Several members of that Congress appeared to think that the idea of patronage was exclusive, that was to say, that it did not take proper account of the means necessary for the reformation and regeneration of the prisoners. He wished to say that the idea of patronage embraced industrial, moral, and religious instruction, and that upon the way this instruction was imparted depended satisfactory results. Then patronage had not merely to do with prisoners after their discharge, but penetrated the prison walls; and it did so without there being any conflict

with the authorities of the prison. Parisians contended that patronage should begin its influence when a man was under confinement; for they held that it was extremely difficult to exercise their patronage in an efficient manner upon a man when he left prison, and they had had no opportunity of becoming acquainted with him. He could not accept the patronage of a man whom he did not know, and whom he saw for the first time. He therefore contended that the prison should be opened to the Aid Society; that its members should make regular and frequent visits; that in certain cases the visitors should be entrusted with the keys of the cells in which the objects of their solicitude were confined; and that they should be enabled freely to converse with all the prisoners. In that way a direct personal and important influence could be brought to bear upon the prisoners, whilst they were prepared for their exit from gaol and their subsequent career. Those who showed themselves worthy of aid by an improvement in their disposition and a determination to support themselves by honest industry, on leaving the prison presented themselves at the office of the society, where clothes, food, and sleeping accommodation were provided, and efforts were made to procure them employment. The society continued its assistance until those it was caring for completely regained their position in society. This system had been very efficacious in Paris, not more than 5 per cent. of those so aided being known to relapse into crime.

Dr. Guillaume (Switzerland) said the system of Sir Walter Crofton seemed to the people of his country to attain the object in view with regard to discharged prisoners. Great difficulty was felt from the prejudice which exists against discharged prisoners, and nothing should be left undone which would tend to raise their character, and induce society to receive them back in a kindly manner. Then it was important that the prisoner should have a knowledge of some trade by which he could honourably earn his livelihood; because if he had not the means of earning his bread, he would certainly relapse into his former condition. Employment too, should, if possible, be provided with as little delay as possible, the discharged prisoner not being allowed to wander about in search of it, until he lost his desire for work and fell under the temptation of drink. The assistance thus rendered should be of a

moral and industrial character, and should be given both by the State and by voluntary societies.

Mr. Baynes Ranken said he belonged to a society which occupied among societies of this kind the most important position. The first Prisoners' Aid Society was established at Birmingham in 1836, and that of which he was the honorary secretary came into existence the following year. The difference between the society he represented and other societies was, that it was the only society in England that exclusively undertook the cases of prisoners discharged from convict prisons. The other societies, which were thirty-three in number, undertook the care of prisoners discharged from county prisons. From the returns he had in his hands, he found that in the course of last year, the society he represented undertook the cases of 477 discharged male prisoners, the other cases amounting to something like 94. The return of the prisoners which had been re-convicted between November 1, 1869, and October 31, 1871, showed that out of 837 assisted on discharge, only 46, or from 5 to 6 per cent. had been re-convicted, or were known to have relapsed into crime.

Mr. Murray Browne agreed with M. Robin, that patronage should begin in the prison, and observed that that was practically done in England; for the chaplain was invariably either a member, or the secretary of a Prisoners' Aid Society.

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XXI.—*What are the best means of securing the rehabilitation of discharged prisoners?*

M. Stevens (Belgium) stated his intention to treat the subject from the two points of view, of moral and legal rehabilitation. The former was to be obtained by giving every person confined in prison instruction in the particular religion which he professed. In his country the dominant religion was Roman Catholic, and in the prisons were to be found also Protestants and Jews, as well as Roman Catholics. Each of these had the assistance of a minister of his own religion, and he had known an instance in which a Protestant clergyman had been brought twenty-seven leagues for such a purpose. He

argued that in England and other countries, the same liberality should be shown. He then contended, in support of his second proposition for legal rehabilitation, that the discharged prisoner should be free from the supervision of the police, and from all restrictions other than those to which honest men were subjected. In Belgium, a prisoner lost his right to vote, to carry arms, and discharge various political duties during a certain period. That was unfavourable to the progress of a man endeavouring to regain his position in society. A man was not a free agent as long as he was a marked man. On leaving prison he ought to receive encouragement, and to be helped to procure employment. Such patronage might be awarded as a recompense for good conduct whilst in confinement, and it should be exercised over women by women, and over men by men.

Mr. G. W. Hastings (Worcester) thought it was possible, that in regard to the facilities for obtaining religious instruction in the prisons in this country, M. Stevens was under some misapprehension. It was not the case that in England prisoners were compelled to receive the religious ministrations of those from whose faith they differed. On the contrary, under the Act known as the Prison Ministers' Act, it was in the power of any bench of magistrates in charge of a gaol to employ, in addition to the chaplain, who was a clergyman of the Church of England, a Roman Catholic chaplain, and to pay him a salary out of the funds at their disposal. In the gaol of the county he represented, a Roman Catholic chaplain was employed and paid. There was now a Bill before Parliament, the object of which was to make the employment of such a provision compulsory in all the gaols of the kingdom. At the present time, the employment of a Roman Catholic chaplain was only optional. It was probable that the Bill now before Parliament had led M. Stevens into error.

Sir Walter Crofton observed that in Ireland there were not only Roman Catholic, but also Presbyterian chaplains engaged in the prisons along with chaplains of the Church of England. M. Stevens objected to police supervision. He had known no bad results from police supervision in this country. On the contrary, he had found the police co-operating in every possible manner with discharged prisoners in their efforts to obtain

employment. Conditional liberation was one of our stand points.

Mr. Macfarlane (Ireland) remarked, to show the extreme anxiety on the part of the authorities in Ireland to consult the religious views of the prisoners, that he knew of a case in which a Unitarian minister was called in to attend one of them. He then expressed himself as opposed to the emigration of discharged prisoners; for when they arrived on a foreign shore they were not known, and, consequently, they did not receive the treatment their cases required.

M. Stevens wished to explain, that police supervision in England was very different from police supervision on the Continent. In England it meant protection and assistance; in other countries it meant exactly the reverse. He was quite in favour of such supervision as was meant by Sir Walter Crofton.

Mrs. Howe (Boston) said one thing had not been expressly mentioned in dealing with the rehabilitation of the prisoner on his discharge. She was reminded of the line of Mr. Emerson on the death of his child: 'Perhaps the world and not the infant failed.' She could not but think that they might say the same of the prisoner. A maid-servant, when carrying away a tray filled with linen articles which had not been satisfactorily dealt with in the laundry, in answer to a question concerning them, replied, 'They are our failures.' When she saw the melancholy vehicle carrying the poor criminals to their place of detention, she might say to society, 'There are our failures!' It would be much for the good of the prisoner if society bore in mind that it had failed, and even more largely than the individual, because it had more power than the individual. She wished now to say one word, and a painful one, respecting the rehabilitation of her sex. She wished the technical and unjust phrase applied so commonly to women to be stricken out from such councils as those. As they spoke of vicious men, licentious men, and virtuous men let them speak of women. And, unless they always wished to go back to the orthodox fall of man, let them not speak of women in separate terms.

Baron Mackay (Holland) said there was no doubt that religious equality prevailed to the largest extent in the prisons of both Holland and Germany; and as to the rehabilitation of

prisoners, he was not in favour of this being effected by a judicial verdict.

Mr. B. Baker (Gloucester) remarked that in England the prisoner on his discharge became possessed again by right of all the privileges of a citizen. The best plan of reforming the dishonest man was, in his opinion, to imprison him for a certain time, and then to liberate him under supervision. As no man became utterly base at once, so no man became good and strong enough to resist temptation at once. He also held that the gaol was not sufficient to make a perfectly honest man, fit to be trusted anywhere. He further believed that the stigma, as it was called, the want of character by a man when he went out of prison, was one of the most wholesome and natural parts of his punishment. It ought not, however, to be such as to prevent his finding work, and to keep him in idleness; but it should throw a doubt around him as to his honesty, and make him feel that a good character was something really worth having. Supervision in this country was both careful and kind. In his own county there was hardly ever such a thing as a man under supervision out of work. He maintained that such persons ought not to be able to get light, easy, and well-paid places where their characters were not known; and that a man would not recover his character really and earnestly if he began his course by telling a lie or concealing the truth. He must begin his new career with a lower kind of work, and if he showed himself worthy he would, in the course of time, rise to higher positions.

Dr. Wines (representative of the United States) wished to state the law and practice in reference to this subject in the United States. In most of the States, he believed in all of them, a conviction for felony deprived a man of a number of his civil rights; such, for example, as the right of voting at elections, and the right of giving evidence in a court of justice. The termination of the sentence he had undergone did not restore to him those rights which he had forfeited; though they might be granted him by an act of pardon on the part of the Executive of the State. In most of the States they now had what were called Commutation Laws; that was power granted to the criminal of abbreviating his imprisonment by good conduct, industry, and attention to the regulations of the

prison. Where a man passed through a certain term without any marks against him, he received the maximum diminution of his sentence, and he received a certificate to that effect from the governor of the gaol, countersigned by the governor of the State. Such a paper restored to him all the rights he had forfeited, and he became completely rehabilitated.

The Hon. Mr. Chandler observed that in Pennsylvania a prisoner left the gaol in as good a condition politically and civilly as that he possessed before the commission of the crime. For instance, the day after a man had completed his term of five years' imprisonment, he could either vote at an election, or be voted for, if anybody could be induced to vote for him.

At the request of Mr. Hastings, Sir John S. Pakington explained the position in England of the question of religious instruction in gaols. He understood remarks had been made which seemed to imply that in England, in attending to the important point of the religious instruction of prisoners, we allowed only chaplains connected with the Established Protestant Church to attend our gaols, and that we did not permit chaplains of any other denomination to do so. This was a serious imputation; whatever our religious differences might be, we all recognised the necessity of endeavouring to teach the Christian religion to the unfortunate men who became inmates of our gaols; and he for one could not consent to ignore denominational differences between prisoners, or to hold that the Roman Catholic was not as much entitled to religious help and instruction as the Protestant. He and Mr. Hastings belonged to a body of magistrates who had availed themselves of a permissive Act which enabled magistrates to appoint Roman Catholic chaplains in gaols; and there was before Parliament a measure to compel magistrates to appoint Roman Catholic chaplains in certain cases. It was introduced last year by the Government, met with a good deal of opposition in the House of Commons, and was dropped. This year it had passed through the House of Lords, and was again before the House of Commons, and he felt it his duty to support it. He was the more bound to do so because some years ago the question was referred to the consideration of a Select Committee of the House of Commons, of which he was a member, and he drew up the Report adopted by the Committee on which the Bill was

founded. As there had been much misapprehension with regard to the present state of the law, he thought it right to make this explanation. We had a permissive law—it was generally the Act universally adopted—and he hoped that before the close of the session there would be a compulsory law providing that no man should be deprived of religious instruction because he happened to be a Roman Catholic.

[It may be added that the Bill alluded to by Sir J. Pakington was withdrawn for want of time to discuss it in the House of Commons.]

In the third of the Sections which sat simultaneously on Thursday, July 11, the subject of the *Prisoner after discharge* was re-opened by Mr. J. A. Bremner (Manchester), in whose opinion, while credit must be given to the numerous voluntary associations (known as Discharged Prisoners' Aid Societies), yet here, again, experience showed but small success in dealing with female criminals, which was largely due to the fact that women visitors or agents were not employed. He further considered that more efficient measures should be adopted by the Government for the information of prisoners of both sexes after discharge. The efforts of Prisoners' Aid Societies were to a certain extent seconded by the Legislature, by means of the gratuity allowed to the prisoner on discharge. But there was no guarantee that *all* prisoners on being liberated would have the opportunity of reform afforded them; and in many cases the amount of gratuity was not adequate to enable the voluntary Aid Society to carry out its benevolent purposes. Thus, to leave the prisoner to the chance of being cared for or not, after the stain of imprisonment had been passed upon him, was not in harmony with sound economy, nor with the feelings of humanity. However important the consideration of the prisoner under trial and during imprisonment, the third stage, after discharge, was no less so, being the period best suited to the exercise of philanthropic effort. The 'rehabilitation' of the prisoner, in its widest sense, is the end at which all systems of discipline should aim; and, in pursuance of this, some comprehensive plan of moral and material assistance to prisoners after discharge should be embodied in the criminal legislation, to become as definite a part of the general system as are the trial and imprisonment of the offender. As a first step towards

this, Government should require a Prisoners' Aid Society to be attached to every prison, and that governors of prisons should cordially promote the objects of such associations. In conformity with these views, the following resolution was carried:—  
'That in the opinion of this Section, the State has not sufficiently considered the condition of the prisoner (male and female) after discharge with a view to restoration to a life of virtue.'

## XXII.—*What are the best means of repressing criminal capitalists?*<sup>1</sup>

Mr. Serjeant Cox (Middlesex) said there were two ways in which the difficulty relating to the reception of stolen goods could be met: by making it more difficult for the thief to sell them, and more dangerous for the thief to buy them. In this country a great improvement had lately been made in the law, by requiring a more strict observance of rules in the dealing with property which young people were most frequently found selling. What had been done, and the success which had attended the experiment, might induce us to carry the principle further, and to apply it to the sale of other things besides metals. Small quantities of these, exposed outside houses and buildings, were constantly being stolen by boys, and a short time ago the law increased the minimum quantity which marine store-dealers might purchase. The result was, that in the county of Middlesex within a given time, the number of crimes had been reduced to ninety-three as compared with sixty-four in a former corresponding period. If we could extend that principle to some other articles, and prohibit shopkeepers purchasing from children under a certain age commodities of any kind which they were not likely to have acquired rightfully, and if we could also limit the hours in which marine store-dealers might be dealt with, very much good would probably ensue. In his own court, in order to make criminality more dangerous for the receiver than for the thief, he had laid down a rule which he carried out inflexibly,

<sup>1</sup> The discussion on this question was opened by a paper by Mr. Edwin Hill, which will be found in Part III.



which was always to give the receiver double the punishment he gave to the thief. It had become known that he acted upon this rule, and there had lately been a manifest diminution in the number of receivers had before him. If this rule were universally carried out, receiving would be regarded as a much more dangerous employment, and the limitation of the number would increase the check we could keep on those that remained.

The Hon. J. R. Chandler said that in the United States the owner of the stolen property could always claim it wherever found, and the person in possession must account for that fact or be punished. Twenty or thirty years ago the term 'disorderly house' had a very narrow meaning, but now it meant a house or room in which any unlawful or improper act was done; and a house where persons assembled to dispose of stolen goods would be dealt with as such. In America there was a class of capitalists who made it their business to use their funds, not merely to buy stolen goods, but to teach and encourage theft, to maintain the young rogue until he had acquired proficiency in his art, and could so more largely minister to the means of this kind of banker to him. For these he would couple with imprisonment a little of the punishment which is absolutely necessary under particular circumstances. There was another class of capitalists who sometimes grew rich on the ruin of one sex, and how to deal with them he did not know. When caught, they ought to be hung.

Colonel Ratcliff (Birmingham) said it was true that if there were no receivers there would be no thieves; and hence, when there was a theft, we knew how the property was most likely to be disposed of. We know too well that thieves were encouraged by the great facilities there were for the disposal of stolen goods. The encouragement thus afforded became alarming in places where metals were generally distributed through workshops. He had frequently heard it stated by the police that it was an advantage rather than the reverse to know the houses in which thieves congregated, because this knowledge assisted the police in finding men when they wanted them, which it would be much more difficult to do if the houses at which they were known to meet were scattered all over a town. It was next to impossible to say to the inspector of

houses that they must be closed because men who were known to have been thieves were living in them.

Mr. Clarke Aspinall (Liverpool) wished to correct the impression concerning the defective character of the English law, which would be derived from the statements of Mr. Edwin Hill. The restoration of stolen property did not exculpate the thief; and the law here was very much the same that it had been stated to be in America. The legal facilities for dealing with receivers of stolen property were not what they ought to be; but the matter was not so difficult as had been suggested by Mr. Edwin Hill. The Recorder of Liverpool punished receivers not only twice, but often seven times as much as thieves. It was no uncommon practice to give a juvenile offender a short sentence for stealing, and to give the dastardly receiver, the tempter to the crime, penal servitude for the first offence. We had a motto here, which he hoped was of general application, that every man's house was his castle; it was impossible to invade a private house except by special warrant, under special circumstances; but all public houses which were licensed by authority were open to police visitation, and this gave the police a large control over the gathering of thieves to conspire against society. We had an admirable system, possibly capable of extension, by which marine store-dealers were licensed and compelled to enter in a book, subject to police inspection, every transaction in metals and property of that sort which children were tempted to steal from the facility with which they could turn such property into money. Our pawnbroking establishments were not by any means an unmitigated evil. They were a necessity for the banking convenience of the poor, and they were subject to police supervision, with a view to the detection of crime. It was but fair to say that pawnbrokers, as a rule, facilitated the action of the police, and did not retard it. In Liverpool, he did not think so many receivers went scot-free as the paper would indicate. Proper judicial severity and astute police supervision precluded the probability of Liverpool being victimised by receiving houses in the manner suggested; although the condition of things in Liverpool is bad enough, it is not so bad as that. There was another department of the subject which is scarcely within the meaning of the question as stated; but if it was wrong to thieve, and still worse to receive,

so, if it was wrong to be a prostitute, it was still worse to keep a brothel. This was a subject which he trusted would be handled vigorously before the Congress closed. Men do indeed require to be taught that of all criminal establishments none are so criminal, so degrading, so wicked, so universally patronised, even by people calling themselves respectable, and characterising themselves as men, as those abominable sinks of iniquity which were a scandal to civilisation, and which were as ruinous in their character as criminal capitalists' establishments, which only dealt in wretched money and trinkets, while these criminal capitalists' establishments dealt with the souls and bodies of our sisters.

XXIII.—*Ought all penitentiary systems to exclude all kinds of corporal punishment?*

M. M. S. Pols (the Hague) said the question was not the abstract right of society to inflict corporal punishment; it was whether a certain kind of punishment was consistent with an efficient penitentiary system. This was not a sentimental question; it concerned the true interests of society and of the State. It was not out of sympathy with ruffians, but it was out of sympathy with honest people that he urged the total abolition of corporal punishment. It was his conviction that it was wholly inefficient as a means of social defence; that it engendered cruelty; and that it was far more injurious and degrading to society which imposed it than it was to the criminal who suffered it. In former ages, the aim of punishment was twofold: to prevent injury being done to society or to individuals, and to strike terror in the hearts of evil-doers. The sagacity of lawgivers was exercised to discover new means of torture and new modes of suffering which could be inflicted on wrong-doers. True, among the aims of punishment was mentioned also the reformation of the criminal, but the sole method of reformation was to make the criminal feel the disagreeable consequences of his crime so much as to induce him not to transgress again. How utterly wrong was such a conception of the aims of punishment; how utterly futile was such

a conception of reformation none would be disposed now to question. It would be absurd if in a penitentiary Congress we had still to argue that revenge and terror could be admitted as aims of punishment, or that by reformation was meant, not the fear of punishment, but the abhorrence of crime and its moral consequences. No doubt punishment inflicted suffering—it would not be punishment unless it did; but in inflicting it we must at the same time look at the influence it would have on the criminal. At present it was a great principle of penitentiary reform to admit only those punishments which might result in reformation; and to obtain these we were constructing, at an immense expense, prisons on a new model, that we might, by education, by fostering the moral and religious feelings of the criminal, by teaching him the love of order and of labour, by trying to increase his sense of responsibility, his self-restraint and honour, resuscitate the man. To do that we had to make our way to the understanding; but we could not get to it by means of the lash. It was said there were some so hardened that it was impossible to get to their understanding except by blows. He could not understand how any one who meekly submitted to the lash could be regarded as beyond the reach of moral suasion. The criminal, expecting punishment, hardened himself against it; what startled and struck his mind was kindness—being treated like a man, and not like a beast. To the worse treatment he had been used in former life, and it was new to discover that the men whom he recognised as intellectual and moral superiors, and whom he knew to be called upon by law to inflict punishment upon him, were not actuated by hatred, revenge, or cruelty, but, while strictly enforcing the law, were disposed to treat him like a man, and not like a beast. The popular feeling which called for the infliction of corporal punishment, stripped of all well-sounding phrases, was based on these grounds—horror of crime, fear of its repetition, revenge, and the wish to strike terror into others—sentiments which no one dares proclaim as the basis of penal law. It was a common saying that violence breeds violence, harshness engenders hatred, hardness excites to revolt, and a harsh manner produces harsh measures. He would reverse the last phrase, and say harsh measures breed harsh manners. In Holland, though flogging had never been formally abolished in the army, it had

not been resorted to for forty years, and since it had ceased a remarkable decrease of insubordination had been observed. A similar result had followed the prohibition of flogging in the prisons during the last twenty years; there had been a sensible diminution of disciplinary prosecutions. He might be told that what was good for one country would not be good for another, and that the people were different. In former days in Holland, when torture was resorted to by way of punishment in the schools, in the army, and in prisons, murder, highway robbery, and crimes of violence prevailed, and were of daily occurrence. In the latter part of the last century, the public voice was raised against flogging as a means of education, and for sixty or seventy years all corporal correction had been prohibited in the schools. The generations that grew up under the new system gradually lost that harshness and cruelty of manner which formerly it had been believed to be impossible to keep down without the lash and the rod. Gradually corporal punishment came into disuse, and now it was discredited throughout the country. It had been abolished in the vast Indian possessions of Holland. Without crediting its abolition with the rarity of crimes of violence, inclusive of wife-beating, it had a large share in bringing about the happy condition of Holland. What was true of the Netherlands he believed to be equally true of other Continental States; and he could only ask, Would the same system have other results in England? He might be told of a difference of race; but what was the experience of Anglo-Saxons in Canada and the United States? Were their ruffians less hardened and less dangerous than those of London? Did the latter alone require corporal punishment to keep them down?

Sir Walter Crofton repudiated the assumption that Englishmen were advocates of the general application of corporal punishment. All that they wished was to retain the power, in order that they might never have to exercise it. The knowledge of the fact that the power existed prevented the necessity of resorting to it. Governors had not the power of administering corporal punishment; it could be given only on magisterial sentence. It was a very exceptional thing to have a man flogged in the gaols of England, and every other punishment was exhausted before flogging was resorted to. It was possible,

as had been asserted, that Mr. Sheppard had governed Wakefield prison without the use of the lash; but there was the power to use it; and that was the strong point of the case. In countries which had abolished flogging, other punishments were resorted to; and if a substitute free from objection could be suggested for this country he should be glad to hear of it. We should be glad when education enabled us to dispense with even the exceptional use of it. Every magistrate and governor of a gaol had a horror of it. Still all clung to the necessity of retaining the power to inflict it.

General Pilsbury (governor of the Albany Gaol, New York) said he was no advocate of corporal punishment. After his long experience he should be glad to say, if he could, that all might be governed by moral suasion; but there would always be a few that it would be necessary to treat with severer discipline. His experience had convinced him that no gaol could be well and safely governed unless the chief officer had vested in him ample power to inflict special punishment whenever prisoners deserved punishment for disobedience and disorderly conduct. It was quite visionary to suppose that any government of men, in prison or out of it, could be effective, unless there was the power of reward and punishment. What punishment were prisoners to fear unless the chief officer of the prison had power to inflict it promptly, summarily, and, if need be, severely? It was essential that the chief officer of a prison, and he alone, should have such power. It should not be entrusted to a subordinate; and if the chief officer was not fit to be entrusted with it, he was not fit for his place. When all prisoners were made to understand that there was one over them with power to punish misconduct, and reward good conduct, the occasion for punishment would seldom arise; the knowledge that such a power existed would prove sufficient of itself to enforce discipline. As to the kind of punishments which should be inflicted in prison, it was almost impossible to prescribe them definitely. They must be left, in a great measure, to the discretion of the prison authorities, with the restriction that they must not be cruel or unusual. Prisoners, like other men, differed much mentally and physically, and offences against prison discipline also varied in degree, so that no uniform mode of punishment would be either fair or

efficacious. The feeling which had been awakened against any punishment in prisons had grown out of the improper practice of some institutions in permitting punishment to be inflicted by subordinate officers, many of whom, not fit to be entrusted with any power whatever, had acted from passion, and without any serious sense of responsibility, which rested on the chief officer alone. In any well-regulated prison there was little occasion for punishment, but no prison could be well regulated unless authority to punish violations of discipline were known to exist.

Colonel Ratcliff wished it to be understood that corporal punishment was seldom resorted to in this country, and that only with the sanction of the visiting justices. Five or six years ago it was scarcely safe to walk the streets at night for garotters. An Act was passed visiting robberies with violence with corporal punishment; and as soon as it was known that garotters were likely to feel the severity of the lash, we heard little or nothing about garotting. There was a certain class of men who could only be approached and made sensible of the wrong done in violating the laws of their country by means of such severity.

Dr. Marquardsen (Bavaria) thought the Continental evidence of what had been accomplished without the power to inflict corporal punishment furnished a stronger argument than the alleged maintenance of discipline by the existence of power which was seldom exercised, which was a method of reasoning he could not accept. Public opinion in England had been unduly influenced by the garotting panic, but for which it would have kept pace with that of the Continent on this question. The defenders of the Continental view had made out their case; but, in his opinion, the advocates of corporal punishment had not made out theirs.

Sir Walter Crofton wished to explain. He had been understood to say that though we in England retained the power we never used it. What he did say was that we resorted to it in exceptional cases, and that it was the exceptional use, and the certainty of it, which prevented the necessity for its more general use.

XXIV.—*What ought to be the maximum of imprisonment, cellular or otherwise, for terms less than life?*

Dr. Marquardsen (Bavaria), who opened the discussion, said the question was not so much one of principle, as of adaptation to local circumstances. Assuming that imprisonment for life existed, and regarding it as a substitute for capital punishment where that had been abolished, then the next term ought to be for such a number of years as would not come up to nearly the natural term of life, but would leave a considerable interval. He would say that the maximum ought to be fifteen years, with the possibility of reduction for good behaviour. He believed the general opinion in the Congress would be that, even though in exceptional cases we inflicted punishment for life, in all there ought to be a place of repentance left to the prisoner, and of hope for the reward of good conduct. Life sentences might be remitted for the maximum sentence below by the exercise of the royal clemency. Another principle he wished to lay down was, that the character of punishment, as to mildness or severity, as well as the term, should vary according to the heinousness or the veniality of the offence; and the term should have relation to the more or less severe character of the punishment. The principle of regulating punishments prevailed in different countries on the Continent, which was so far proof that it was considered to be right. He understood that in England the judges had the power of ordering simple imprisonment for a maximum of two years, and if they went beyond this and passed a sentence of penal servitude, it must be for five years. This seemed to be a large gap, and he thought it would be more reasonable to have a larger term of simple imprisonment. Perhaps our arrangement was due to the former existence of transportation, for we could not very well send a man out of the country for two or three years. It was possible for England to make a great improvement by adopting systems carried out elsewhere, and lengthening the terms of imprisonment for offences of a venial character and to shorten the terms of punishment for some of the more serious crimes. But, as reformatory treatment required time, no term of imprisonment should be so short that a prisoner might leave prison worse than when he entered it. He stated that in

Germany cellular imprisonment was generally limited to three years.

Dr. Frey (Austria) maintained that Government ought to retain the power of preventing persons from repeating their crimes by imprisoning them for life. In Austria, the term of isolated confinement did not exceed three years, while the longest term of imprisonment was twenty years.

M. Stevens (Belgium) said it had been found ruinous to the State, and prejudicial to the prisoner, to keep him all his life in prison. Secondary punishment had been reduced to twenty years' imprisonment; and, under the new system, it had been again reduced to ten years, or nine and a half, when, if a man was no better for isolated treatment, he was subjected to collective treatment. It was not found that prisoners suffered in mind or body under the isolated system, any more than they did under the collective system.

Mr. Moncure said that in the Perth prison it had been found that cellular confinement for more than three years produced insanity, notwithstanding that the prisoners had employment and communicated with chaplain, magistrates, and officers.

Baron Mackay (Holland) said that in Germany and Austria it appeared that three years was adopted as the maximum term of cellular confinement. He was told that in Baden it was formerly six years; but the term was now reduced by the German new code to three years. In Holland, cellular confinement was adopted in 1851, for a maximum of half a year; the term was increased first to one year, and then to two years; and the opinion of those most acquainted with it was in favour of going on with it. As soon as the number of cells was sufficient, the term would be extended to three years. Here, again, Continental experience seemed to be opposed to that of this country, where the period had been reduced to nine months, because longer solitary confinement affected the health of prisoners.

Dr. Marquardsen, in reply to a question, said that in Germany cellular confinement meant exclusion from other prisoners, which was carried out at divine service and in school. The prisoners were frequently visited by officials, governor, doctor, and clergyman. Every care was taken to keep up the spirits of prisoners by reading and teaching. Men had stayed

in cellular confinement for ten, twelve, and thirteen years, by their own choice, when at the end of six years they might have gone into the associated ward; and these men had kept their mental and bodily health, and had returned to society thoroughly reformed.

Mr. Ancrum described the cellular system as carried out in a county prison. For the first three months, during six hours a day, a man was on the treadmill, where he saw his companions. After that time, if he could undertake industrial employment, such as weaving or mat making, he passed the remainder of the year in those occupations. He was not absolutely secluded, because he went into the prison to assist in cleaning it and carrying coal; and this led him into contact with his fellow prisoners to a certain extent. Of course he might be secluded; but in that case he received frequent visits from the taskmaster, the officers, the chaplain, and the visiting justices, and he was allowed books to read. No prisoner suffered in health from being subjected to this kind of seclusion for a year and nine months.

Sir Walter Crofton's experience would not enable him to express an opinion as to the maximum of cellular imprisonment. He could only refer to carefully-made experiments at Pentonville, which seemed to show that separate confinement could not be adopted with advantage for a longer period than eighteen months. Sir Joshua Jebb stated before a committee that, though at one time an advocate for separate confinement, he considered that eighteen months was the longest period for which it could be safely maintained; and he came to that conclusion after lengthened and minute observation. We further had the results of this practical test. Selected men, after being kept in solitary confinement from two to two and a half years, were put on board hulks to be taken to the Colonies, and on their arrival the reports of the surgeons respecting them were particularly unsatisfactory. They were supposed to have suffered to some extent in their minds, and their wills were broken down. It was such reports as these that caused the reduction of the term of cellular confinement to nine months.

XXV.—*What should be the treatment of prisoners before conviction?*

Count de Foresta (Italy), in introducing this subject, said he was entirely opposed to isolated imprisonment before conviction, unless indeed there were good reason for supposing that a prisoner by communication with others might defeat the ends of justice in his case, in which event he ought to be put in solitary confinement. In any case it must be conceded to him if he wished for it himself. You ought not to compel a man who was still deemed innocent to associate with others in a prison against his will. It was a hard necessity that a man should be put in gaol before he was condemned.

The Rev. C. E. Collins (of Trewardale, Bodmin) said he thought the frequency of imprisonments, and especially before conviction, might be largely reduced. He was painfully convinced that the lightness with which imprisonment is now resorted to deprived it of much of its deterrent effect by so familiarising the public mind with it as to deprive it, among many of the humbler classes, of nearly all sense of shame, and also of the additional force the imagination would give it if authority, by resorting to it only as a last extremity, made it clear that it regarded imprisonment as, in itself, a grave punishment and disgrace. The suggestion he would offer was, that in all cases at present bailable, a system of personal bail should be substituted for a money bail. Instead of, as now, a man and his sureties forfeiting a certain sum of money, in cases of failure to answer to his recognisances, he should, in case of non-appearance one clear day before that appointed for the trial, render himself liable to suffer a forfeiture of personal liberty, and the other attendant penalties to the utmost extent, that the offence charged against him would involve if he surrendered, were tried, and found guilty. By rendering him thus liable, in case of default, to the extreme penalty legally applicable to his alleged offence, his attendance on the day of trial—the only plea on which detention before trial could be defended—would be secured even more effectively than by the present system of bail, inasmuch as no sane man would expose himself to a certain and extreme penalty when by surrendering he would have all the resources of escape which a trial affords,

in defective evidence, the obtuseness of juries, or, as matters now stand, the obstinacy of one of their number, and even if convicted, of the leniency of the judge. The proposed plan had this additional advantage, that it put the poor man, now often unable to obtain sureties on a sudden, on a level with his richer neighbour. Other advantages of this plan were as follows:—First, the effect it would have in gradually imbuing the public mind with the idea already alluded to, that imprisonment is *per se* a great punishment to be sedulously avoided, and in itself a disgrace, independently of its concomitants of other pains and penalties. Next, equally with our present system, it would save many an innocent man from false imprisonment. It was in accordance with true English regard for liberty of the subject. It particularly accepted the equally English maxim, that every man should be regarded as innocent until proved guilty. Economically, it would save the cost of the maintenance of accused persons in prison, and of wives and families during the constrained absence of the bread-winners. Lastly, it would eliminate one serious element that affected the uncertainty of punishment. The length of a sentence was often materially influenced by the length of previous confinement, but the non-appearance of this fact in newspaper reports of sessions and assizes often gave an appearance of inequality of sentence or caprice of judgment, which had a most injurious effect on the public mind.

M. Stevens remarked that, in most countries, there was no formal distinction between those who could and those who could not pay; but those who could afford to purchase small luxuries were allowed to do so. In Belgium before trial all were well accommodated, and, if able, were allowed to purchase small luxuries, the only object being to secure the safe custody of the accused until their trial.

Mr. Pownall (Surrey) said that the bench with which he was connected anticipated the question now under consideration. On the ground that every man was deemed to be innocent until he was proved to be guilty, and that an undue stigma was cast upon a man by sending him to prison before trial, the magistrates built a House of Detention, for the reception of persons committed for trial. Here they were secluded, so that, in the event of their acquittal, they had not

formed the acquaintance of habitual criminals; and further, no one could taunt them with having been in a prison. In the House of Detention a prisoner could see friends daily, and a solicitor at any time; prisoners could also purchase their own provisions if they desired to do so; and if they were too poor to do so, they were supplied with provisions from the store of the prison. In this way the justices had met the objection to sending to prison anyone who had not been tried for the offence of which he was accused.

XXVI.—*Is it in the interest of the prevention and repression of crime that treaties of extradition should be concluded between civilised nations?*

Dr. Frey (Austria) introduced this question briefly, on the second day devoted to the reception of official reports. He maintained that the negotiation of treaties between civilised States for the extradition of criminals ought not to be influenced by political considerations. There could be no doubt, he said, that the absence of such treaties constituted a temptation to criminals, who knew that they could commit a crime and afterwards enjoy immunity from arrest in a neighbouring State.

[No discussion followed.]

XXVII.—*Penitentiary Systems. Report by M. Victor Bournât (Paris) of the Proceedings of the Section in which the various Penitentiary Systems of Europe were explained, and their Merits and Results discussed.*<sup>1</sup>

M. Loyson (Representative of France) was appointed President of the Section composed of eminent men from all parts of Europe and America. In a short address he clearly and pre-

<sup>1</sup> This was a section which sat for two days, and in which French only was spoken. This sketch not only gives a much more lively picture of the discussion than an ordinary report, but is a good specimen of the method of official reporting which the Continental members of the Congress preferred, as one to which the habits of Continental legislatures and societies had accustomed them.

cisely explained the programme to be carried out, and, to the satisfaction of all, he limited the various speakers to it.

The President said the right of punishing those who transgress the laws incontestably belongs to Governments; but they are reproached with making a bad use of it, and with not understanding either its principle or extent. The criminal to be influenced is a being composed of a material organization united to an immaterial principle, which plays so important a part in his life, in his relapses into crime, and in his moral reformation, that it ought to receive serious attention. Blackstone has forcibly said that 'man's reformation cannot be effected by a mechanical process.' All that generous-hearted and distinguished men have accomplished in Europe and America during a century has awakened the public conscience, and made men comprehend that prisoners cannot be deprived of their moral character; and that the more a penitentiary system renews in them a feeling of duty and of self-respect, the more it merits attention and support. The different systems of Europe and their results will be explained by men distinguished for knowledge and position; and they will reply to all questions proposed to them. This international enquiry will, without doubt, greatly contribute to the progress of penitentiary science.

Sir Walter Crofton was now requested to address the meeting on the subject of the system in use in Irish prisons. He said that the experience of seventeen years had convinced him of the excellence of the system introduced by him into Ireland. In 1853 he began to apply his system. An Act of Parliament had just been passed which substituted conditional liberation for transportation. There was a great panic in England, a still greater in Ireland. This new plan seemed to threaten public security. Sir W. Crofton was now named director of prisons in Ireland. His experience as a magistrate had prepared him to fulfil this office with advantage. In his opinion, punishment should have two objects—the reformation of the culprit, and the presentation of an example or warning to the public. He is to be reconciled to society, and yet his punishment must be exemplary. He should first expiate his crime, then be prepared for re-entrance into the world. At Pentonville, where the prisoners are submitted to absolute cellular imprisonment, opportunities are wanted to observe the change produced in them



after incarceration. Sir Walter Crofton resolved to combine the advantages of the cellular and collective systems. He first endeavours to make the criminal feel that his punishment is not simply afflictive, but also reformatory. To stimulate him in his reformation, he mingles hope with punishment, and by a system of classification shows him that his lot is in his own hands. This classification is the result of a system of marks awarded for intelligence, work, and zeal. They are not given as a reward for mere intelligence, for the most criminal are oftentimes intellectually brightest, and would thus be most rewarded. The first thing to be aimed at, is to give the criminal a liking for work; for generally idleness led him to crime. But work will give him no pleasure unless he is remunerated for it; and in order that it may not hinder his moral reformation, it must be isolated work in a cell, where he will be more open to religious influences, which are the great means of improving his character. After a certain time passed in a cell, when strengthened and comforted by the visits of the minister, he will live in common with other prisoners. During his treatment on the collective system, the change effected in his character can be appreciated, and he is rewarded by the distribution of marks. He is now arbiter of his own lot, and can only get into a higher class by diligence and zeal. Lastly, when he has given sufficient guarantees of good conduct, he will pass into an intermediate prison, a sort of purgatory between the hell of imprisonment and the paradise of liberty. These intermediate prisons, in which the prisoners enjoy a semi-liberty, have produced excellent results. Those living in them conduct themselves as free workmen. The results of this progressive system are now known. We have observed the conduct of those liberated from the intermediate prison. It has been excellent. It happened that conditional liberations were suddenly abolished. It was thought that this would be a fatal blow to the whole system. It was not even shaken. The sudden abolition of conditional liberation was the consequence of the panic produced by the presence of bearers of *tickets-of-leave* in the midst of society. The granting of such tickets was immediately prohibited. This temporary prohibition, however, left great difficulties, arising from the fact that hereafter, in the prisons, there would be two classes of prisoners;

those from whom the new law had not taken the hope of obtaining their conditional liberty, and those who, being sentenced during the time this law was carried out, were deprived of this precious stimulus. Sir Walter Crofton's system has, however, still continued to produce excellent results. He presented papers relating to 120 liberated prisoners who had conducted themselves well. This system is everywhere easily applied. Thus in Ireland, at very little expense, Sir Walter Crofton transformed a tavern into a cellular prison. The making of each cell cost only 15*l.* sterling. In concluding his explanation, Sir Walter Crofton spoke of the supervision of the police instituted in England in 1864, and affirmed that he saw no objection to it.

In reply to MM. Pals and Stevens, Sir Walter Crofton added that his system applied to sentences of five years and upwards. Before his arrival in Ireland, prisoners were sentenced to penal servitude for three or four years. This was too short a term to enable the system to produce good results. A minimum of five years was therefore adopted. Those sentenced for shorter periods undergo their sentences in town or county prisons.

M. Pals asked if purely penal labour, such as the treadmill, was allowed in the prisons of Ireland. Sir Walter Crofton replied that the treadmill and other forms of penal labour were prohibited. There are, however, some hard kinds of industrial work, as splitting and picking ropes, which are regarded as labour of a penal character.

M. Pals asked why they had not established intermediate prisons in England. Sir Walter Crofton replied that the houses of refuge for liberated women in England were really intermediate prisons. He added that in this country it would be difficult to open similar establishments for men. How could men be retained in such prisons in England when their wages would only be one or two shillings per day, whereas in free life they would easily earn from five to seven shillings per day?

Count Sollohub inquired whether escapes were frequent among prisoners conditionally liberated. Sir Walter Crofton replied that they very rarely occurred, particularly since the establishment of police supervision.

M. Berenger asked in what this supervision consisted. The

reply was that every month the man under surveillance has to present himself to the police, to state where he lived and what he was doing. If he failed to present himself, he was arrested. In London and Dublin, in addition to this police supervision, there are Prisoners' Aid Societies in operation. M. Berenger now asked if these attendances before the police did not compromise those supervised in the eyes of the people. Sir Walter Crofton replied that this objection had often been made; but his long experience, the reports of chaplains, the declarations of prisoners, did not lead him to attach weight to it. The purpose of surveillance is, moreover, the protection of the prisoner. Thus, on one occasion, a police agent bore witness in favour of a liberated prisoner who was falsely accused. The result was, that in the county where this took place surveillance was favourably regarded.

When the prisoner conditionally liberated is again apprehended, where is he sent? This question was put by General Annenkoff (Russia). Sir Walter Crofton replied that he was re-committed to the prison from which he was liberated, and where he is to resume his education.

General Annenkoff wished to know whether the emigration of the Irish to America was not a hindrance to getting correct statistics as respects recidivists. Sir Walter Crofton replied that he had never encouraged the emigration of those liberated, that it was evident such emigration prevented the exact number of recidivists being computed; but he declared that he had correct information concerning those who had not emigrated. Besides, there is one important fact, namely, that the number of prisoners in Ireland has diminished. The Irish system does not stop the production of recidivists, yet it is very favourable to the moral reformation of the prisoners.

In reply to Baron Mackay, Sir Walter Crofton said recidivists were again submitted to the Irish system; the surveillance of the police was compulsory for prisoners liberated on probation, but they are not subject to it when they conduct themselves well.

Dr. Wines asked what consideration was shown to prisoners on their arrival in the intermediate prison. Sir Walter Crofton said they were treated with respect and confidence, and that their conduct elsewhere justified this treatment. He cited for

example this fact, that in a certain prison some one of the prisoners was entrusted each week with the communications outside the prison; in seven years only one had returned in a state of intoxication.

M. Stevens next asked in what part of the Irish system the afflictive side of punishment was found. Sir Walter Crofton answered that the commencement of the punishment was severe, and sufficiently satisfied the idea of repression. He added, in reply to another question of M. Stevens, that everything is done to prevent any moral injury to the prisoners during their associated imprisonment.

M. Jaillant asked if charitable persons were allowed to visit the prisoners. Sir Walter Crofton replied in the affirmative.

Baron Mackay wished to know what this system cost the State. Sir Walter Crofton acknowledged that less costly prisons could be obtained, but, if successful results are required, the financial question must not be too much regarded.

In reply to a question of M. Berenger, he added that in the Irish prisons there was a warder for ten prisoners.

Dr. Guillaume asked if the second education given to recidivists was effectual in securing their reformation. Sir Walter Crofton replied that the prisoner who has relapsed after his liberation from the intermediate prison is not allowed to return there again. He can only be admitted in the first instance when he has obtained a sufficient number of marks. Dr. Guillaume then inquired what became of those sentenced to imprisonment for life. Sir Walter Crofton answered that after ten years' cellular imprisonment with hard labour, they are imprisoned in common in a special prison, and after twenty years their fate is determined by the Government.

Major Du Cane afterwards explained the system applied in the prisons of England.<sup>1</sup>

The President, M. Loyson, asked what was the state of public opinion in England on tickets-of-leave. Major Du Cane replied that when crimes were numerous, people were frightened at the number of men with tickets-of-leave; but when crimes diminished they again found favour. He further added

<sup>1</sup> Part of this explanation is omitted, and the reader is referred to Major Du Cane's fuller account in Part I., under the head 'England.'—Ed.

that the public was in error as to the number of men with tickets-of-leave; it was thought they amounted to 10,000, whereas in all England there were only 1,500. This number of men conditionally liberated does not sensibly influence the number of crimes. Moreover, they have obtained freedom only a certain time before the period fixed by their sentence. Because they are liberated a year earlier, they cannot be more dangerous to society.

Count de Foresta asked what became of those sentenced to imprisonment for life. Major Du Cane said that after twenty years' cellular imprisonment, the Secretary of State granted conditional liberty.

With reference to recidivists, in 1870, out of 1,900 liberated prisoners, 400 had relapsed. The previous year the number of recidivists was only 350. The increase in 1870 was due to a law passed in the course of the year, which augmented the powers of the police. Moreover, in Major Du Cane's opinion, the number of recidivists is not an evidence of the value of any system of imprisonment. He thinks that, to the very threshold of paradise, men will be liable to fall and re-fall; he even says that his ideal would be to see a hundred per cent. of recidivists, for this would demonstrate that it is always the same men who commit crime, that the social plague, far from extending itself, was really limited and localised.

Dr. Guillaume asked if, in English prisons, the prisoner could learn a trade. Certainly, answered Major Du Cane: out of 2,200 prisoners apprenticed to the trade of a mechanic, 1,600 learned it completely. It is one of the great advantages of public works on which prisoners are occupied, that they enable the prisoner to thoroughly learn a useful trade. It is evident that they cannot be allowed to continue in prison the trade they partly learned before their imprisonment. A trade must therefore be found for them. Before their imprisonment they were in reality thieves, vagrants, and itinerant hawkers.

Count Sollohub inquired what rate of wages was allowed the prisoner. It was replied, that it depended on the class in which he was placed. There were three classes. There was, however, a maximum, which could not be exceeded. This maximum has already been stated, namely, 3*l.* sterling. It has been thought that the public would be opposed to too large a

grant to a prisoner at the time of his liberation. Dr. Frey asked if the prisoner could remit money to his family. No, replied Major Du Cane; the object was merely to give the prisoner a sum sufficient to support him during about the first month of his freedom. This money, moreover, was not given directly to himself. He received it through a Prisoners' Aid Society when he requested its assistance and protection: otherwise, the police are requested to give it him in small sums. He in no case receives the whole at one time. Baron Mackay was surprised the prisoner was not allowed to send money to his family and friends. Major Du Cane considered such remittances would have a bad effect on public opinion. In reply to another question of Baron Mackay, he said that the only basis of classification of prisoners, as regarded reward, was their own good conduct and diligence.

Dr. Frey inquired if the classification adopted for rewarding the prisoners causes much difficulty or complaint. Major Du Cane said that the prisoner passed every year from one class to another, on condition, however, that he gained a certain number of marks. Moreover, when a prisoner is not satisfied he can appeal to the governor, and from his decision he can appeal to the director, who is completely impartial. Dr. Frey then asked if such appeals were frequent. Yes, Major Du Cane answered. The prisoners are not sorry to get an interview with the director, who never refuses to see them, because he believes it is one means of giving them a feeling that the prison administration is impartial. Major Du Cane has himself sometimes to see 100 prisoners during one visit. The prisoner who is not satisfied with the decision of the director can even carry his complaint to the Secretary of State. If the statements made by the prisoner are false he is liable to a disciplinary punishment.

Count de Foresta asked if it was not desirable to place all prisoners under one central government. Major Du Cane said, in England there was a strong feeling in favour of independent local authority; he said further it would be difficult to find a just mean between the views of those who supported centralisation and the actually existing decentralisation. There were, moreover, in England too many prisons. There could be

found for example, in the same town, two prisons—that of the county and that of the town itself—subject to two different administrations, whereas a single prison would contain all the prisoners sent to both.

To some other questions of Count de Foresta, he replied that he did not wish to prolong the period of cellular imprisonment, that he was in favour of a system of imprisonment a little more progressive, in order to prepare the prisoner for re-entrance into free life. He added that transportation had been definitely abolished in England.

Questioned on the system adopted in county prisons, Major Du Cane said that, according to law, the prisoners in them should be employed in penal labour for the first two months, then in industrial labour; that there is a particular system in each prison; that generally prisoners are subjected to the cellular system by day and night; that they receive a part of their earnings, and have to undergo the whole of their sentence.

M. Jaillant next enquired what system was pursued with regard to those awaiting trial. Major Du Cane answered that it varied in each county. M. Bournât asked if the members of Prisoners' Aid Societies are permitted to visit the prisoners, and if any Commissions of Surveillance exist. Major Du Cane replied that no stranger is allowed to visit the prisoners, and that the authority of the Government is absolute.

Young criminals are placed in reformatory schools, inspected and subsidised by the State.

In reply to Count de Foresta, Major Du Cane said the minimum period of penal servitude was five years; the maximum was not defined, as the sentence might be for life. In the same way for short imprisonments under two years, there is no minimum.

Between the maximum of two years' imprisonment and the minimum of five years' penal servitude, there is no intermediate punishment.

Count Sollohub afterwards explained a complete system of penitentiary treatment full of novel views and original ideas. Want of time prevented him from finishing his explanation, but he purposed resuming the subject in a pamphlet, which would be distributed to the members of the Congress. This not lengthy, but forcible pamphlet is well worth reading, par-

ticularly as the author had not time to give an entire exposition of his system.

The system followed in Belgium was explained by M. Stevens. He attacked other systems with *naïveté*, and defended his own with ardour. M. Stevens himself felt that it was difficult to summarise the fundamental ideas of a system supported by the authority of his experience and his deep convictions. That he did not wish to give his system in unpremeditated language, was certainly not because he feared a tribunal before which he had always won applause. It was rather because he desired that a system to whose application he had devoted his life should be presented to you in a kind of dogmatic form, to which he has reduced it after prolonged reflection. Hence arose the notice he has already read to you. What the author did not wish to analyse should, perhaps, not be analysed by others, and probably I ought to refer those who wish to comprehend the system followed in Belgium to the pamphlet M. Stevens has distributed. But I cannot forget that my duty as reporter compels me to give you a complete and impartial account of everything said in the section, and although I urge the reading of M. Stevens's account, I am bound to give a summary of its contents.

M. Stevens first states the motives which have caused the adoption in Belgium of the system of absolute separation of prisoners by day and night. Hence he passes in review the various systems followed in the prisons of America and Europe. He groups them under three heads: 1. *The system of complete association by day and night*. This treatment is universally condemned. It generates that corruption that imprisonment should combat and prevent. It would exist nowhere, were not a difficulty experienced in replacing it by better systems. It must, however, be acknowledged that it is found almost everywhere by the side of reformed establishments. 2. *The system of association by day and separation by night*. This system, regarded as an advance and improvement on the preceding, presents great varieties. It was introduced into Belgium in the 18th century into the central prisons of Gond and Vilvorde. At the beginning of this century many States in America adopted it; it received the name of the Auburn system, in

consequence of its application in one of the best organized prisons of the State of New York. From there the system was re-imported into Europe, and regarded as a novelty, and where it was henceforth applied. Here it is combined with a classification of prisoners based on their morality. Three divisions of them are made—the punishment division, the probationary division, and the reward division; in America the system is accompanied by certain severities, such as prohibition of all communication between the prisoners, and obligatory silence; these regulations are barbarous and absurd, and most frequently impossible to carry out without making use of disciplinary punishments, which convert the prisons into true places of torture. Another development of the system is found in England and Ireland, where the treatment is alternated with cellular imprisonment during a period more or less prolonged, and we thus have what may be called a mixed system, which has also its varieties. 3. *The system of complete separation of prisoners by day and night.* Pope Clement XI., in 1703, first applied this system at Rome in the prison of St. Michael. It was afterwards introduced into Philadelphia, and studied there by Messrs. Beaumont and De Toqueville, Messrs. de Metz and Blouet, and Mr. Crawford, inspector-general of the prisons of England. These ambassadors from France and England agreed in declaring the system excellent. The prison of Philadelphia became the model for that at Pentonville, London, for the prison of Mazas at Paris, and of very many others built in Belgium, Holland, Germany, Sweden, Norway, Denmark, and Tuscany.

Of these three systems the first has been abandoned in all countries. The choice, therefore, is left between the other two. An enumeration of the advantages of the system of separation by day and night will suffice to show the faults and defects of the other system. These advantages are of two kinds, positive and negative. 1. *The negative advantages.* In prisons for those awaiting trial this system spares the innocent the shame and danger of contact and association with criminals. In all prisons it prevents the plots and disturbances so common among prisoners in collective prisons. It renders mutual corruption impossible. It prevents the arrangements which prisoners make for association on their liberation. It removes from the liberated prisoner the danger of being recognised by some

fellow-prisoner. Finally, if it fails to reform the prisoner, it does not add to his demoralisation. 2. *The positive advantages.* No system attains more directly the various objects of punishment: repression, expiation, preventive action, and reformation. It allows the separate study and treatment of each prisoner, the variation of discipline so as to adapt it to the situation and needs of all the prisoners, and by this variation itself secures the efficacy of the punishment. What would be said of a physician who administered the same medicine to all the sick confided to his care in the same hospital, without paying any attention to the contagious nature of their diseases? Should we not call such a physician either a quack or an executioner? A variation in treatment is equally necessary for those morally and mentally diseased. Further, by the cellular system we subdue the most rebellious natures, calm irritation, and, by removing their power to do ill, place prisoners in the way of doing what is right. One of the principal advantages of this system is that it enables the prisoner to preserve the feeling of his dignity as a man and of his responsibility. This feeling is indisputably diminished by imprisonment on the associated system. Sheltered from bad counsels and companions, the prisoner has neither to fear scoffs nor threats. He is liberated from regard for men's opinions and false shame, which, in collective prisons, neutralise the noblest resolutions. If his soul is not absolutely rebellious, it will be influenced by the salutary influences which surround him. Reflection will bring repentance, and prepare the way for his reformation. As this internal reform progresses, the cellular imprisonment becomes less irksome, till at last the prisoner would regard removal to a collective prison as intolerable punishment. What other system in the same manner gains the approval of the prisoner himself? This is not all, for this system is really the extension to all prisoners of the advantage of a private room, called *pistole*, which in some prisons is very costly; it thus substitutes the rule for the exception, and in a wisely democratic spirit abolishes the class of privileged prisoners. It elevates the warder to the dignity of an agent in the work of reforming the prisoner, whose amendment he regards as the first reward of his labours. This system, in consequence of its repressive and reformatory efficacy, permits a diminution in the duration of imprisonment, and

consequently lessens the expenditure for the maintenance of prisoners. This abridgment in the time of imprisonment also breaks fewer family ties, and restores to the family at an earlier date its natural supporter. Lastly, this system is the only one which can prepare the way for the work of patronage societies, and facilitate the re-entrance of liberated prisoners into social life by lessening the repulsion they inspire on their departure from a collective prison. Is there any other system of imprisonment that presents these advantages? Suppose a person in whom you were interested were entering a prison, and that you could determine the treatment to which he should be subjected; would you expose him to the perils of a collective prison? Assuredly not. Yet if this system is good for him in whom you take an interest, it is good for all. It is the one which Belgium has adopted. A first imperfect application of the cellular system was made in 1835 in the convict prison of Gond. It was only in 1844 that it was seriously applied in the Houses of Arrest and Safety, not only to those awaiting trial, but also to those sentenced to an imprisonment of one year or upwards, where it was deemed desirable to withdraw a prisoner from contact with others.

It was thought by subjecting the sentenced to cellular imprisonment, the length of their imprisonment might be curtailed. By a special law of March 1870, in cases where prisoners undergo cellular imprisonment, its duration was diminished in the following proportions:—Three-twelfths for the first year; four-twelfths for the second, third, fourth, and fifth years; five-twelfths for the sixth, seventh, eighth, and ninth years; six-twelfths for the tenth, eleventh, and twelfth years; seven-twelfths for the thirteenth and fourteenth years; eight-twelfths for the fifteenth and sixteenth years; and nine-twelfths for the seventeenth, eighteenth, nineteenth, and twentieth years.

Those sentenced to hard labour or imprisonment for life can only be compelled to undergo the first ten years of their sentence on the cellular system.

At the end of December 1871, the number of cells in the nine prisons of Belgium was 3,468, and at the same date the total population of the prisons was 4,452. About a thousand cells are therefore yet wanting for the complete application of the cellular system in Belgium, and this deficiency will be

shortly supplied. Each cell already constructed has cost on the average 3,672·33 francs. This includes the cost of the land and buildings. This sum will appear high only to those who forget that the cellular system has diminished the duration of imprisonment, and consequently the cost of maintaining prisoners, and that especially it has notably lessened the number of recidivists. Official returns prove that in Belgium the average number of recidivists is 4·46 per cent. of those leaving cellular prisons, while it is 68·80 per cent. of those liberated from collective prisons. Lastly, M. Stevens stated this remarkable fact, that in Belgium the number of prisoners in 1856 was 7,000; the number has gradually decreased to 4,000. He attributes this result in part to the introduction of the cellular system.

I am tempted to give an animated and interesting discussion that took place between M. Stevens and his friend, M. Beltrani Scalia. Both are inspectors of prisons, the one in Belgium, the other in Italy. Equal in ardour, though from different countries and latitudes, they presented the spectacle of two friends who were resolved to sacrifice none of the principles they upheld. But I cannot forget that this discussion is not a part of the programme for the day, which embraced the explanation of the different penitentiary systems adopted in the countries represented at the Congress, and not the discussion of the various systems. I cannot, however, omit the mention of an important idea expressed by M. Beltrani Scalia, and which has already gained many supporters. He desires to see established some true basis of comparison between the various penitentiary systems. He proposes to facilitate this comparison by asking the compilers of statistics in each country to give, at the side of their statements in their own language, an interlinear translation in French, which would thus be the key of criminal statistics, as it has long been the language of diplomacy. M. Scalia has not only enunciated this idea, but he has carried it out in a magnificent volume drawn up under his own direction in Italy. This contains French translations of all the elements of criminal statistics regarding Italy. Many representatives of other countries have promised to carry out this proposal.

Count de Foresta explained the position of Italy as regards penitentiary reform. Italy, though till now chiefly engaged in securing her unity, has not forgotten to bestow attention on this great question. A Commission has been appointed by the King to prepare a code of law. Count de Foresta, attorney-general at Ancona, and M. Beltrani Scalia, inspector-general of prisons, both members of this Congress, are on this Commission. Both are supporters of the Irish system, but this is far from being unanimously upheld by the Commission, which has not yet come to any resolution. Count de Foresta also approves of transportation as practised by France. Italy has islands which may be made fertile by means of penitentiary colonies. Count de Foresta is of opinion that the lively and passionate nature of the Italians would not endure a long cellular imprisonment. To deprive a Neapolitan of chat and music would drive him mad. Movement and communication with others are indispensable to him.

In reply to an observation of M. Bournât, he acknowledged that for a long time cellular imprisonment by day and night had been practised in Tuscany; but he added that the Florentines differed in their nature very little from the French, and consequently could bear the application of the system.

Count de Foresta afterwards stated the diversity which prevailed in the different States of Italy in the infliction of punishment. He hoped these systems would very soon have only an historical interest, and consequently he gave only a general outline of them. At present, prisoners were generally imprisoned collectively in galleys (*bagnes*); they are chained, but those who distinguish themselves by good conduct are placed in agricultural colonies on the islands. Convict establishments, formerly placed, as they are now in France, under the Minister of the Navy, are now under the Minister of the Interior.

M. Berenger explained that penitentiary reform was also attentively studied in France. On the proposal of Viscount d'Haussonville, one of its members, the National Assembly had named a Commission of fifteen members, giving them power to add fifteen non-members to their number, who were capable of rendering important help, and had imposed on it the duty of making an enquiry into the penitentiary establishments, and

of drawing up a report of the improvements which might be introduced into them. He said he came as deputy from this Commission, of which the President, M. Loyson, and M. Bournât were also members. He asserted they were very desirous of reform in France, and that the system now followed by the Administration presented these three characteristics: young criminals are imprisoned in reformatories; help is given to the man who commits a first crime; and, lastly, an attempt is made to get rid of recidivists. It is the last point that will give the Legislature the most difficulty.

Interrogated as to the state of public opinion in France as regards the cellular system, M. Berenger said he believed it was not unpopular. The proof lay in this important fact, that in the years immediately preceding 1848, after discussions which had excited the feelings of the people, the Chamber of Deputies had adopted the cellular system. He did not think that the Ministerial circular, by which, in 1853, the system had been renounced, could obliterate the remembrance of that great manifestation of national feeling. As regarded himself, he had no hesitation in declaring himself an advocate of the cellular system with all its consequences.

Dr. Guillaume declared what was the state of public opinion in Switzerland on the question of penitentiary reform. After various experiments, they had now come to the conclusion that a preference should be given to Sir Walter Crofton's system. He referred them for details of its application to Switzerland to the report on Switzerland which would be printed in the Transactions.

Herr Ekert, director of the cellular prison of Brucksal in Baden, laid down from the first this principle, that imprisonment has a twofold object—detention and the prisoner's reformation; and he asserted that to attain this end it is necessary to choose between physical and moral means, between the treatment of the individual and collective treatment. He added that in Germany the question was settled by the new Penal Code, which in many respects appeared to him a model. Corporal punishment is abolished, cellular imprisonment and conditional liberation are established, police surveillance



humanely carried out, and in his opinion necessary, was maintained. Separate imprisonment in Germany, when applied to women as well as to men, produced excellent results. Formerly in Baden the maximum duration of cellular imprisonment was ten years; the new German Penal Code has fixed it at only three years. An interesting fact occurred when this code was first carried out in Baden. There were in the prison of Brucksal forty-two prisoners who had been in prison more than three years, and who consequently had the right of claiming exemption from cellular imprisonment. They all requested permission to continue their cellular life. Thus Herr Ekert supports the cellular system as explained by M. Stevens, all of whose conclusions he fully adopts. In the cells of Brucksal he has seen prisoners live without inconvenience for eleven, twelve, or thirteen years. He proved that recidivists are very rare among those who have been subjected for many years to cellular imprisonment. As regards the influence of this system on the moral and physical health of the prisoners, he furnished results which corroborate the statements of M. Stevens. In reply to M. Loyson, President, Herr Ekert stated they had not yet any criminal statistics in Germany. He added that all prisoners except one per cent. can endure cellular life without inconvenience.

Germany is divided in opinion on the question of penitentiary treatment. After Herr Ekert, who for fourteen years had been director of the prison of Brucksal, had declared himself to be on conviction a strong supporter of the cellular system, Baron Holtzendorf, of Berlin, congratulated him on the results obtained at Brucksal, but added immediately that, notwithstanding these results, he himself did not approve of that system, and that the public opinion of Germany was opposed to it, and that an executive committee sitting at Berlin, under one of the city magistrates as president, had unanimously decided to apply the cellular treatment in cases of short imprisonment, and the progressive system of Sir Walter Crofton when longer sentences had to be undergone.

Dr. Varrentrapp, of Frankfort, vigorously contested the statement that public opinion in Germany had pronounced against the cellular system. In the Grand Duchy of Baden, at Frankfort, in Würtemberg, Hanover, the Grand Duchy of Hesse, and

in Bavaria it had been adopted, and it was only on financial grounds that it was not more completely applied. Bavaria had, however, already built a magnificent cellular prison, which had produced excellent results. Dr. Varrentrapp considered that the new German Penal Code prefers and adopts the cellular system, and this he energetically maintained notwithstanding the contrary statement of Baron Holtzendorf. He declared himself a determined advocate of the cellular system as practised in Belgium and described by M. Stevens. His opinion, he said, was supported by the experience and study of forty years. He combated the attacks made against this system, which appeared to him to have a most rational basis. What was done, he asked, during the last war to withdraw the wounded from the pestilential air of hospitals? They were isolated under tents. If we wish to heal those with moral diseases, should we not isolate them in the same manner? What can we hope of a prisoner plunged amongst men as corrupt as he is himself? What he requires is a pure atmosphere, a place where he loses sight of those who have dragged him into crime, or who have during his imprisonment increased his corruption, a place where he can receive instruction and education. Cellular life at least guarantees to the prisoner that he shall form no acquaintance with corrupt companions, who will afterwards hang like a heavy weight upon him. All kinds of objections have been made to it. It was formerly asserted that cellular imprisonment was unfit for women. Experience has proved the contrary. That it renders the exercise of Catholic worship impossible. M. Ducpetiaux was a zealous Catholic, and yet there was not a more ardent advocate of the cellular system. Another objection was that it was opposed to the nature of certain nations—to the nature of the French, for example. France adopted this system in 1845, and it would doubtless have been in vigorous operation now in that country, if the Ministerial Circular of 1853 had not overturned in an instant the results obtained by years of study and experience. And even when this Circular declared that from that time no more cellular prisons would be built in France, public opinion was so little in favour of the abandonment of this system, that the Department of the Seine continued to subject young prisoners to it when they sent them for correc-

tional education to the prison of La Roquette at Paris. Recently a French physician, when comparing the number of deaths in this prison with the number in the agricultural colonies in other parts of France, found the number smaller in La Roquette than in the colonies.

M. Ploos van Amstel stated that in Holland the cellular system was adopted and applied as in Belgium, with this single exception, that the maximum of the cellular imprisonment was two years. In this country, as in Belgium, conditional liberation is not yet practised. He showed that prisoners undergoing cellular imprisonment could correspond with one another. They are occupied in various industrial works. To supply them prison administrative commissions negotiate with manufacturers, over whom supervision is exercised to prevent dealings with the prisoners. They are liable to a fine of 200 francs. Wages are given to those who work with zeal. They give them means of getting better food and of aiding their families. A certain part is reserved till the day of their liberation. M. Ploos van Amstel, who, as magistrate and member of an administrative commission, for many years visited the prisoners in one of the cellular prisons of Amsterdam, and always found their health excellent—better even than he found it in collective prisons. He never observed bad results, either as respects their moral or physical condition. For this reason he supported the opinions of M. Stevens. He desired that in prison reform especial attention should be given to young criminals, and particularly to such as were open to good influences. He preferred the prevention of evil to its cure. 'If we are unable,' he said, 'to reform those sentenced, let us at least try not to add to their demoralisation. I do not affirm that cellular treatment secures reformation and prevents relapses, but what system offers more facilities for the moral amendment of prisoners? If this system is not the best, it is in all cases the least injurious.'

M. Almquist said that in Sweden serious attention was given to penitentiary reform. Sweden in this respect had still much to accomplish and much to learn from other countries. The cellular system is there in operation, and has not been followed by the evil results attributed to it by its adversaries. The

prisoners enjoy better health in the cellular than in the collective prisons, while the cases of insanity are also fewer in the former prisons.

In the absence of M. Bruun, from Denmark, M. Almquist added that the cellular system was also adopted in that country.

Dr. Frey stated that up to the present time in Austria the collective system, pure and simple, had been practised, without classification or separation of any kind. 'At first we thought of introducing the cellular system as practised in Belgium, but, fearing it would interfere with the health of the prisoners, preference has been given to the progressive system. A maximum duration of three years' cellular imprisonment is followed by life in common and by classes more or less privileged. Conditional liberation has not yet been introduced.'

M. V. Crémieux commenced the explanation of the system followed in Switzerland, but in consequence of the late hour, he could not continue it.

#### XXVIII.—*Penitentiary systems* (English-speaking section).<sup>1</sup>

##### IRELAND.

The Hon. C. F. Bourke explained the system of gaol management in Ireland. Crime in that country, he said, was comparatively very small. Putting aside agrarian crime, there was little beyond thefts and petty offences. The amount of crime largely depended upon the amount of employment and the supply of the necessaries of life. The management of the Irish prisons was confided to Boards of Superintendence consisting each of twelve members, chosen by the grand juries of the respective counties in which the gaols are situate, and are composed of gentlemen of social position and influence in the county, being in most instances justices of the peace; but as the rules for the management of the prison of each county are framed by the respective Boards of Superintendence and grand

<sup>1</sup> This section sat simultaneously with the former in which Frenel was spoken.

juries, which, on the recommendation of the Inspector-General of Prisons, are sanctioned by the Lord-Lieutenant of Ireland, uniform rules and bye-laws, therefore, do not exist; and thus the same sentence of a prisoner in one county may be carried out in a more lenient manner than in another. This it is, however, hoped may shortly be remedied, as an amended Prisons Bill for Ireland is now before Parliament, which places amongst other valuable enactments the power to make uniform rules and bye-laws for all prisons in the hands of the Executive. The discipline of the Irish prisons differs but little from that of the English county prisons, with this exception, that the class of prisoners which have to be dealt with in Irish prisons are not so ignorant and low in the social scale as are to be found in many English prisons, some of the inmates being ignorant of the existence of a Deity. The prisoners in confinement in county and borough gaols in Ireland were persons committed for imprisonment for various offences, rendering them liable to sentences extending from twenty-four hours to two years, the latter being the longest sentence of a prisoner to a county gaol in Ireland. With regard to the sentences of twenty-four hours—which, he regretted to say, were very numerous—they were by no means deterrent to the class of prisoners on whom they were inflicted—namely, drunkards—as the carrying out of the sentence was practically giving the prisoner gratuitously a good bed for the night, a luxury to which he was probably previously unused; and it would be most desirable if the committing magistrates were empowered to pass cumulative sentences on such a class of prisoners, many of whom are committed once a week, amounting in many instances to upwards of one hundred times; and, when it is conceded that drunkenness is the parent of nearly all serious crimes in Ireland, it is not too much to ask the Legislature to provide some more stringent enactments against a vice which, it is to be regretted, is considerably on the increase in that country; and he firmly believed that the first duty of prison authorities was to insist on deterrent principles and seconding the reformatory. With regard to the secular education in prisons, all prisoners, adults up to forty years of age as well as juveniles of both sexes, attend the prison schools daily, and it is a gratifying fact that there are several instances of adult

prisoners who on their committal to prison were unable to read or write, who could do both on their discharge.

The total number of prisoners in custody in the county and borough gaols in Ireland on January 1, 1851, was 10,084, whilst on January 1, 1870, they were reduced to 2,029. (A delegate enquired from what cause Mr. Bourke attributed this very marked reduction. He replied it was to be accounted for by the improved condition of the people and the demand for labour, which was easily obtained by any person industriously inclined.) Mr. Tallack observed that the annual reports of the Inspectors-General in Ireland were valuable documents, explanatory, statistic, and exhaustive, differing widely from the reports emanating from the inspectors of the English county prisons; but he stated his opinion that the diet of the Irish prisoner was bad, and not sufficient to maintain him in health and strength during an imprisonment of two years, so as to enable him to resume his accustomed labour.

In reply, Mr. Bourke pointed out that there was at least one medical officer appointed by the Board of Superintendence to each gaol in Ireland, whose statutable duty it was to see and examine the state of the health of every prisoner on his entering the gaol, and to visit every prisoner at least twice in each week, and to attend any prisoner at all times he may be required. The medical officer has full power to exempt such prisoners from labour whom he may consider unsuited for it, to change the dietary, or order any nutriment which he considers the prisoner may require.

Mr. MacFarlane, Chairman of the North Dublin Union, one of the largest in Ireland, and a delegated member of the Board of Superintendence of the County of Dublin Gaol, totally differed from the remarks of Mr. Tallack as to the insufficiency of the prison dietary in county gaols, as he believed there was careful medical supervision in all the Irish prisons as to the health of the prisoners.

In the prison with which he was more immediately connected (the County of Dublin) it was the practice to weigh the prisoners who were sentenced to imprisonment for periods of six months and upwards, and it was found that although some prisoners decreased in weight a little shortly after their committal, yet that in most instances the loss was regained before

the period of the prisoner's discharge, and he was enabled to leave the prison a sounder and healthier man than when he entered it; the principal cause, perhaps, being that he was during his detention unable to indulge in dissipated habits.

In consequence of the great addition to the number of prisoners in the years 1848 and 1849, the grand jury of the county of Dublin were continuously pressed by the Government to build a new county gaol of greatly enlarged dimensions, which was successfully resisted by his advice, as he impressed on the authorities the very abnormal state of poverty and crime which existed in the country, the result of the famine of 1847 and 1848, and other disturbing causes, together with the operation of the newly-enacted Vagrant Act, which had for a few years added about 100 per cent. to the number of committals; and that he felt assured that the numbers would soon be reduced to the normal state which existed in 1844 and 1845, immediately before the famine. The result he thus anticipated is shown to have been fully realised by the reports of the Board of Superintendence, as the maximum numbers of prisoners confined in the county gaol in 1854 were precisely the same as those in confinement the year previous to the famine. Alterations have since been made in the County of Dublin Gaol, adapting it to the most approved system of prison discipline, and it has since proved to be not only sufficiently large for all requirements of the county of Dublin, but was also selected by the Government during the Fenian excitement as the prison best suited as a depôt for the political prisoners from the other counties in Ireland, thereby proving that the cellular accommodation, the sanitary arrangements, the satisfactory means for providing religious ministrations, as well as the safe custody of these State prisoners, were fully approved of by the responsible authorities. He felt it necessary to lay particular stress on the fallacy of basing results, in reference to prison statistics in Ireland, on the number of prisoners at present, or at any late period in the gaols, as compared with the number of committals subsequent to the famine in the years 1848, 1849, and 1851. All poor law and criminal statistics in Ireland should be a comparison of the present state of poverty or crime with the statistical return of the year 1844, since which period the disturbing causes have been famine, political excitement, and emigration.

He wished to observe, in reference to other observations which had been made respecting the chaplains of English prisons, that in Ireland (by statute)—the Act of 7 George IV. c. 68—the several Boards of Superintendence were empowered to appoint, and pay in their respective counties, three chaplains to each prison, namely, one of the Church of Ireland, one of the Roman Catholic Church, and one Presbyterian minister; and that in a majority of the Irish prisons (including the county which he represented) a minister of the latter persuasion was appointed and enjoyed his salary, although on many occasions a considerable period elapsed without his having a prisoner under his spiritual care.

Major Du Cane made a statement in the same section on Friday, in which he repeated, for the information of the American delegates, the information he had given on the preceding day in the French-speaking section.

#### SCOTLAND.

Mr. J. Moncure gave an account of the system of administration and control of county prisons in Scotland, which, he said, is almost identical with that of England. They are all subject to the authority of the Home Office, and liable to be visited by the Inspector of Prisons sent out therefrom. The appointment of the superior officers in prisons and the superintendence of the management is vested in a committee chosen from the justices of the peace and Commissioners of Supply. In many of the counties, the smaller gaols have been abolished, or are only retained as lock-ups. The prisoners formerly received into the smaller gaols have been transferred to the larger, where there are better means for isolation, discipline, and religious and secular instruction. The sentences of prisoners detained in the principal county gaols vary from twenty-four hours to twenty-four months. (Convicts are transferred to Government prisons as soon as possible.) The rule, however, is to transfer all imprisonment prisoners sentenced to nine months and upwards to the general prison at Perth, where they are maintained at the cost of the State. Any detention after sentence in local prisons is paid for by Government.

Two classes of prisoners are detained in these prisons. Civil and criminal debtors are allowed greater privileges than the

others, but are subject to the discipline of the prison if they offend. They are associated together, and allowed to provide a better class of diet. The diet of the prisoners varies according to sentence—its duration, and with or without hard labour. The labour is both productive and unproductive; the unproductive is exceptional, and the crank machine is the article prescribed for it. Corporal punishment is still in force against boys guilty of petty offences, but is very seldom resorted to. There is no other kind of corporal punishment anywhere. Unless in cases of weakness of mind or body, or prisoners employed in the prison service, solitary confinement by day and night is enforced on all imprisonment prisoners. Gratuities on discharge may be allowed by the code of rules in force to such prisoners as are considered by the governor to have been well conducted and industrious during detention.

The rules for photographing and registering habitual criminals are the same as in England. The cost of the public prosecutions in large counties of aggravated petty offences is often very high, and the imprisonment inflicted has little effect on the offender, as it is in many cases but a stereotyped repetition of what he has undergone a score of times before. For trivial offences, forced labour in his own neighbourhood on a justice's sentence would, he believed, in the majority of cases be found to be more deterring, remunerative, and beneficial than imprisonment. The earnings of prisoners do not anywhere that he knew of in Scotland pay for half their maintenance. The penitentiary system of Scotland is represented by the general prison at Perth and the county prisons at Paisley and Ayr.

Three classes of prisoners are admitted into the former:—first, imprisonment prisoners under sentences of nine to twenty-four months; second, male convicts during their probationary term of nine months, prior to transfer to public works in England, and female convicts during the whole period of their sentence; third, criminals and dangerous lunatics sentenced to be detained during Her Majesty's pleasure.

In the prison at Paisley, Protestant male convicts are admitted for their probationary term. In the prison at Ayr, Protestant female convicts are detained in the same way, previous to transfer to Perth for enjoyment of relaxation of dis-

cipline in latter part of sentence and discharge from prison. The convicts in these county prisons are boarded there at so much per head, in consequence of want of accommodation at Perth, and what they earn is paid over to Government.

The superintendence of these convicts and those in Perth is entrusted to a Board of managers in Edinburgh, one paid and three unpaid. Those unpaid are the Crown Agent for Scotland, the Inspector of Prisons, and the Sheriff of Perthshire for the time being. These managers have, under the Home Secretary, the control of all Scotch prisoners, subject to his orders for removal to and fro within and beyond the country. They remove on their own authority from county prisons to the general prison all prisoners sentenced for periods from nine to twenty-four months, as also all criminal lunatics sentenced during Her Majesty's pleasure. One of their number visits the prison at Perth twice a month, sees each prisoner, hears complaints, and inspects the buildings, stores, etc. The paid manager also superintends the collection of judicial statistics and registration of criminals.

The local management of the prison at Perth (to which what follows will apply) corresponds to what is to be found in Government prisons in England.

Police supervision works admirably; those who incline to do well are protected, and those who follow vicious courses and return to their former habits are summarily dealt with. On liberation, each convict receives a gratuity of 4*l.*, subject to deductions for misconduct, and this is paid, 1*l.* on discharge, and by instalments of 10*s.* once a fortnight after discharge, on forwarding a certificate signed by the police, testifying that he is obtaining an honest livelihood. The imprisonment prisoners receive gratuities ranging from 1*l.* to 2*l.*, according to industry and conduct in prison. These sums, however, are subject to deductions of 2*s.* 6*d.* for each offence, but no prisoner is discharged without having 5*s.*, however badly behaved. The insane are employed in a garden attached to their house, in which about twenty-five of them, working two hours a day on a very ungenerous soil, raised during last year vegetables nearly sufficient to maintain over 700 prisoners. These prisoners have been very much bettered by such work, and I hope that the profitable results arising from it may induce an extension of it among

the sane criminals. Avoiding bad land in remote situations with inhospitable climates, choosing the proper convicts, and selecting good soil and favourable situations, I have no doubt but among a country of the first agriculturists in the world, we in Scotland could turn the convict labour to as profitable account as anywhere else.

XXIX.—*Borough and county gaols. Penitentiary systems.*

Dr. Mouat (who was in the chair) stated that it had been elicited in the discussions which had taken place that we as a nation depended more upon repressive and punitive influences than the nations of the Continent and America, who relied more on reformatory agencies for the diminution of crime and the protection of society.

Captain G. Armytage (governor of the Wakefield Prison) gave an account of the history and working of that establishment. From 1847 to 1867 it was both a Government convict prison and a prison for the West Riding of Yorkshire; and during that time he held the double appointment of governor of each department of the prison. The difference between convict and borough and county prisons consists in the fact that they had to deal in the latter with an immense number of short-time prisoners, people sentenced to three, four, or seven days' imprisonment. With them very little more could be done than to wash them and to send them out again; and the same process was very often begun again on the same persons the following Monday. All gaol officials agreed that short sentences were very troublesome, and often of little use. The majority of the offences were misdemeanours, principally caused by drink. The longest term of imprisonment was two years, though it might happen that a prisoner was sentenced separately for two offences, the result being his detention perhaps for three years. The Wakefield prison was built by Sir Joshua Jebb on the Pentonville plan. The surgeon decided the character of the labour a prisoner was fit for. Very few were fit for treading the plank through lack of physical strength. Every man put on the wheel lost weight at the rate of a pound a day. Such

labour was often awarded for misconduct, and he saw no harm in letting unruly men have a taste of it. Most of the prisoners worked at trades; and if, on his discharge, one of them asked for help, if no fault was found with him he received some money; but he was always watched home. Or, if he wanted a railway ticket to enable him to reach a place where he could get employment, the ticket, with some money, was placed in his hands when he was seated in the train.

The second class of prisoners were men who were not strong, generally slightly consumptive; and in the West Riding there were a great many of that class. These were employed in mat-making and light work of that character. There was an industrial home, to which discharged prisoners might go, where the cost per head was 7s. 2d. per week. Some of them whilst there earned as much as 1l. per week. His wife had started an industrial home for women. The establishment of it had been one of the most uphill pieces of business imaginable, and at the same time it was one of the most successful. It had forty-five beds, but, under special circumstances, nearly double the number of persons could be accommodated. The women were chiefly employed in washing, for which the best apparatus has been provided. It had, however, been found best to keep to the simplest machine, such as the old dolly-peg tub, the object being to accustom them to such work as they would be likely to get when they left the institution. The success had been so gratifying that there was always a demand for servants. The girls were well trained, and the mistresses knew that they had a hold upon them; for the girls were reminded that if they did not behave themselves, they would be reported to the head of the home. Of course a girl might have a complaint against her mistress, but the differences were often settled. The most perfect religious equality prevailed, there being both Roman Catholic and Protestant chaplains in the gaol, and Dissenting ministers were always called in, and they most readily came, when they were desired. The Roman Catholics were scattered over the prison, their religion being indicated over the doors of the cells; but neither Protestant nor Roman Catholic ministers were allowed to enter the cells. There was a bountiful supply of books of all kinds, and it was the duty of one of the three schoolmasters to distribute them, that there might be no delay

in getting the books changed. When a prisoner desired a particular book, it was sometimes bought for him if it was not in the library, supposing the book was likely to be of use to him.

Dr. Wines said that last year he spent with great gratification a part of a day at Wakefield prison. As to the two industrial homes for discharged prisoners connected with it, he had no hesitation in saying that he knew of no arrangement with a view to saving discharged prisoners from a relapse, whether in this or his own country, or any other country, at all comparable to that at Wakefield. Work, and remunerative work, was provided for both male and female prisoners on their discharge, and they were informed that this would be done for them before their term expired. No person, male or female, after leaving the gaol, could ever come back on the plea that they could find no work to do.

Archbishop Manning remarked that he had come to the conclusion that the material system of our prison discipline in England—the treatment of the criminals in respect to labour, the care and training of them during their imprisonment, and the finding or giving facilities for procuring employment on their discharge—was carried to as high a point as it could be found in any other country. But he feared that the delegates from foreign countries would carry back the intelligence that the moral and religious system here was not efficient in so high a degree as it ought to be, except in the prisons under the direct action of the Government. He believed the wisest Acts passed in his lifetime were the Reformatory and Industrial Schools Acts. They went to the root of crime; and to prevent crime rather than to punish it was the true wisdom of the Legislature. Those Acts were eminently wise and eminently successful, and for this reason—they were founded upon a system of equal and just treatment of every class of Her Majesty's subjects, according to their convictions and their religion. Down to the present time, the treatment of adults in the prisons throughout England, excepting sixteen of them, had been upon the old system of mingling them together, by appointing only one chaplain. He claimed perfect and entire equality, and perfect and entire freedom for every person, whether of his own cloth, or whether they were Wesleyans, Baptists, or anything else. But in this matter liberty and

equality were not enough. We have had liberty of education for years, and yet we have had the streets and all our large towns, particularly London, filled with uneducated children. It had consequently been determined, that if the people did not do that which they were free to do in the matter of education, there should be a power of persuasion, and finally, of more than persuasion, to accomplish it. The Government convict prisons were eleven in number, and there most perfect religious provision had been given; but he found that in 109 borough and county gaols there was no appointed chaplain or instructor, excepting the chaplain of the Church of England. This was neither equality nor liberty; because they all knew that within the walls, whether of a prison or of a poor-house, prisoners and paupers had the greatest possible difficulty in making a request which they knew not to be acceptable. There ought to be a provision which should relieve the prisoner of all such difficulty, by placing on the spot some one who would visit him without a request on his part. In the bulk of the prisons of England, in 109 prisons, we were not on the same footing as those of France, Belgium, Italy, the United States, or Ireland. In Ireland Roman Catholic chaplains were appointed and paid. But he did not ask for payment. The Prison Ministers' Bill had been before Parliament for several Sessions; but either the unwillingness to pay the chaplains or the pressure of business had prevented its becoming law. During the present Session it had passed the House of Lords and come up to the House of Commons; but on the previous Saturday the Home Secretary told him that he had no hope of finding time to carry it through. That Bill proposed to do no more and no less than to put the prisons of England in the matter of religion on a footing with those of foreign countries. He had implored the Duke of Cleveland, who introduced the Bill into the Lords, and Mr. Maguire, who introduced it into the Commons, if any difficulty arose on the subject of the payment of the chaplains, to strike out the clause dealing with this point. What he desired was, that in every one of these 109 prisons a person should be selected, and his name placed upon the list of the officers of the prison, and that he should be recognised as the proper person to come and ascertain who belonged to his faith, have free access to them, and minister to them in the way Roman



Catholics were ministered to in the Wakefield and the Middlesex county gaols.

Mr. G. W. Hastings observed that in the county gaol of Worcester, a Roman Catholic chaplain was appointed and paid a salary, and that there the most perfect religious liberty prevailed. He trusted that the Bill making it compulsory to appoint Roman Catholic chaplains in prisons where there were Roman Catholic prisoners would become law. As Archbishop Manning had observed, in all the convict prisons there were Roman Catholic chaplains. Mr. Hastings then repeated what he had said the previous day when correcting the error into which M. Stevens of Belgium had fallen in regard to the treatment of prisoners, respecting their religious convictions, in England.

Colonel Ratcliff said that for years past there had been at the Birmingham Gaol a paid Roman Catholic chaplain; and care was also taken to have on the committee of the Prisoners' Aid Society one of the Roman Catholic priests of the district.

Mr. Aspinall (Liverpool) stated that nothing had occurred in the discussions to warrant any honest man in saying that we were careless, in any sense or degree, of the spiritual welfare of our prisoners; and that it must be admitted also that we were progressing towards all that any man could desire in this matter. Then in considering the prisons in the country where there were no Roman Catholic chaplains, it must not be forgotten that in many of them there would be none or very few Roman Catholic prisoners.

The Chairman observed that all Archbishop Manning pleaded for was perfect equality; and he did not suppose any Englishman wished to deny that. If there was a single Roman Catholic in the gaol, he had a right to religious instruction; and that should be a matter of law and right, and not of permission.

Mr. Robert Robarts (governor of the Bedford gaol) said that the gaol was conducted on the cellular system. Until 1853, the labour there was entirely unproductive, but in that year he introduced industrial employment. The result was, that after all expenses had been paid, including gratuities to the prisoners, there had been paid to the county about 10,000*l.*, that sum representing the net profit on the labour of the prisoners during the last twenty years. There had also been a satisfactory re-

duction in the number of committals. In 1853 the number was 667, and ten years later they had fallen to 323. The re-committals were reduced in the same proportion. A badge, with the initials 'G. C.,' was worn for good conduct, and gratuities were awarded for a like reason. The penal labour consisted of shot drill, which was far preferable to the treadmill; because it did not, like the treadmill, permit the old and experienced offender to impose on the weaker and less experienced in such labour; because it was not so degrading; and because it was a salutary exercise. Shot drill was only used as a penal labour. There were very few women in the gaol. The numbers varied; but the committals were not more than 60 or 70 for the last ten or fifteen years. They were employed in washing and mending for the male prisoners. Orders for articles made in the prison were sent from large houses in London; and they were supplied in accordance with the price list. The maximum sum a prisoner received in a week was 3*d.*, and a card on which these amounts were written showed him how much he was entitled to on his discharge.

Mr. Lowndes said that shot drill had been introduced into the Shropshire gaol, it being there regarded as partly deterrent and partly reformatory. The shot drill imposed on short-time prisoners had had excellent results, for more fines were now paid than before its introduction. The aim of the authorities of this prison was not profit, but to reform those who were sentenced to long periods of imprisonment, and to deter those who came in for a short term. This system, as far as it could be ascertained, had worked satisfactorily.

Sir Charles Sawle, Bart., said that in the county gaol of Cornwall the treadmill was turned to considerable use. It had been found that the introduction of bodily hard labour there had done more to lessen crime than any other system that had been tried.

Mr. Chandler (Pennsylvania) remarked that there was a great difference between the prisons of England and of the United States. Every State being independent, had its own laws and its own penal institutions. Therefore, while he could speak generally upon some subjects, he could only speak particularly of the system which prevailed in the eastern part of Pennsylvania, as regarded the county gaols. In many of the

counties there were excellent prisons, recent structures, well adapted for the detention, employment, and improvement of the prisoners, such as those of Lancaster, Chester, Lehigh, and Ichnyckill. The prison of Philadelphia city and county had come more particularly under his observation. It was a house of detention, a sort of bridewell, and a city penitentiary. The part occupied by males was crowded; but the female department was not full. It contained about 250 male convicts, and the law required that each man should have a cell to himself. They carried on their work as tailors, watchmakers, shoemakers, etc., in their cells. When he was appointed inspector he took particular charge of the female part of the county prison. He found in 85 cells 282 women, with 14 children, some of them having been born there. The cells were about 12 feet by 9 feet, and 14 feet high. Sometimes the number of prisoners was reduced as low as 260. A year afterwards, by permission of the Board, he enlarged the premises. The convicts included every class of offenders, from the drunken woman up to the thief; and the sentences of thieves ranged from six months' to three years' imprisonment. The minimum sentence was 24 hours for drunkenness, the law requiring that or a fine of two or three dollars for such an offence. Every woman was provided with employment, but if she by word or act broke the rules of the prison, she was deprived of her work. That was a loss to the prison, because there were 800 other prisoners depending upon the females for the making, mending, and washing of their clothes. This experiment was, however, only tried upon the females. Three years later the total number of prisoners was reduced to 80, and had never since at any time risen up to 100. When the number had approached the latter figure, it was owing to an increase in the number of small offences. Vagrants were committed for 30 days, but the inspector could turn them out whenever he thought it best to do so. In dealing with the prisoner it was sought to find a tender point respecting her home, her children, if she had any, or any other relation in life, believing that, however bad a woman might have been, there was at least one little point towards which they might address themselves, one little spark of virtue left which might be blown into a flame. Great success had attended the efforts to procure situations for the discharged prisoners. The sheriff of each

county was elected every three years, and he became *ex officio* governor of the gaol. If he was a good one, he took great care of the prisoners. The chief object was the reform of the criminal, and not to make a profit on prison labour.

The Rev. J. K. Mason said that in the State of Maine there were sixteen counties: and he was ashamed to say that the gaols in those counties were in a condition similar to those of Western Pennsylvania. They had a plan in its incipency, by which they hoped to arrange for putting all the gaols, along with the State penitentiary, under the direction of one central head. Such was the emigration from this State, that the population during the last ten years had increased by only 300. The present number of the population was a little over 600,000. The Maine law did, no doubt, a great deal to reduce the number of prisoners.

Dr. Wines, in response to an appeal from the Chairman, said that he sent out, under the instruction of the National Prison Association, 1,400 circulars to the county gaols of the United States; but by far the greater proportion of the counties made no response whatever. He believed 300 replies were received; and the inference was drawn that the counties which did not answer took very little interest in the condition of their gaols. The result of the enquiry showed that the gaol system of the United States was something of which every American must be necessarily ashamed. The gaols in the eastern part of Pennsylvania and Massachusetts presented a more favourable aspect than those in any other part of the country. He might be wrong in speaking from memory, but he believed that in only twenty-five gaols respecting which answers were received was there any employment for the prisoners; and in the great majority the prisoners associated indiscriminately. In not a few even the separation of the sexes was imperfect. Then the gaols were neither healthy nor secure. In numerous instances mobs had effected their entrance into gaols, particularly in the South, and lynched the prisoners. Then they were badly constructed, damp, and ill-ventilated. The gaolers in most cases were the sheriffs; and they, having a good deal of patronage, were exposed to a great deal of temptation. The gaols were commonly under the control of a Board of supervisors, usually composed of a lawyer or other professional man from the county town, and

some farmers, men who, though able to tell which were the good points in their own houses, or their neighbours, yet thought a gaol was a place into which no honest man ought to go, and who knew nothing of the interior of the building.

The Hon. Governor Haines said that in some of the counties of New Jersey, there were both gaols and workhouses where the prisoners were employed. In the county of Hudson, for example, there was an excellent house of detention, where the persons convicted of lesser offences were confined and employed in some profitable industry. In the county of Essex, too, there was an admirably-managed workhouse, with a physician and chaplain, and separated from the control of the sheriff; but he was sorry to say there were no means of employing all the prisoners. In the rural districts there was great difficulty in finding employment for the prisoners. If a prisoner was sentenced to a term of imprisonment exceeding six months, the sheriff was bound to take him to the State prison.

Mr. J. Moncure said all the prisoners sentenced to more than nine months' imprisonment were transmitted to the Perth prison, which was the depôt for the majority of the criminals of Scotland. Their treatment corresponded with that of the criminals of England. Corporal punishment was not inflicted except upon juveniles.

Mr. Clarke Aspinall, in his official report of the discussion, after giving a summary of the speeches which we have more fully reported, makes the following remarks:—

The tone of the discussion and the facts elicited led pretty much to the conclusion that, in deterrent treatment, disciplinary control, industrial and improving labour, and in educational and religious teaching, the gaols of the country might be fairly stated to be satisfactorily governed, the direct government being vested in the governor, but always under the constant control of the visiting justices representing the entire bench of magistrates, and likewise every gaol being under inspection by gentlemen appointed by the Home Secretary.

The system of allowing prisoners under our convict system to work out their liberty by industry and good conduct, somewhat before the entire sentence is served, does not apply to our county and borough gaols, in which the full term of each

sentence must be served; but effort is made, as has been shown, to reform and refit for society. Discharged Prisoners' Aid Societies, whilst existing in several counties and boroughs, were not so general as all seemed to feel they ought to be.

#### INDIA.

Dr. Mouat read a paper on the Indian penitentiary system, which will be found in Part III. After it was read,

Mr. F. Hill hoped Dr. Mouat would be restored to his former field of usefulness. Separation by day would be a great obstacle to remunerative labour, and financial considerations would deter the Government from adopting it. Separation at night and separation among the un-tried prisoners, with whom contamination might be serious, was a different thing. If in every large prison a moderate number of cells were provided for separation at night, and if a judicious selection of prisoners likely to corrupt others were made for those cells, it would be sufficient. Mr. Demetz's experience agreed with his own, that after as much labour as men had out of prison, prisoners on going to bed went to sleep and did not talk. It was easy, therefore, by weeding out the worst prisoners to prevent corruption at night. He introduced the task-work system in Scotland several years before Dr. Mouat's introduction of it in India, and its effect was equally satisfactory. A man went heartily to his work, knowing that afterwards he could work on his own account, and frequently prisoners rose at three or four A.M. In Scotland there were generally in his time forty or fifty prisoners voluntarily remaining after the expiration of their sentences, in order to master their trades, and he was glad to hear of this practice in India.

Dr. Mouat said he was authorised by Miss Carpenter to say that she concurred, from personal knowledge, in the sentiments expressed in his paper.

Mr. Rutherford Ancrum, on visiting a small prison at Havre last year, found fifteen or twenty persons making brushes in a room, under the supervision of an old prisoner. He was told brush-making was tolerably well known, and that on account of the frequent re-committal of certain prisoners, some could generally be found able to instruct the others. No warder was

present, and the number of warders appeared too small to allow of one being present in every room where work was going on.

Mr. Serjeant Cox, having to deal with about one-tenth of all the crime in England, was anxious for information on the amount and kind of punishment. In passing sentence he had to consider, not so much the possibility of a man's reformation as the deterring of others, this sometimes involving greater severity than the actual facts of the case would dictate. On this account he had urged the classification of convicted prisoners; for the managers of the prison should look to a man's antecedents, and apportion the punishment accordingly. The prisoner should have moral, religious, and intellectual instruction, but the less said to the public about this the better, for it might make prisons attractive instead of formidable. Reformation was only a secondary object; the main object was deterrent.

Dr. Mouat differed widely from Serjeant Cox. He had had fifteen years' contact with prisoners, and had looked at the question from the point of view of society, as well as of the prisoner.

Mr. T. B. L. Baker believed the deterring influence had more effect on the greatest number of people than reformatory influences. The gaols contained about one in 1,000 of the population, and it was surely more important to consider the 999 than the one. Sentences should be deterrent rather than retaliatory. If the public frequently could not tell what circumstances had influenced the judge, how could an ignorant prisoner be expected to tell? And if a sentence was not understood, how could it deter as much as we should wish? Unless a man could tell what sentence he should have if he did wrong, he was not sufficiently deterred. To deter did not necessarily involve flogging or excessively unpleasant labour—he should rather say length of sentence, but to deter should be the object.

Dr. Bittinger urged the necessity of different treatment for crimes of passion and crimes of reflection.<sup>1</sup>

Mr. T. H. Thornton, being asked to give some information about the Punjaub, said it was the extreme north-west

of our Indian possessions, and contained nearly 18,000,000 inhabitants, Mohammedans and Hindoos in about equal proportions, and the latter including the Sikh population, a very martial race, 1,500,000 in number. There were twenty-eight gaols—one, a central gaol at Lahore, for the reception chiefly of five years' sentence prisoners and upwards, also for the casual prisoners of the district. There were four divisional gaols, receiving prisoners with from two to five years' sentences, and the rest were district gaols, taking casual prisoners and those with sentences up to two years. The central and divisional gaols had special superintendents, in all cases a medical officer, who had both executive and magisterial charge of the gaol. The others were under the control of the magistrates of the district, or officers appointed by them. The total prison population averaged 11,500 daily, which could not be considered large, the number in England being 20,000.

In the central and divisional gaols individual treatment had been attempted during the last few years, but in the bulk of the gaols it was impracticable, the expense of a superintendent who could devote his whole time to the prisoners not being allowed. In those five gaols a prisoner had a task, and had to earn a certain number of marks, which entitled him to be put on less irksome labour. For eighteen months they had the hardest form of labour; then, if they had behaved well, and had obtained the maximum marks, they were put on a lighter form, and continued good conduct and marks led to a still lighter form. He believed that in some cases they could even leave the prison and live under surveillance. It was hoped to carry individual treatment further. The provincial Government had been anxious for separate cells—at least for sleeping—but the Supreme Government had resolutely opposed it, mainly on financial grounds, but also on the ground that as religious instruction was impossible under the circumstances of the country, the cellular system would be useless. In Bhaulpore, a native State managed by a Punjaub official, a prison with separate cells had been tried. It was one of the hottest parts of India, about as hot as Mooltan, and according to a native proverb there was only a piece of brown paper between Mooltan and the infernal regions. The separate system had been found efficient as a deterrent, and the health of the prisoners had never been so good

<sup>1</sup> See summary in Part III. of Dr. Bittinger's paper.

as there. The recommitments averaged ten to fourteen per cent. of the daily average of prisoners. In England he believed it was thirty-three per cent. (Mr. Tallack: 'Nearer thirty-nine'.) For a long time the mortality in Indian prisons was alarmingly great, as much perhaps as ten per cent. in a year on the daily average, but in 1864, when he became secretary to the Punjab Government, it was four per cent. The prisons were now critically clean, prisoners being put in quarantine to prevent epidemics, and the average mortality was now less than two per cent.

Dr. Grey (inspector-general of prisons in the Punjab) was asked to supplement Mr. Thornton's statement. He said there were now thirty-two gaols, four having been added within the last two years. Taking the returns for 1870, the total number of convicted prisoners received within the gaols during the year was 19,619, and he believed the total prison population, including previous admissions, was 31,300. The population being  $17\frac{1}{2}$  millions, the percentage of criminals was eleven; he referred to committals, not to convictions. Of the Christian population, 22,154, the convictions were 42; of the Mohammedans, 9,337,685, the convictions were 19,429; of the Hindoos, 7,256,177, they were 8,627; and of other classes, 995,482, they were 3,202. The last category included a number of tribes peculiar to the Punjab, and others spread over the north-west of India who lived almost entirely by crime. It was their hereditary profession—chiefly theft. Cattle-stealing was one of the most frequent crimes in the Punjab, but it was not so much practised by these wandering tribes as by cattle owners. Some were so addicted to it that a youth did not receive the turban indicating maturity till he had successfully committed it.

In answer to Mr. Aspinall, who remarked that at Liverpool the number of convictions was larger than that of criminals, some persons having been ninety times in prison, Dr. Grey said his figures referred to convictions, not to criminals. The reconvictions were 14.58 for the year, and there were very few reconvictions which were not known. The criminal class as a rule differed from the English. They practised crime hereditarily. Thuggism was partly a religion, and partly a habit. At Lahore a small gaol of Thugs, sentenced to transportation, was under his charge. Some had committed sixty murders, and on his asking whether they were not ashamed they replied,

'Are you ashamed of shooting a quail? It is our legitimate occupation.' The associate system prevailed; the percentage of solitary cells in the whole province was not more than six or seven. (Dr. Mouat said this was higher than other parts of India.) There were many separate lock-ups, in which only unconvicted prisoners were confined. All persons committed for trial were supposed to be dangerous, and were sent to prison, but were separated from convicts. Sexes, ages, debtors, &c., were classified, and there was an attempt at classification according to crime, but want of accommodation prevented its being fully carried out. Overcrowding was a constant complaint. All were employed in intramural labour, except in one special case, and on industrial work.

Dr. Mouat (Chairman) was glad that Dr. Grey and Mr. Thornton concurred in his views. Nowhere could prison discipline be better tried than in the Punjab, under such able administrators as Lord Lawrence and Sir Donald McLeod. We ought to profit by Indian experience, though it had been acquired many thousand miles off, and under greater difficulties than existed here.

#### THE UNITED STATES.

General Pillsbury, in giving an account of the New York prisons, said there were three large State prisons, under the management of three inspectors, one retiring yearly in rotation. They had the appointment of all the officers, who were consequently changed at every political change; yet they took but little interest in the management, and were themselves elected by political influences. Those prisons were, therefore, badly managed. Penitentiaries stood between county gaols and the State prison. That at Albany, of which he was warden, was established twenty-seven years ago for minor offences. In the county gaols there was no labour whatever. The Albany penitentiary was now partly a county gaol and partly a State prison, owing to other establishments being pretty full; and prisoners from the district of Columbia might be sent to it also or to the State prison if their sentences did not exceed five years. Of 1,093 admissions during last year, 715 were for terms less than six months, and 22 were sent to the penitentiary in default of bail, who were of course discharged whenever they

could procure bail. Some prisoners were committed for public intoxication, but thirty or sixty days' imprisonment was quite ineffectual for this. In all cases of reconviction for drunkenness six months ought to be imposed, as the only hope of reformation and the acquisition of new habits. The same reason applied to other habitual offenders. When warden of the Nantucket prison thirty years ago, a man under a twelve years' sentence, after eight years' good conduct, refused to leave his cell. After vainly remonstrating with him, he took him by the collar, when the prisoner struck him with a knife in the arm and chest, wounding him slightly. The man was flogged, and on his stopping the punishment, the prisoner said, 'Go on, kill me; I ought to be killed.' He himself wished the matter to end there, but the authorities insisted on indicting him as an example to the other prisoners, and he was sentenced to imprisonment for life. He served out his remaining four years and a year of his life-sentence, when he obtained his pardon for him, knowing that he regretted the act, and abhorring the idea of keeping him for life. Sentences depended too much on judges' temperaments, and the sense of injustice felt by prisoners with heavier sentences than equal, or perhaps worse, offenders, was fatal to any hope of reform. Without a feeling of the justice of the sentence there could be no hope of reformation. Moreover, a man imprisoned in default of paying a fine felt that he was punished for his poverty, not for his offence. At Albany prisoners slept and fed separately, but congregated for work, worship, and instruction. While agreeing that financial should be subordinated to moral considerations, he had found the latter neglected in prisons where proper exertions were not made for prisoners to earn their own living. His father was warden of the New Hampshire State prison, and nearly fifty years ago he was his deputy there. He had never been connected with any prison that did not pay all its expenses and have a surplus. Albany earned last year 20,000 dollars above its expenses (exclusive of rent), which sum he intended to devote to the improvement of the institution, thus giving the prisoners the benefit of their own earnings. No aid was given to discharged prisoners, though for want of it, and difficulty in getting employment, they were often driven back into crime. Many were inured to labour and willing to work, but

if no friend or benevolent person found them work, what remained but to beg or steal? A reformatory for young men between sixteen and twenty-five was being built in his State on Sir W. Crofton's plan somewhat modified. There were to be four prisons under one roof, with six hundred in each, and the prisoners would have to begin at one and go through the others. The cost would be a million dollars, and the managers would hold office ten years, so as to avoid political influences. Other institutions would be built if this succeeded. For twenty years he had not drawn a dollar from any source for the penitentiary.

Dr. Wines said there were forty-five States and territories in his country, each with an independent prison administration, the Federal Government not owning a single prison, but using the State prisons for offenders against its laws. As a rule, congregate labour and separate cells prevailed in these prisons (answering to convict establishments in England), but in part of Pennsylvania the cellular system existed. New York, with nearly 5,000,000 inhabitants, had three State prisons, Sing Sing, Auburn, and Clinton. The first had males and females in different buildings. The great difficulty in these institutions was the predominance of political influence in the appointment of the officers. The three State prison inspectors appointed all of them, and could turn them all out the day afterwards. They were themselves elected by party votes, and however well disposed to discharge their duties effectively, they were compelled to obey party behests. There was consequently no stability in the administration. For ten years the Prison Association of New York had been agitating for a reform which would take the administration of prisons out of the party arena and place it in the hands of competent men. This had been passed by the Legislature, but it would have to pass another Legislature, and then be submitted to the popular vote. Leaders of both parties supported the change, and it was likely to come into effect as soon as the requisite forms had been gone through. Under the new system five prison surveyors or directors would be appointed by the State governor and Senate, and would hold office for ten years, one retiring every two years. They would appoint the principal officers, but could not displace them without cause stated in writing and after full and fair hearing.

Thus it would be a good behaviour tenure, as with the judges in some of the States, and soon, he hoped, in New York. The warden would have the sole selection of his subordinates (not including the chaplain, physician, clerk, etc.), and would have power to remove them when he thought necessary, subject to his general responsibility to the directors. This reform only applied to the State prisons, it being thought that public opinion was not advanced enough for its extension to the other prisons, but power was reserved to the Legislature to apply the system to them at any future time. The administration hitherto had been such as might be supposed from its unstable character. There was to be a State industrial reformatory for young offenders, substantially on the Crofton system. Penitentiaries were really district prisons, administered by single counties, but receiving prisoners from neighbouring counties under special agreements. These were less subject to political influence, though General Pilsbury's thirty years' tenure of office at Albany, and his re-election every five years by a political Board, could only be ascribed to his high character and eminent success. No outside authority prescribed laws at Albany, and General Pilsbury had always appointed all his subordinates, but a warden possessing less confidence would probably be subjected to more control.

The Hon. J. R. Chandler (Pennsylvania) said American prison administration depended more on personal character than on system. In his State it was entirely free from political influence. There were two penitentiaries directed by inspectors appointed by the Courts. These inspectors selected the warden, and he chose his subordinates subject to their approval. The Eastern penitentiary was a radiating prison, with separate cells of good size, mostly on the ground floor, and with a separate yard for exercise or labour. Each prisoner was known by a number, and was not seen by his fellow inmates. The labour imposed was not difficult or disagreeable, and it was a punishment to withhold it. The physical and mental health of the prisoners was excellent. Nowhere could 900 men be found in better health. The sentence used to be 'separate and solitary confinement,' but solitary confinement was only resorted to as a punishment for prison offences. The law allowed a commutation of one month for the first year, etc., but misconduct

debarred prisoners from the enjoyment of this. A man sentenced both to fine and imprisonment might be excused the former through good conduct, and on an oath of poverty. The Dutchman mentioned in Dickens's 'American Notes' as certain to die in a few years, was now, after nine years' imprisonment, under five sentences, a hale man of seventy-two. Three cases of insanity occurred at an early period, but these persons were in a bad state on their admission, and, under the care of the resident surgeon, they recovered in a few months. He doubted whether insanity or mortality was greater in the penitentiary than among 900 men at liberty. The prisoners could pursue their trades, and, on discharge, received 50, 100, and, in one instance, 150 dollars, the surplus, after paying for maintenance and materials. There were shoemakers, watchmakers, mechanics, &c. An excellent clergyman, a Methodist, he believed, lived in the prison as chaplain, and had access to all the prisoners, while other ministers might visit those of their own persuasion. The chaplain formerly acted as schoolmaster also, but found the task too heavy, and a separate schoolmaster was appointed. The prisoners had the means of pursuing their studies, and some were familiar with the differential calculus. They were kindly treated, and encouraged to do better. A discharged prisoner had no fear of being recognised by a fellow-prisoner, and one of the visitors was once addressed in the street by an ex-prisoner, who waited till two other gentlemen had left him, not knowing that those two men were for three years in cells within ten yards of him. He did not disparage other systems, but he considered this the best. Men came out at the end, perhaps, of sixteen years in perfect health, and with the resolution of being good.

The Rev. J. W. Sullivan (Indiana) said his prison received convicts under sentences varying from twelve months to life. The labour was under the contract system, and the low prices given had prevented the establishment from being self-supporting; but next year there would be a large surplus. Railway cars were manufactured. There was no organized school, but books, papers, etc., were supplied for self-improvement; and he frequently visited the prisoners to give them assistance. About half the prisoners voluntarily attended a Sunday-school; there were volunteer teachers from outside, and in some cases the



better and more intelligent prisoners assisted in teaching. Three years ago he formed a prison church, called the Christian Brotherhood. The members undertook certain obligations, and agreed to help each other in leading religious lives. They did all the singing, talking, and praying themselves; and many had been the subjects of saving grace, taking useful positions in society on their release. One had for two years been an active and influential man in Pennsylvania. At eleven o'clock on Sunday there was a public service.

The Rev. J. L. Milligan (Pennsylvania) said that the Western penal district of the State was made up of thirty-three counties. Its institution was called the Western State Penitentiary. It was free from political control. Its Board of Inspectors were appointed by the Courts, and held their office until they saw fit to resign. They appoint the chief officers of the prison, and approve the subordinate appointments of the warden. Their executive Committee daily visit the prison, and audit the accounts of the institution every month. They are easily accessible to any prisoner who sees fit to send his written request for an interview. Commutation of sentence, overwork, and school privileges are granted. Punishments consist in deprivation of privileges simply. Whilst the same general legislative enactments pertain to both of the State penitentiaries; the Western penitentiary has one law peculiar to itself. It is the power granted the Board of Inspectors to congregate any portion or portions of the convicts under their control for labour, learning, and worship. This opens, not only the cell door, but the chapel for divine worship, the Sabbath and secular school-room, and the workshop with its machinery. It affords opportunity to individualise and to congregate on the basis of individual merit. It keeps the incorrigible in his cell, and compels him to labour there. Any clergyman is admitted at the wish of a prisoner. Regular visitations of members of Prison Societies and relations are earnestly encouraged. Hence with kind but firm graded control, ample medical, moral, and religious, as well as industrial and police supervision, it links itself to a progressive prison policy, neither wholly congregate nor wholly separate, but a combination of both.

Mr. Mason (Maine) said that, having come from a State, a single one of whose counties bordered on the British domain

for more than three hundred miles, and therefore somewhat *related* to the country in whose metropolis we are convened, he felt that it did not become him to be wholly silent. He came to learn, and then return to practise. Our county gaol system is bad—not worthy the name of system. It corresponds very much to that of western Pennsylvania, as described by the delegate, the Rev. Mr. Milligan. We are moving to revise it, and hope to succeed in having all our penal institutions under one general direction, with power vested, perhaps, in a Board of Inspectors, or in the Governor and Executive Council of the State. The matter is in embryo; we hope to have birth and development soon. We have a reform school, which we think is useful and well-conducted. It is only for boys, and they are treated on the principle that it is easier and every way better to *win to goodness* than to drive. An industrial school for girls has been attempted, but our Legislature hitherto has been too economical. Our State penitentiary, with whose condition I have the pleasure of being intimately acquainted, though holding no official connection therewith, is perhaps as successful in the financial results of its industries as could be desired. The convicts work there—all who are able—most of them at trades of different kinds. Carriage, shoe and boot, and harness manufacturing are the principal ones. These of course include everything essential to the business, affording many an excellent opportunity to acquire a practical knowledge of upholstering, blacksmithing, and the like. The convicts eat and sleep in solitary, but work in shops after the congregate plan. The aim is to encourage them, to make them feel that their manhood is not all gone, and that their respectability may be recovered or gained. The chaplain acts as their schoolmaster, occupying a portion of the evening with those who are uneducated, in giving them instruction in reading, arithmetic, penmanship, etc., and some have been aspiring enough to enter upon the elements of Latin and Greek. Religious services are held each Sabbath in the chapel, where most of the convicts seem very willing to go. The music is furnished by some of the best talent in the village as a voluntary offering. We have a commutation law, by which any convict whose term is over two years and under life can materially abridge the time of his imprisonment. In some of our shops, the overseers are the

instructors; in others, there are special instructors; and in some a prisoner is promoted to the position of instructor, while the overseer looks to the general order and attention, and meanwhile is himself a learner of the trade. *A step up higher* is our motto there for everybody. For punishment, the dark cell and bread and water are sometimes resorted to, but not often with those who have been there long enough to have learned the humanising policy that is adopted there. Many, we think, go out reformed and regenerated, morally and religiously. Some fall again who promised well. Our present warden is on his ninth year, and, as an indication of his eminent services, has had his salary increased from year to year from 1,200 dollars until it is now 4,000 dollars. We hope to improve our system still more.

Dr. E. M. Snow (Rhode Island) wished it to be understood that the Eastern Pennsylvania Penitentiary was the only one in the United States on the cellular system, and had no advocates besides its managers. Almost all Americans admired the Irish system, and wished to copy it as far as possible, though in many important respects it was inapplicable to their country.

In concluding the official report, the Rev. J. L. Milligan remarks:—‘It may be inferred from all that was said in regard to the American penitentiaries, that no one system in all its details is in universal use. There is a disposition to reach after and apply the best of all the well-defined principles of penal control which promise most of pecuniary remuneration consistent with humanity and the best interests of the offender, both temporal and spiritual.’

### XXX.—*Women's Work in Prisons.*

The sphere open to women in the visiting and inspection of prisons was introduced in the full Congress by Mrs. Chase; and it was afterwards discussed in one of the three Sections that sat on July 11, and which was attended chiefly by ladies.

Mrs. Chase said:—In some of the United States of America, an effort has been made, within the past few years, to procure the enactment of laws requiring the appointment of women on

the Boards of Inspectors of Prisons. This movement comes from the thoughtful, conscientious women of our country, who have learned to feel the same responsibility for the ills around them which is felt by thoughtful, conscientious men, some of the best of whom second this effort. They claim, first, that it is the *duty* of women to share with men in the care, instruction, and reformation of criminals, and that they can best do so if empowered with the same authority that is given to men who have the supervision of prisons. Criminal women, however vile and debased, still need the sympathy and society of their own sex, and the peculiar treatment which only women know how to apply. If you say that the matrons in the prisons are sufficient for the supply of these peculiar needs, permit me to remind you that the women who are employed in this capacity are not generally persons of sufficient intelligence to comprehend in any enlightened way the real condition of imprisoned women, which is, in consequence of the public sentiment which irrevocably condemns them, so much more deplorable than that of criminal men. Cultivated women do not yet take these positions, and those who do are usually such as have no idea beyond that of the relations between themselves on the one hand, and subjection on the other. If it is said again that, at present, women may visit prisons, and instruct and console the women there, I answer that, while much good may be and has been done in this way, still, while they do it only by permission, there is much about it which is embarrassing; and as a part of their mission should be to see that the prisoners are treated as they ought to be, if they make any criticisms concerning this, it is considered unwarrantable interference, and often leads to their exclusion. And, while the character of the visiting women depends upon chance, they are as likely to be indiscreet and to interfere unwisely as otherwise. While, if they were selected as men are, or ought to be, for their fitness, their work would be done with good judgment and discretion. Then, again, criminal men, separated from their families and all gentle influences, need the ministry of good women for their reformation. Also, in the counsels of a Board of Inspectors composed of both sexes, selected for the soundness of their judgment, the breadth of their experience, and the goodness of their characters, I am sure the suggestions of the women would

often be very helpful concerning all household matters in the prison life; and their keen, intuitive insight into character would often lead to a better understanding of the actual mental and moral condition of the prisoners, than the men would be able to obtain alone. I have found, in visiting prisons in my own country, where both men and women are confined, that the inspectors devote their attention chiefly to the care of the men. The Chairman of the Board of Inspectors of our Rhode Island State Prison told me that they know nothing about the women. Said he, 'If the men are sick, we can go into the hospital and see that everything is done as it ought to be, but we cannot go into the women's hospital, and we know nothing about it.' This inattention is owing to these facts. In the first place, there are in our country always much fewer women in prison than men, so that it seems less important that they should be looked after. In the second place, ordinarily good men regard fallen women as much worse than fallen men, and so shrink from their presence. And, lastly, the public sentiment which condemns a fallen woman to irrevocable, irremovable disgrace, and so pronounces her restoration hopeless, follows her within the prison walls, and, regarding her as wholly lost, the inspectors cannot hold out to her the same hopes and promises which they can to men; and so, as another Chairman of a Board said to me, 'They don't know what to say to them.' Now, if there is anything to say to them; if there is any way by which the path to a well-ordered life can be opened to them; if the stone which an unjust public sentiment has laid over the grave of their respectability in the position from which they have fallen, *can* be rolled away, it must be done by women; and I know, from my own experience, as one of a Board of lady visitors to prisons appointed by the Governor of our State of Rhode Island, that we cannot do it thoroughly and well unless we share with the men the responsibility and the authority which guides and controls these institutions. Therefore, I do hope a word will go out from this Congress in approbation of this movement.

Miss Carpenter said it would not be denied by anyone that the special work the female sex was privileged to do was to administer sympathy and help. She was not one of those who desired that woman should take the place of man or do man's

work; but she wished to define in this Congress the special work which women had to do. In the first place, she believed that everything which concerned the reformation of female convicts should be the special work of women. Further, she believed that everything which concerned the reformation of children should be partly under the care of women. In her paper she had said that children requiring reformation ought to be placed in homes and not in prisons; and we all knew that there was no true home which had not in it a mother or a sister, or some woman to control it. Therefore in a reformatory there ought to be a woman, representing in that establishment the mother in the home. For the same reason all girls' schools ought to be entirely under the charge of women; and the female ought to be introduced in the management of schools for young boys, though the direction of them might rest with men. These propositions being granted, the question arose: What was the particular part women would have to take? First, in connection with all prisons there ought to be lady visitors. She said ladies, because it was very important that the higher influence of educated women, when combined with an earnest, philanthropic, and religious spirit, should be brought to bear upon female convicts. She could hardly find anyone who would not agree with her upon that point. She was quite aware that there were great difficulties attending the visitation of prisons by women, but they had been triumphantly surmounted in the convict prisons of Ireland. In those prisons there were convicts of various denominations. On their arrival, they were required to state the denomination to which they belonged. In the prisons that were under the supervision of Sir Walter Crofton, ladies of approved position and character were permitted to visit the prisoners; and each lady confined herself exclusively to the denomination of female convicts to which she belonged. She had understood from all concerned in the matter that this system answered admirably. It was when a female prisoner had left prison that the good offices of her own sex were most especially required; it was then that women must endeavour to rehabilitate her and restore her to society. She was extremely sorry to say it, but female prisoners, as a class, were a great deal worse than male prisoners; they were, as a rule, in a far lower state of degradation than males. This

was a fact it was better to state openly at once. There was less willingness to send women to prison than to send men there. Therefore it happened that in our gaols there was a less proportion of women than men; but, as a rule, it would be found that the women in any gaol were specially bad. Therefore it was necessary to have female visitors to enter in a sympathising manner into the wants of these people, not only with Christian sympathy, but with minds capable of grasping the position, and considering what was the best means of restoring them. She agreed with Mrs. Chase, who laid down the position that lady visitors ought to have an official position. They should have absolute authority, so that no remarks of theirs should be deemed to be irrelevant or impertinent. Ladies ought to conduct reformatory schools for girls; and she would say also they ought to manage them. It was supposed by many that ladies were not capable of managing business arrangements in a Board; and she would grant that the bulk of them were not capable of doing it; but then they might be trained to it. She spoke strongly on this point because she had known many female institutions which were managed solely by gentlemen who would not allow ladies to take any official part; and great abuses must necessarily creep into such institutions, because when none but gentlemen came in contact with female officials it was simply impossible they could go into matters of detail, which might appear to be trivial, but which might involve very important principles calculated to undermine the institution. She would give to ladies a special work in the reformation of prisoners out of gaol, such as was done at Golden Bridge, in Ireland, at the institution which Sir Walter Crofton established. Sir Walter Crofton, in Ireland, where the majority were Catholics, as were the majority of prisoners here, requested the nuns of the Golden Bridge nunnery to take charge of female prisoners before they were set at large. While the power to detain them still existed, he sent them on licence to the Golden Bridge institution, which received an allowance for their maintenance from the prison authorities. If they misconducted themselves, they were sent back to penal servitude; if they did well, there were persons in Ireland who were perfectly satisfied to receive them from the hands of these nuns. This institution had worked admirably; and out of the thou-

sands of cases that had passed through it, there had been very few relapses. The public had been found quite willing to take the women from this institution into their homes. The ladies in charge of it treated the convicts in as kind, and free, and open a manner as if they were free women. Sir W. Crofton fully believed in his system, and after great effort obtained permission of the Government to try it in England. He took a house in Queen's Square, Bloomsbury; and the Government consented to send him certain of the female prisoners from Millbank, and others who had proved themselves, as far as they could be judged, worthy of the privilege. There still remained the legal power of detention, so that if they proved themselves unworthy they could still be sent back to prison; and with that exception the inmates were as free as in any other house. The experiment, carried on for several years with deeply-dyed criminals, had proved to be quite satisfactory; and the institution, which until lately was under the management of Lady Crofton, had been removed from London into the country. It was entirely under the control and management of women; but of course there was behind their authority legal power to direct. The public had been willing to co-operate. In connection with this subject, reference should also be made to the work in the reformation of female prisoners which was carried out by Mrs. Meredith. Sir W. Crofton, having proved the success of the principle, was anxious that ladies in different parts of the country should multiply homes for female prisoners, and that the Government should be induced to encourage them.

Miss Emily Faithfull (representative of the 'Soros,') must bear her testimony to the extreme value of the institution which was begun in Queen's Square, Bloomsbury, and thought it very desirable that such institutions should be raised in every part of the country. It was important in dealing with criminals, and especially with women, that they should have a chance of reformation when they left prison; and she agreed with Miss Carpenter, that it was quite impossible to take them promiscuously into a home; that might involve more harm than good, both to themselves and others. She felt deeply the necessity of appointing ladies as visitors of prisons, because women could intuitively understand and sympathise with their

own sex better than men; but she feared we could do nothing until we had more women better trained for the work.

Mrs. J. W. Howe (Boston) thought that one reason why women criminals were not so often reformed as men, was that their own sex did not bother themselves about reforming them. In this respect the proper study of womankind was woman. If it were well to have women doctors for physical disease, it was equally important that many of the doctors of crime should be women. They would best study the facts of the case, and thread their way back to the causes that corrupt women; and so far society had not begun this important part of the duty of woman. In Massachusetts, the Board of the Lancaster Reformatory for girls was composed entirely of gentlemen; ladies had made repeated efforts to get some of their own sex appointed on that Board, but all the gentlemen opposed them vigorously.

Mrs. Lewis said that as there were more criminals than were convicted of crime, we ought to remember that we could deal only with convicted criminals. There ought to be something in the treatment of convicted women different from the treatment of convicted men. She wished she could take the ladies from America to the secondary prison at Fulham, to which women were sent from Millbank. When you entered the prison at Fulham, the idea of its being a prison was entirely taken away from you. There were four stages of treatment. In the first the women were kept entirely distinct; in the second they were allowed to see each other, but they must not speak with each other after certain hours; in the third they saw and might speak to each other; and in the fourth they worked together. If we could see the women working together we should lose all idea of their criminality but for one thing, and that was that the idea of innocence seemed to have left their faces for ever; there was not one face that gave you an idea of innocence. Unfortunately in the case of women there was usually some other fault associated with theft or misdemeanour; they were mostly prostitutes; and this was the reason that there was something of a special character to be done in the reformation of women. That reformation must be such as to enable them to maintain themselves without again falling into crime. For these reasons association with ladies could scarcely be frequent enough. Her

own visit to Fulham was something quite novel. A lady visitor had not been seen for months. She could see as she entered the wards, and as she spoke, that her visit produced a cheering impression, even upon the officers. One of them said half her body was covered with sores, from conflicts she had had with prisoners from Millbank. In reply to a question as to the effect of long cellular confinement upon those who had lost their status in life, and who had nothing to sustain them from within, it was stated that in many cases it caused such an excess of despair and misery, that it led women to tear every particle of dress from their bodies. The conclusion to be drawn was that the prisoners should be visited as often as possible, and that lady visitors could not be admitted too often. The training at Fulham enabled women to earn their living when they left, and there was a fund out of which deserving women were assisted to rehabilitate themselves on their discharge.

Miss Carpenter said the description given by Mrs. Lewis of the condition of women in prison confirmed that contained in the dreadful volume called 'The Prison Matron;' and the question arose,—Were women to be brought to such a state that they would tear off every atom of their clothes if they could, when they were wild with despair? Did not this show that there was something absolutely wrong in the system? No woman could be in a healthy physical condition who was locked up in a cell for a number of months. She was not prepared to say what Government ought to do; but she was anxious to bring out the fact that women required different treatment from men. In a reformatory, girls were more difficult to manage than boys; she would rather manage two boys than one girl. The mere fact of men having anything to do with them was absolutely bad. She thought the Government ought to form a council of educated and intelligent ladies, who should try to bring about the adoption of better principles in our convict prisons, and secure the sympathy and co-operation of the higher class of women in the management of our prisons, and in the reformation of our erring sisters.

Mr. J. A. Bremner said that because the work to be done was one of love and mercy, it could only be done effectually by women. It was only women who could approach the better

feelings of women ; and we had made a great mistake in this country that we had not earlier recognised the necessity of engaging women in work of this sort. As one of the visiting justices of Manchester he would say, that if ladies were to be visitors, they ought to have an official position ; otherwise they would evidently be liable to the charge of interference with the discipline of the gaol. The Prisoners' Aid Society of Manchester had been moderately successful in reclaiming men ; but with the women they had utterly failed, so much so, that they had ceased to consider the case of women at all. Could there be a stronger argument for the necessity for other machinery ?

Mr. W. Harper (Bury Reformatory, Lancashire) heartily endorsed the remarks made by Miss Carpenter, as to the absolute utility of female superintendence in the case of young boys ; and he was quite sure that ladies must understand better than men the treatment of their own sex. Men had failed utterly, and he hoped that before long ladies would have their turn.

The Rev. W. T. Crombleholme (St. Ann's Industrial School, Ashton-under-Lyne) said that as a manager of an industrial school for boys, he felt it was quite necessary that there should be a woman a good deal with them. He believed it was quite impossible to reform women and restore them to society otherwise than by female agency. No female prisoner should be taken direct from prison to any private house. He would attach to every prison a committee of ladies, whose business it should be to see the prisoners often. A very great proportion of children born in prison and in workhouses, or sent to workhouses, died before they were seven years of age, and it was because they had not motherly care.

Lady Bowring did not think there would be a second opinion in the meeting as to the desirability of appointing properly qualified ladies to take part in the management of prisons and reformatories. At Golden Bridge the results were attributed in great measure to the Roman Catholic religion ; but there was no reason why Protestants should be behindhand in this respect. A woman felt more acutely than a man how low she had fallen, and the difficulty she would have in returning to society ; and it behoved us to hold out our arms more leniently than we had done hitherto to criminal and fallen women. A

woman felt utterly lost, and in her despair she went from bad to worse. It was of the utmost importance that lady visitors should be officially qualified, or they would be absolutely powerless. Of course women would require training in some respects ; but still they had a very considerable aptitude for such work.

The following is that part of Mr. J. A. Bremner's official report which relates to the subject of lady visitors :—

A general and hearty assent was given to the view forcibly enunciated by Miss Carpenter, that the reformation of women is essentially the province of woman. Commencing with the very young, it was held that great advantage would arise from girls' reformatories being placed in the charge of women ; indeed, in everything affecting the reformation of children, the female element, on the point of management, should be introduced.

Concerning adults, Miss Carpenter considered it desirable that in all prisons where there are women there should be lady-visitors—that is, women of education and high moral purpose, to visit the female prisoners, and to bring salutary influences to bear on their hearts and minds. Just as the rehabilitation of criminal women, and their restoration to a life of honesty are more difficult than is the case with men, so the more urgent the adoption of the best, indeed the only, means of accomplishing this—namely, by the agency and work of Christian women.

Evidence of the necessity for the adoption in practice of these views was given by other speakers, from the experience of such institutions as Millbank, Fulham, and Woking, which, however excellent in themselves, and admirably administered, lacked one thing needful—women visitors ; not only to awaken the better feelings of the female convicts, but to encourage the prison officers. This view received further support from the fact that the management and visitation of female prisoners by men, in moral results, had hitherto failed ; whereas, in institutions such as Golden Bridge and the Carlisle Refuge, the plan of control and supervision by women had been attended by the happiest results. The speakers also insisted that ladies or educated women appointed to the work of visiting female prisoners should have a recognised official status, giving the right of

entrance to the prison at all convenient seasons, as in the case of visiting justices.

Mrs. Howe, Miss Faithfull, Mr. Bremner, and others having spoken in support of these views, the following resolution was unanimously adopted—namely, ‘That it is highly important that women should be officially engaged in the supervision and management of female prisoners, as the best means of promoting their reformation.’

#### VISIT OF THE HOME SECRETARY.

The Right Hon. H. Austin Bruce, M.P., Secretary of State for the Home Department, paid a visit to the Congress on July 6. He said he regretted exceedingly that the absorbing nature of his duties—always sufficiently severe, but doubly so at this period of the present Session of Parliament—had prevented him from paying his respects to the meeting sooner. The fact that he was in the House of Commons that morning at half-past two o’clock, and had been there since two o’clock in the afternoon of the previous day, might perhaps plead for him by way of excuse. He was very thankful for the early opportunity he had had given him of conveying to the foreign gentlemen who had been so good as to come over to this country and detail the results of their experience, the thanks of the Government and his own high appreciation of the spirit in which they had undertaken this task. They had come across the Atlantic and from all parts of the Continent on an errand of humanity, to endeavour to do something towards the diminution of the social evils by which, more or less, all countries were affected. He trusted that this country would be able to learn something from the wide experience of the gentlemen who attended the meeting, and that, on the other hand, those gentlemen who had come from abroad would also derive some benefit from what they saw in England. The problems were of the greatest interest, and also of the greatest difficulty. No *à priori* arguments would avail on the question; it was experience, and experience alone, which would decide which was the best plan of dealing with criminals. It was a great satisfaction to him that it was not any increase of crime in this country that had led the Congress to assemble here; and he hoped that the delegates

from abroad would be able to give an account of such a diminution of crime in their countries as was experienced in this. It was to him not only a matter of congratulation, but also of deep thankfulness, that in the face of many apparent reasons for a contrary condition of things, there had been of late years in this country an extraordinary diminution of serious crime. The system of transportation of our criminals to other countries had now entirely ceased, and it might have been expected that the prisoners, who since that cessation of transportation had been turned loose in this country, would return to their old associations. But instead of there being an increase, there had not only been a decrease of crime relatively to the increased population, but a considerable decrease in all the graver classes of crime. To this fact the able director of convict prisons who was present would be able to testify. He was far from saying that this arose from any repressive measures on the part of the State. He was persuaded that the main cause was a different one, for he was perfectly satisfied that the labours of good men in past and present times had not been fruitless. The efforts of those who had instituted industrial schools, reformatories, penitentiaries, discharged prisoners’ aid societies, and similar institutions of that character, had prevented the relapse of a vast number of criminals; and the diffusion of knowledge among the people and the spread of education had enabled people to distribute themselves over the world, and avoid, to some degree, that great temptation to crime—extreme poverty. All these concurrent influences had doubtless had much to do with the diminution of crime. Much, too, was due to an improved police system, and also to the system now adopted in prisons. There was the most satisfactory evidence on all sides of the advantages both of the deterrent and reformatory parts of our system. Of late years, prisoners sentenced to long terms had received not only intellectual but industrial training, and this had been fraught with the happiest results. Some thought the reformatory system should be carried further, and some thought our deterrent system was not sufficiently severe. Those points appeared to him to be the main subjects for discussion. It was not his intention to express any decided opinion one way or the other; but the Government was only too glad to see able representatives of all countries assembled for the purpose of



considering such problems as these; and the Government would be glad to watch the discussions and learn something from the Congress on these and other points. It had been complained that the Government had not taken an active part in the Congress. He could only reply by saying that it was not the custom in this country for the Government, as a Government, to take a part in such matters. He begged, on the other hand, to give the strongest and clearest denial to the statement that the Government was indifferent to the labours of the Congress, and had not been willing to supply them with the fullest information. In fact, the opposite was the case. It was true that, after deliberating on the subject, the Government considered that they would be best fulfilling their functions by abstaining from taking an active part in the meeting. They nevertheless desired to give the delegates every facility for the study of our system, and to place at the disposal of the Congress the fullest official information. He trusted that the able and distinguished gentlemen who had honoured this country with their presence would visit our convict establishments and thoroughly examine the system, and would, as he was sure they would, fearlessly and openly express their opinion upon it. The Government desired not panegyric, but intelligent criticism, so that the system might be improved. Although he had spoken in terms of congratulation on the steady diminution of crime in this country, he hoped that this, instead of serving to lull authorities and philanthropists into a false security, would serve rather to increase their watchfulness and stimulate their exertions. England had succeeded in doing much in the face of an increasing population in the towns, where the difficulty of dealing with crime was greater, and did not despair of doing more. If she should be enabled to make marked improvements in the present system, he should be glad indeed if he could trace that improvement directly to the operations of the eminent and distinguished assembly which he had met in that hall.

The Chairman (Mr. G. W. Hastings), on behalf of the Congress, thanked Mr. Bruce for his attendance, which was an authoritative answer to the supposition that the Government were indifferent to it. The Chairman subsequently (Mr. Bruce having left) said the right hon. gentleman had suggested the

desirability of statistics of reconvictions in different countries for some years past. In his own county, which probably did not differ from other parts of England, the rapid diminution of crime had been surprising. At the Midsummer Sessions there were only twenty prisoners, while a few years ago forty would have been reckoned a small number. He attributed this to the operation of the Habitual Criminals Act. It was desirable to know whether the systems at work in other countries were tending to a like result.

#### AID TO PRISONERS IN HOLLAND.

Baron Mackay wishes it to be stated that in the Netherlands since 1823 there exists a society for the improvement of prisoners, of which one of the founders (the venerable M. Suringar) is still alive.<sup>1</sup> Its object is to aid the prisoner in prison, and after he leaves it. In the prisons the society visits the prisoner, gives him good books, and used to provide partly for his education. The society also started a reformatory for young delinquents in 1840. At present both the instruction and the reformatory are managed by the Government. When the prisoner leaves the prison the society tries to get him a situation, gives him clothes and working instruments, and occasionally pays for his emigration. Especially juvenile offenders are subjected to the care of the society. In the city of Leyden the society had an institution to educate young discharged prisoners for the navy. Unfortunately the Government did not admit as volunteers discharged offenders into the service, and it had therefore to be given up.

The society has many branches in different places in the Netherlands, and in sundry towns it has ladies' committees, to visit female prisoners, and to promote their getting situations after their discharge. Experience has shown how eminently fit ladies are for these duties. On the penitentiary system the society has exercised considerable influence. As early as 1830 it agitated against all corporal punishment; and on the introduction and extension of the cellular system in 1851 and 1854, it exercised considerable influence.

<sup>1</sup> M. Suringar has died since the Congress.—Ed.

## THE CONCLUDING MEETING.

At this meeting the chair was taken by the Right Hon. Sir John Pakington, Bart., M.P., who, in opening the business, took occasion to deprecate any proposal to adjourn the Congress for the purpose of discussing the question of the death-penalty, and that of the connection of crime with the use of intoxicating liquors as beverages.

Before the reading of the report Dr. Wines presented to the Congress a number of printed documents, in doing which he said: I have the honour to offer several publications, which I beg the Congress to accept as the contribution of America to its labours and investigations. The number of copies offered is sufficient to supply every member of this body with one copy of each. The publications thus presented are as follows:

I. 'Preliminary Report of the Commissioner appointed by the President to represent the United States in the Congress.'

II. 'Sketch of the Origin and History of the State Penitentiary, Philadelphia, Pennsylvania,' by Richard Vaux, President of the Board of Inspectors.

III. 'Introductory Report to a Code on Prison Discipline and Reform, together with the Text of the Code itself,' by Edward Livingston. Published by the National Prison Association of the United States, from funds specially furnished for that purpose.

IV. 'Memorandum on the Prisons and Reformatories of the United States of America, drawn up at the request of the National Committee of the International Penitentiary Congress,' by F. B. Sanborn, Member of the Massachusetts Board of State Charities.

V. 'Report on the Penal and Reformatory Institutions of the State of Maryland, made to the International Penitentiary Congress of London,' by G. S. Griffith, a Commissioner of the said State.

Dr. Wines proceeded to say: I have the further honour to present to the Congress, in the name and by the courtesy of the distinguished author, several copies of a pamphlet under the following title: 'Observations relatives au Congrès pénitenti-

tiaire de Londres, présentées à l'Académie des Sciences morales et politiques, par M. Charles Lucas, membre de l'Institut.' As the observations of M. Lucas were addressed to the Academy, and will not therefore be embodied in the proceedings of the Congress, and as they lack nothing of the value that would naturally attach to them from the long study and eminent ability of the writer, I ask the indulgence of this body in offering a brief *résumé* of the important document submitted by him.

M. Lucas remarks that such reunions as the Congress of London are a necessary consequence of the two laws of the sociability and perfectibility of man, which in an advanced civilisation require the international exchange of ideas for the moral progress of humanity, just as they do that of material commodities for the increase of national wealth. International Congresses show the respective conditions of nations as regards their intellectual and moral development, in the same manner as international industrial exhibitions do the comparative results of their economic development. Heretofore, he says, there have been Congresses of Governments and Congresses of peoples, but the Congress of London is original and unique, in that it combines both these elements. After a rapid glance at the work of organizing the Congress, M. Lucas proceeds to offer some general considerations in relation to the subject. He says that Beccaria and Howard were, and ought to have been, philanthropists, for that character was demanded of them by the cruelties of both the criminal law and the criminal administration of their age. But the times have happily changed since then, and with them ideas and usages as well. Man, in the state of penal servitude, is no longer a thing, but a moral being, whose liberty human justice has not the right to confiscate absolutely and irrevocably, but only within the limits required by the protection and security of social order. The logical sequence of this view is that it is the duty of society to reform the criminal during his temporary privation of liberty, since in this way only can the peril of his relapse be successfully combated, and the public safety effectually maintained. The reformation of imprisoned criminals is not, therefore, in our day, a work of philanthropy, but an obligation of the State.

M. Lucas claims that the discipline of the Catholic Church furnished the model for both the cellular and associated systems of imprisonment, since known as those of Pennsylvania and Auburn, save that the Auburn system added corporal chastisements to the discipline of silence, and the Pennsylvania system subtracted worship in common, to the detriment of religion, and associated exercise at the expense of humanity. M. Lucas recalls to the memory of the Academy the discussion of the 10th, 17th, and 24th of February, 1844, in which, single-handed, he contended against the three ablest supporters of the Pennsylvania system in France—Messrs. Béranger, De Tocqueville, and De Beaumont. It was not that he was absolutely opposed to isolation by day and night, since in his ‘Theory of Imprisonment,’ published in 1836, he was the first to propose the application of the cellular system to prisoners awaiting trial; and, in the sphere of imprisonment after sentence, he would not wholly exclude the use of the system, but would restrict its duration to one year. It was at the point of departure from this limit that the controversy began between M. Lucas and his distinguished associates, they contending for an unlimited and he for a restricted application of the cellular system. The inadmissibility of isolation in long imprisonments he grounds on the following considerations: Man is born sociable and perfectible, and it is by the action of his sociability that his perfection is secured. Isolation is, therefore, a denial of the necessary process for his perfection; it is a violence done to his nature, which cannot be safely prolonged for any great length of time. Experience must infallibly confirm this philosophical demonstration, since the education of any being whatsoever is but the development of his nature. Penitentiary education must act with the certainty of enlightening and invigorating the intelligence of the convict, and not by exposing him to the peril of weakening and even of destroying that essential instrument of his regeneration. Cellular isolation, in effect, does not permit either the initiative, the effort, or the probation, without which there can be neither morality nor moral reformation (*ni moralité ni moralisation*).

M. Lucas discusses in his pamphlet the proper number of prisoners to be admitted into any one penitentiary establishment, and arrives at the conclusion that four hundred is the

maximum that can be treated effectively for their reformation. He grounds this belief on the consideration that only a moderate number of prisoners will permit that serious personal influence which, in order to their reformation, must be exercised upon them by the director and his co-labourers. He adds that, during his long administrative career as Inspector of French prisons, he never ceased, but always in vain, to cry out against the agglomeration in the central prisons, as creating an impossibility of penitentiary reform; and asks whether any one can suppose that in those immense barracks of ten, twelve, fifteen hundred prisoners, the director can know them otherwise than by their numbers? Where is the use, he says, of talking of penitentiary reform, when it is rendered impossible by such numbers of prisoners congregated in the same prison? In short, M. Lucas finds the following to be the essential conditions of a reformatory prison discipline, namely—isolation at night; the rule of silence during the day; a maximum of four hundred prisoners in any one establishment; and progressive classification.

Mr. Hastings then read the following report:—

The International Committee congratulates the members of the Congress on the success which has attended this first effort to bring together representatives from the various countries of the world for the collection of information, and for the discussion of questions, relating to prison discipline. It cannot doubt that if future Congresses for the same objects are held, as is to be desired, the experience of the meeting now about to close will be valuable in suggesting improvements in organization. But the Committee believes that the results obtained are on the whole highly satisfactory. These will appear in a permanent form in a volume of Transactions, for the publication of which the Committee has made arrangement.

The thanks of the Congress are eminently due to the Governments of those States which have been represented here by Official Delegates, and whose various prison systems have been described in reports, for the most part of a voluminous nature, officially prepared for the use of this meeting. These States are twenty-two in number, and their names are subjoined in alphabetical order:—

Austria, Baden, Bavaria, Belgium, Brazil, Chili, Denmark,

France, Germany, Greece, Holland, Italy, Mexico, Norway, Prussia, Russia, Saxony, Spain, Sweden, Switzerland, Turkey, United States of America.

The Committee also expresses its obligations to the Government of Her Majesty for the facilities afforded to the delegates for the inspection of the convict and other prisons, and for the information given to the meeting, especially by Major Du Cane, the head of the Convict Department, who has attended the sittings of the Congress, and spared no pains to elucidate the working of the system under his care. The Congress was much gratified by the presence of the Secretary of State, the Right Hon. H. A. Bruce, at one of its sittings, and by the assurances he gave of the interest felt by the Government in the objects of the Congress. A still more flattering recognition was afforded by the presence of the Prince of Wales at the soirée held in this hall on the evening of Tuesday the 9th, when the leading Delegates from most of the countries represented at the Congress were introduced to His Royal Highness.

Our thanks are also due to those Courts of Quarter Sessions, Benches of Magistrates, Prison, and Reformatory Authorities, which have sent representatives to the Congress, who have constituted, together with some individuals named by the English Committee of Preparation, the Delegation of the United Kingdom.

The Committee desires to express publicly its grateful acknowledgments to the Bench of the Middle Temple, for the liberality and kindness which have been shown to the Congress in granting the use of this noble Hall and the adjoining room, whereby the proceedings have been greatly facilitated. The Committee must also thank the Incorporated Law Society, the Society of Arts, and the Social Science Association, for the accommodation placed at its disposal.

The business of the Congress was divided for six days into three Sections, of which the first dealt with the criminal previous to imprisonment, the second with the prisoner during the time of his incarceration, and the third with the discharged prisoner. A large amount of information from various countries was contributed during these discussions, and it is believed by the Committee that valuable materials for future comparison and research have thus been brought together.

During the two last days the Congress has sat in two principal divisions, a French-speaking and an English-speaking section, for the purpose of examining into the different penitentiary systems of various countries. The discussions were careful and exhaustive; Sir Walter Crofton, Major Du Cane, and M. Stevens gave accurate accounts of the Irish, English, and Belgian systems, and the Committee believes that not only has much valuable information been acquired by members of the Congress, but that a very general agreement has been arrived at on the leading principles of prison discipline.

During these days two other Sections have sat, in one of which reformatory questions have been discussed, and in the other those relating to the work that may be done by women in connexion with the management of prisons. Reports of the proceedings in all the Sections have already been presented to the Congress by the official reporters appointed for that purpose.

The Committee did not think it advisable that votes should be taken on the matters of opinion which were discussed in the Sections. Such votes could have represented nothing but the personal views of those who happened to be present at any given moment in a fluctuating assembly, largely composed of irresponsible persons, who might or might not have had any real knowledge of the question under discussion. But it had from the first resolved that it would endeavour to formulate in this report the prevalent views enunciated in the Congress, to express the spirit of the meeting, not on matters of detail, but as to some of those leading principles which lie at the root of a sound prison discipline, and which must animate any system, whatever its nature, which is effective for the reformation of the prisoner and the consequent repression of crime.

Recognising as the fundamental fact that the protection of society is the object for which penal codes exist and the treatment of criminals is devised, the Committee believes that this protection is not only consistent with, but absolutely demands, the enunciation of the principle that the moral regeneration of the prisoner should be a primary aim of prison discipline. To attain this aim, hope must always be a more powerful agent than fear; and hope should therefore be constantly sustained in the minds of prisoners by a system of rewards for good conduct and industry, whether in the

shape of a diminution of sentence, a participation in earnings, a gradual withdrawal of restraint, or an enlargement of privilege. A progressive classification of prisoners should, in the opinion of the Committee, be adopted in all prisons.

In the treatment of criminals, all disciplinary punishments that inflict unnecessary pain or humiliation should be abolished; and the penalties for prison offences should, so far as possible, be the diminution of ordinary comforts, the forfeiture of some privilege, or of a part of the progress made towards liberation. Moral forces and motives should, in fact, be relied on, so far as is consistent with the due maintenance of discipline; and physical force should be employed only in the last extremity. But in saying this, the Committee is not advocating unsuitable indulgence, which it believes to be as pernicious as undue severity. The true principle is to place the prisoner—who must be taught that he has sinned against society, and owes reparation—in a position of stern adversity, from which he must work his own way out by his own exertions. To impel a prisoner to this self-exertion should be the aim of a system of prison discipline, which can never be truly reformatory, unless it succeeds in gaining the will of the convict. Prisoners do not cease to be men when they enter the prison walls, and they are still swayed by human motives and interests. They must, therefore, be dealt with as men—that is, as beings who possess moral and spiritual impulses as well as bodily wants.

Of all reformatory agencies religion is first in importance, because it is the most powerful in its action upon the human heart and life. Education has also a vital effect on moral improvement, and should constitute an integral part of any prison system. Steady, active and useful labour is the basis of a sound discipline, and at once the means and test of reformation. Work, education, and religion are consequently the three great forces on which prison administrators should rely. But to carry out these principles individualisation becomes essential; prisoners, like other men, must be treated personally, and with a view to the peculiar circumstances and mental organization of each. The Committee need not say that to carry out such views prison officers are required who believe in the capacity of prisoners for reformation, and enter heartily into that work.

They should, as far as possible, receive a special training for their duties, and should be organized in such a gradation of rank, responsibility, and emolument as may retain experience and efficiency in the service and lead to the promotion of the most deserving.

But if a sound system of prison discipline be desirable, it is no less expedient that the prisoner on his discharge should be systematically aided to obtain employment, and to return permanently to the ranks of honest and productive industry. For this purpose a more comprehensive system than has yet been brought to bear seems to be desirable.

Nor can the Committee omit to say that it is in the field of preventive agencies, such as general education, the establishment of industrial and ragged schools, and of other institutions designed to save children not yet criminal, but in danger of becoming so, that the battle against crime is in a great degree to be won. In this, as in the general question of the reclamation of the guilty and erring, the influence of women devoted to such work is of the highest importance; and the Committee rejoices that this Congress has had the advantage of the presence and counsel of many ladies whose practical acquaintance with prisons and reformatories has given weight to their words, and whose example furnishes hope for the future.

Lastly, the Committee is convinced that the systems of criminal statistics now in force stand in urgent need of revision. Greater uniformity should be secured, and means taken to ensure a higher standard of accuracy and trustworthiness in this branch of the statistics of different countries.

For this purpose the Committee has taken upon itself to appoint a permanent international Committee to communicate with the various Governments, and to draw up a uniform scheme of action.<sup>1</sup>

The report, signed by Mr. Hastings, was then laid on the table.

Mr. Hastings, in moving the adoption of the report, added the expression of his hope that, in any international scheme of prison statistics which might be devised, especial care would

<sup>1</sup> This committee consists of the following gentlemen:—Dr. Wines (Chairman), M. Beltrani-Scalia (Secretary), Dr. Frey, Dr. Guillaume, G. W. Hastings, Esq., Baron von Heltzendorff, M. Loyson, M. Pels, Count Sollohub, and M. Stevens.

be taken to insure trustworthiness in the statistics. At the present time such statistics were in a great measure delusive, because no guide was afforded by them as to the circumstances under which they were taken. Sir Walter Crofton had pointed out, in the French-speaking section, that the number of re-convictions was a very imperfect test of a system; the question was, not what were the number of re-convictions, but under what circumstances did they take place? If we had to deal with a set of ardent offenders, who had been often committed already, most probably we should have a high rate of re-conviction, whatever the system might be; whereas, if we had a large number of average criminals, the percentage of re-convictions would naturally be less.

Hon. Governor Haines said he felt greatly honoured by being asked to second the motion to adopt the report; and he did so with great pleasure. The committee had, he thought, been very successful and very happy in deducing from the discussions of the various topics, and the expressions of the divers opinions of those representing so many different countries and so many different systems, the propositions now presented. They were comprehensive, yet specific; broad enough to cover every view, yet sufficiently minute for all practical purposes. They did not and should not prescribe the precise manner in which they were to be applied, but submitted that to the peculiar views and circumstances of each country. They constituted an organic rule of action, which, while applicable to all, was adjustable to each. They might be termed the constitutional law, to be enforced by more particular enactments. It was to be hoped that the motion to adopt the report would receive the unanimous vote of the Congress.

Miss Carpenter said it was impossible to comprehend the very great importance of this Congress. It inaugurated absolutely a new era in the history of civilisation; and acknowledged that those who had hitherto been excluded from society were to be regarded as part of society and to be restored to it. The Chairman would recollect that, when he presided over a committee on juvenile delinquency, it was most difficult to persuade the members of the committee and the public that even children ought not to be severely punished for crimes, and their reformation was deemed quite a secondary consideration. As

a witness she was asked, 'Do you not consider that children owe retribution to society?' and she answered, 'Society owes retribution to them.'

Mr. A. Powell (New York) expressed his concurrence in the remarks of Mr. Hastings and of Miss Carpenter, and his disappointment that the report was silent on the subject of the death penalty, and on that of the liquor traffic.

The Chairman reminded the Congress that the report was the unanimous report of an essentially representative committee, which consisted of one delegate from each of the many nations represented; and that such a committee, after several days' discussion of subjects of the deepest interest, as well as complicated and difficult, had adopted a unanimous report, distinguished by breadth and comprehensiveness, was a fact on which the Congress might be congratulated as a satisfactory termination of its proceedings. Such a unanimous agreement fairly justified the conclusion that the discussions had not been in vain. Great principles of conduct had been unanimously adopted by those who had the best means of considering the discussions that had taken place; and it was therefore a matter of satisfaction and thankfulness that the interesting debates had not been unproductive of good result.

A conversation ensued on a proposal to adjourn the Congress to Monday, for the purpose of discussing the questions of intemperance and of the death penalty—a proposal which, it was ruled, could not be entertained, because the duration of the Congress had been definitively fixed beforehand.

The adoption of the report was put, and agreed to.

Dr. Wines then reported a unanimous and cordial resolution from the International Committee, of thanks to its Chairman, Mr. Hastings, for the constant and valuable services he had rendered.

Archbishop Manning, in seconding this vote of thanks to Mr. Hastings, said their thanks were due not only to those who had come from all countries to the Congress, but also to those who, being on the spot, had laboured incessantly, not only during the last three weeks, but for a long time past, in preparing for the Congress; to them thanks were greatly due for their great industry and close application, and, he must say, for the happy termination of the Congress. He, for one,

should have been glad if the Congress, after full deliberation, had expressed an opinion on the subject of intemperance; but he was bound to say that the ruling of the Chairman was the only one that was possible under the circumstances. He hoped the exclusion of the subject would not be attributed to any failure to appreciate its importance.

A subsequent resolution proposed a vote of thanks to Mr. Pears, the Secretary of the Congress.

The Chairman said he could not put these resolutions to the meeting without adding an expression of his own deep sense of the valuable and important assistance the Congress had received from Mr. Hastings and Mr. Pears, and his belief that had it not been for the happy combination of zeal and ability, which had distinguished their exertions, the proceedings of the Congress would not have been so satisfactory as they had been.

Mr. C. Aspinall proposed a vote of thanks to Dr. Mouat for his invaluable services during the Congress—services which needed only to be named to call forth a cordial response from the meeting.

Baron Mackay, in seconding this, took occasion also to make recognition of the valuable assistance of Sir W. Crofton and Major Du Cane. He represented a foreign Legislature which had not yet adopted a system of prison discipline; therefore he had listened with great attention to all proposals and the arguments by which they had been supported; and he was sure that in his country the volume of Transactions, which they would owe to the editorial care of Mr. Pears, would be carefully read and digested. England and Ireland were in possession of a system; and on the Continent that compliment could be paid only to Belgium. This fact showed that the people of other countries had not yet made up their minds, and was in itself a justification of this Congress. Differences of nationality could not account for the wide discrepancies of opinion and experience as to separate confinement.

Dr. Guillaume proposed a vote of thanks to Dr. Wines. The conference had begun with him, and it should end with an acknowledgment of his efforts. He represented the Anglo-Saxon race, the champion of humanity and of all that concerned the well-being of the human family. That race stood foremost in the new order of civilisation, which was dawning on the world, and by

the arbitration at Geneva it had set an example to all countries of a pacific settlement of differences and the abolition of that greatest of crimes, war. Switzerland was grateful to England and the United States for having chosen it as the seat of that tribunal, and it was a good omen that Geneva, the cradle of the organization for the succour of the wounded on the battlefield, should be the scene of a great international arbitration. The abolition of slavery in America, the Geneva arbitration, and this Congress for the reformation of prisoners were gratifying tokens of the new order of things.

Dr. Marquardsen, on behalf of the German delegates, seconded the motion. Before the Congress met they all felt that Dr. Wines was the heart and soul of the undertaking, and now that it had closed they were sensible that to him they had been deeply indebted for its satisfactory progress and conduct. The German Reichstag, of which he was a member, would shortly be engaged in framing a general law of prison discipline, and he trusted that the law would show many traces of the beneficial results of this Congress.

The Chairman in putting the resolution testified to the important part Dr. Wines had taken in convening and carrying on the Congress.

Dr. Wines said the remarks which had been made and the vote which had been passed were more than a reward for all the toil and anxiety which he had undergone during the three years he had devoted to preparing and organizing the Congress. It had in all respects surpassed his expectations, and he assured them of his best wishes for the successful prosecution of the great work of penitentiary reform in the various countries whence they came and which they so ably represented.

Mr. Hastings proposed a vote of thanks to Sir J. Pakington for presiding. No English statesman could more fitly have occupied that position. Prior to being called on by his Sovereign to those high offices which he had filled with so much honour to himself and advantage to the country, he was for twenty-five years at the head of the Worcestershire quarter sessions, and was universally acknowledged to be one of the ablest and most competent chairmen that county had ever had. His experience in all matters connected with the administration of the criminal law had been immense, and he had always



advocated in and out of Parliament improvements in prison discipline, and every measure for the prevention of crime and the reformation of the criminal.

Dr. Mouat seconded the motion, concurring in all that Mr. Hastings had said.

The Chairman in responding said he had been glad to be of any use in promoting the success of the Congress. He hoped that the distinguished persons who had come from other countries, and had devoted their high character and ability to the great objects in view, would reflect with pleasure on whatever they had seen and heard, and would feel justified in thinking that the purpose of their mission had been as much forwarded as the short duration of the Congress could warrant them in expecting.

### PART III.

#### PAPERS AND ABSTRACTS OF PAPERS PRESENTED TO THE CONGRESS.

#### PRISON SYSTEM OF INDIA.

By FREDERICK J. MOUAT, M.D.

*Historical Retrospect.*—The prison system of India, like British rule in that country, has grown up by degrees, until, as the Empire was consolidated and order introduced in all departments of the Government, the treatment of criminals took its place among the recognised branches of the judicial administration.

In the beginning, when the laws were imperfect, their administration defective, the courts few and far between, and the rulers gradually acquiring a knowledge of the strange country and stranger people they were called upon to govern, the subject of prison discipline attracted little attention. Places of detention for those who had committed crimes were constructed, and were placed in the charge of judicial officers. Rules for the guidance of these officers were from time to time issued by the Government and the higher judicial courts, but these had no authority to enforce obedience to them, and each officer in charge of a prison did very much as he pleased with the criminals of his district. The real charge of the prisons was in the hands of ill-paid native subordinates, and abuses of every kind, as might have been expected, prevailed.

The members of the Indian Civil Service were sent out to the country too early in life to acquire any real knowledge of law and justice, and were armed with an amount of practically uncontrolled authority, that was, on the whole, wonderfully little abused. Few of the judges or magistrates had time to attend to the gaols, and fewer still possessed any taste or aptitude for the work. There are traces, however, in the earlier judicial

records, and in many of the circular orders issued, of large, liberal, and enlightened views, the work of a few earnest and judicious administrators. There was, however, no order, method, or system in the management of criminals, punishment and reformation being alike disregarded.

In this manner, with occasional intervals of a temporary awakening to the need of some better regulation of prisons both in construction and control, matters drifted on, until in 1836 public attention was forcibly directed to the question by the late Lord Macaulay, then Law Member of the Supreme Council of India.

The murder of the magistrate of the district, who was at the same time governor of the most important prison in India, was the immediate exciting cause of the comprehensive and exhaustive inquiry that was at once instituted. Of the committee then formed, Lord Macaulay was a member, and the present Governor of Jamaica, Sir John Peter Grant, the Secretary and Reporter.

The evidence then collected showed the state of prison discipline in India to be nearly that of the second stage of prison reform in England. Attention was paid to the physical condition of the inmates of gaols; cleanliness was enjoined, and to a certain extent observed. The sick were provided with medical care and treatment; the clothing, food, and labour of the prisoners were regulated with some degree of system; and in the details of the internal economy of the prisons there were none of the scandalous shortcomings discovered by Howard in the prisons of Great Britain.

Enough, however, was elicited to prove the necessity of a thorough reform, and to show that the management of the prisons of India by judicial officers had failed to effect the ends intended by the Government.

The chief improvements suggested by Lord Macaulay's committee were: The abolition of out-door labour; the general introduction of in-door work; the inauguration of the separate system; the better classification of convicts; the careful separation of untried prisoners; the institution of central or convict prisons; and the regulation of the prison system generally by the employment of inspectors of prisons, whose whole time should be devoted to the work.

Of these recommendations, the last was the only one carried into full effect. An inspector was first appointed in the Agra Division of the Bengal Presidency. This gentleman, a member of the Civil Service, earnestly devoted to the work, desirous of discharging his duty efficiently, and possessed of exceptional capacity for the task entrusted to him, effected considerable reforms, but lamented, at the close of his career, the little he was able to do in consequence of the half-hearted support he had received from the Government.

The first prison inspector in Lower Bengal was appointed in 1853. He also was a member of the Civil Service, who handed over the department to me in 1855, with a note to the effect that it was a mass of disorder, irregularity, want of system, and abuse, the greater part of which he had not attempted to correct, as he considered any real reform to be impracticable with the existing construction of the prisons and the agency employed in their management. My early reports, written with all the reserve imposed upon Government officers, show how true an estimate my predecessor had formed of the department.

Of my own work for fifteen years, it is unnecessary for me to speak, as it is on record. My chief difficulties were want of funds, and the executive charge of the gaols being in the hands of judicial officers, of whom none had sufficient time, few aptitude for the work, and fewer still any inclination to attend to it.

The local Government gave me every support, but it had not funds at its command, and was itself controlled by the Imperial Government in a manner which paralysed all action in the way of progress. Financial considerations were no doubt the cause, and such considerations are of paramount importance in so vast a country as India, where the difficulty of balancing income and expenditure is so great, and where the injudicious or erroneous treatment of financial questions is a source of public discontent and danger.

But the real ground of opposition was not fairly stated, and attempts were made to set aside the principles of prison management now universally accepted, as not adapted to India.

The financial difficulty was more apparent than real, as I shall presently show, inasmuch as all required reforms could be effected without an additional charge upon the revenues.

In 1864, a second Commission was appointed to reconsider the whole question, on the ground that the full measure of improvement contemplated, and to which the Government was pledged, had never been carried out. The recommendations of this Commission, of which I was a member, referred to juvenile delinquents and reformatories; female prisoners and their treatment; the non-deterrent nature of the existing system, as indicated by the large number of re-convictions; the length of sentences, as tending to nullify their effects; the want of settled principles of gaol management; the necessity of a graduated system of labour, punishment, and reward; the massing together of criminals in central prisons; the applicability of the ticket-of-leave system to India; the removal of the causes of the great sickness and mortality; the education of prisoners; and prison statistics.

The recommendations of this Commission are supposed to be the basis of the existing prison system of India; but, as they are all more or less dependent on financial considerations, few of them have been carried into full effect.

I shall now proceed to delineate, in as few words as possible, the chief points of interest in the prison system at present in force in India. The great extent of the subject necessitates the avoidance of detailed figures. I shall content myself, therefore, with an unembellished sketch of a system which has some features of great excellence, but which, as a whole, is behind and below the standard contained in some of the excellent continental reports already submitted to this Congress, and is equally far behind that of Great Britain.

*Laws relating to Prisons in India.*—Very little special legislation has been devoted to prisons or prison systems in India. Rules to regulate prisons were from time to time made by the Supreme Council and the highest courts of judicature—usually without any direct sanction of law. The various Prison Acts which have been passed, down to Act XXVI. of 1870, are incomplete and imperfect, and nowhere lay down great leading principles of prison discipline. One of these Acts, however, which was passed in 1834, contained an important provision, abolishing corporal punishment, substituting fine in certain cases for labour—a mischievous measure now repealed—and arming the Government with authority to introduce

gradually a better system of prison discipline, ‘calculated both to reform the convict, and, as an example to others, to deter from crime.’ This Act was in force when the prison inquiry of 1836 took place, and, except in its worst feature, was a dead letter.

*Prison Codes.*—Nearly every presidency and province of India now has its gaol code drawn up under the sanction of the Prison Acts. That of Bengal was compiled by myself in 1863–64, and after being subjected to the scrutiny of two special committees and of the Government, was introduced in the latter year. It borrowed freely from all the existing European and Indian rules which seemed to me to be suited for introduction in Lower Bengal, and contained some special provisions based upon my personal experience, and study of prison systems at home and abroad. It was advisedly framed considerably in advance of the means of giving full effect to its provisions, in the hope and belief that the Government would gradually afford the agency and appliances necessary for its ultimate full introduction.

It defined in considerable detail the duties, responsibilities, and powers of all classes of prison officers; contained provisions for the classification and punishment of all classes of offenders; their management in sickness and in health; their food, clothing, work, instruction; and, in fact, every detail of discipline during their residence in gaol, their transfer from one prison to another, their discharge, and in the execution of capital sentences.

It contains sections specially devoted to rewards for well-conducted prisoners, and rules for the introduction of a system of intermediate imprisonment in Lower Bengal. The former continue in force—the latter have been repealed for reasons at present unknown to me. Considering the insufficient machinery allowed, they worked fairly well during my incumbency.

The gaol codes provide also for the registers, records, accounts and returns necessary for financial control, and for the collection of detailed prison statistics.

Since these rules were framed, the Government of India has introduced a system of remission of sentence as the reward of good conduct in gaol. Sufficient time has not yet elapsed to show the working of these rules. They were intro-

duced by the late Lord Mayo, and based chiefly on his knowledge and experience of what is known as the Irish system.

*Prisons and Prisoners in India.*—In the whole of India there were, in round numbers, in 1870, a daily average of about 57,000 persons in custody and confinement, exclusive of 7,600 life convicts in transportation at Port Blair, in the Andaman Islands.

The above figures represent an extremely large movement of prisoners, as the majority of sentences are for very short periods, and the proportion of acquittals to convictions after trial is larger than in Great Britain. I do not attempt to give the exact figures in detail, as it would occupy too much space.

For the accommodation of these prisoners there were in the same year about 228 gaols, and an indefinite number of lock-ups at small out-stations.

Of the above prisons, I know of but two which are entirely cellular—one at Ootacamund, the other at Hazareebaugh, both for European convicts. The remainder are built on every conceivable plan, and a large number of them are miserable mud structures, which are constantly being washed away by heavy rain, and as constantly provide work for the prisoners in repairing them—a genuine labour of Sisypheus.

A few of the prisons are radiating, and nearly all provide for the separation by night of male and female prisoners, and a certain rough classification according to time or sentence. All work is in association, with the exception of cases of disciplinary punishment and labour in cells, which are not numerous.

In some parts of India, the gaols are in the executive charge of medical officers—in others of judicial officers. The central gaols have each a special superintendent, usually a medical officer. These are about sixteen in number, and were intended for prisoners sentenced to rigorous imprisonment of more than one year in duration—but this intention is not strictly observed.

There are no reformatories, in the English sense of the word, for juvenile prisoners, and there are but two special prisons for women.

In neither of them is cellular imprisonment carried out. In

most of the compartments assigned to female prisoners in India there is no attempt at classification, and, in many cases, no separation even of the untried from the convicted.

Until very recently, there were few female warders, and even now it is doubtful if they are to be found in all the gaols.

With the exception of the medical subordinates, who are a special class, the ministerial agents of prisons are picked up wherever they can be found; have no special training; are, as a rule, corrupt and underpaid, and no systematic attempt is made to remedy these evils. The best and most efficient gaolers, with a very few exceptions, are discharged or pensioned soldiers of good character.

The cost of prisoners in India is low, averaging probably not more than 5*l.* per head annually. Economy has in this matter been practised at the cost of efficiency; the establishments allowed are nowhere sufficient, and more attention is devoted to the diminution of expenditure than to the carrying out of any sound and sensible system of discipline.

The officers administering the various local governments are armed with practically uncontrolled power of changing the details of prison management in their several provinces; and, as these officers are changed every five years, and there is no enlightened public opinion in India to correct and check them, empirical views of prison discipline are occasionally indulged in. It is only just, however, to state that this despotic power is very rarely abused, and that, except in questions of finance, the action of the several governments in India is invariably guided by humane and generous sentiments, however otherwise unsound the theories of some of the rulers may be.

*Classification and Separation of Prisoners.*—There are but two gaols in India which are entirely cellular in construction. The proportion of cell accommodation provided throughout the country, so far as I have been able to ascertain, does not exceed, if it amounts to, 10 per cent. of the prisoners in custody. This is scarcely adequate even for the punishment of breaches of gaol discipline, and does not provide the means of giving full effect to the sentences of the criminal laws in force.

In most gaols, prisoners under trial, civil debtors, revenue defaulters, and criminal prisoners, are in separate compartments. There is also special accommodation for women and for the

sick, and in a very few prisons children are separated from adults.

Prisoners under trial are associated together, a measure strongly condemned by Lord Macaulay's committee in 1836, on grounds of humanity and general policy which are as valid now as they were then.

The classification of criminal prisoners in general use in India is based on crime, as arranged and defined in the Indian Penal Code. This, in the associated system, is not of the smallest use in a moral or reformatory view. In fact, it brings together those whom it is most desirable on every ground to keep asunder. The only arrangement that can be attended with good effect is individual separation. This is much dreaded as a punishment, at once doubles the severity of every sentence, renders impossible the moral and physical contamination that naturally and inevitably results from association in the hours of idleness, when prisoners are removed from observation, and would cause a great saving of life that is now needlessly sacrificed. It enables the prison authorities to study each individual prisoner in a manner impossible in gaols which are not cellular, and is in truth, on every ground—moral, sanitary, and disciplinary—more necessary in India than it has been found to be in Europe and America.

Of the two special prisons for females in India, the one is near Calcutta, the other at Lahore. The construction of the former renders classification and separation impossible. There are not in a single district prison of Lower Bengal the means of separating women under trial from those who have been convicted, or of classifying the latter, so that a woman accused of theft, or of any trifling breach of the law, must associate with those who are habitual criminals, and those who have committed crimes of violence, for which the penalty of death has not been awarded, but who are sentenced for life.

No general measures of prison reform are possible until this state is remedied.

*Civil Debtors and Revenue Defaulters.*—Throughout India separate accommodation is found for civil debtors and revenue defaulters in the district prisons, where they are subjected to no further restraint than is necessary for their safe custody. They wear their own clothes, are fed by a money allowance

determined by the civil courts, their friends and legal advisers have nearly unrestricted access to them, and they only become subject to prison rules by acts of personal misconduct.

They are, as a rule, healthy in prison, and, so long as the law sanctions imprisonment for debt, and assigns simple imprisonment in the civil gaol as the penalty of certain infractions of the revenue laws, they have little to complain of.

In Calcutta funds were bequeathed for the relief of poor and deserving debtors by certain benevolent individuals, but as they are seldom needed for this purpose, a portion of them is occasionally granted to well-behaved destitute criminals on discharge.

*Prison Statistics.*—For some years past a large amount of attention has been paid in India to the subject of prison statistics. At the present moment, the results obtained form the most reliable collection of facts relating to the civil population of the British Empire in the East, in existence.

In 1856, I began to collect facts in the direction subsequently indicated by the International Statistical Congress, held in London in 1860, under the presidency of the late Prince Consort.

In 1864, the Bengal Prison Discipline Committee, in reviewing the subject, considered the system in use in Lower Bengal to be in advance of all the others in India, and recommended its general introduction. The Home Government concurred in this recommendation, but the Local Governments and Prison Departments in other parts of India professed to be unable to carry out the recommendation without a considerable increase of establishments, which the financial state of the country did not admit of. A Special Committee was accordingly convened to draw up a scheme that would secure uniformity with the means at command. This scheme falls far below the recommendations of the London Congress and the system in force in Lower Bengal, but is a decided and important step in advance, inasmuch as it is now in use throughout India, and for the first time has secured uniformity of record and of results.

It will be easy to extend it hereafter when it can be shown that money spent in collecting reliable facts in the details necessary for sound legislation, is a measure of economy, and that

no expense should be spared to collect such facts in all their bearings.

The information now gathered is divided into three categories—judicial, financial, and vital—and under each head a few of the most salient points of interest are recorded.

Prisons afford the best means of all existing institutions for collecting facts bearing upon the physical and moral relations of by no means the least interesting sections of all communities, savage or civilised—the criminal and predatory classes. Prisoners are so completely and absolutely under control, and have during the time of their incarceration so forfeited all liberty of action as to render it possible to subject them to a closeness of observation and examination impracticable with any other class. The interests of civilisation, of justice, and even of humanity, demand that these opportunities should be thoroughly and honestly utilised for the general welfare.

The vital statistics of the prisons of Lower Bengal since 1867 were drawn up in the manner suggested by Dr. Farr, the President of the Statistical Society of London, than whom no higher authority exists.

They show the average number of prisoners in custody; the number of deaths, and the causes of the deaths; the sickness rates; the average terms of sentence, and of duration of imprisonment; and the other general conditions necessary to show the incidence of sickness and mortality. In addition, and subsidiary to the facts collected by Dr. Farr's mode of procedure, the Bengal returns contained facts connected with age, sex, caste, religion, occupation prior to and during imprisonment, season, sentence, diet scales, state of health on admission and discharge, and the locality of imprisonment in their influence on sickness and mortality. Epidemic outbreaks of disease were considered with care and attention, and no effort was spared to render the returns as complete as possible.

The entire absence of a scientific and reliable system of judicial statistics, and the non-existence of a correct census of the people in any part of India, robs the prison statistics of a considerable portion of the value attached to the numerical method as an instrument of knowledge in regard to criminals arrested, brought to trial, and imprisoned. The facts, however, have an extrinsic value of their own, and should therefore

continue to be collected with care and assiduity, without waiting for the larger calculations of which they are the complement.

*Prison Labour.*—The question of the employment of prisoners has been much and constantly discussed and considered in India. Prior to 1838, the chief occupation of criminals was extra-mural, either in making Imperial roads, or in station improvements. In the former they were employed in considerable numbers, were encamped or hutted, and were in charge of engineer officers. In the latter they were under the immediate charge of the district magistrates. During the enquiries which were ordered by the Government of India, it was elicited that this mode of employing prisoners was extremely unhealthy, that it was liable to great abuse, and was, in fact, much abused; that it was characterised by an entire absence of penal discipline; and that, while it was of questionable advantage to the State, it was abundantly detrimental to the criminals.

The intra-mural employment of prisoners was chiefly in prison occupations, and so much under the control of prison subordinates as to be generally abused, the rich, and those of high caste, purchasing or obtaining immunity; the poor, low caste, and friendless, being subject to tyranny and oppression. To remedy this, the Prison Discipline Committee of 1838 recommended the cessation of out-door work, and the general introduction of in-door labour in dull, wearisome, monotonous tasks, the evident intention of which was to inflict as much personal pain as could be safely inflicted without injury to health. Tread-wheels and cranks were accordingly introduced tentatively in Calcutta and at Deegah, but they failed, and were speedily abandoned.

At that time the doctrine of making prisons a terror to evil-doers by measures of coercion and severity, was in full force. The higher aim of reformation was neither entertained nor practised.

In 1843, the introduction of remunerative industry was enjoined by the Government of India, then administered by the late Earl of Ellenborough. The labour was to be regulated by task-work, each task being at least equal in amount to that performed by a fairly skilled artisan of the same class. It was to be sufficiently severe to keep the prisoners actively employed

during the day, with the intervals necessary for food and rest. It was not to be repugnant to the castes and religious customs of the prisoners.

Rules were subsequently framed, and are now in force, to classify the labour, to apportion it as much as possible to the sentence and crime of the prisoner, and to make it an instrument of reformation. This latter is accomplished by teaching each prisoner some form of handicraft that will enable him to earn an honest livelihood on release, and, by inculcating habits of industry, to counteract the idleness which is the proximate cause of much of the vice that leads to crime.

Remunerative prison industry as an instrument of reformation, is the basis of the system of prison labour now in force throughout India. It is not carried out with the precision and perfection of which it is susceptible, from the absence of properly constructed prisons, from the miserable economy which has reduced the establishment of gaols throughout India to a pitch bordering on positive inefficiency, from the large number of short sentences awarded by the criminal courts, in which it is impossible to teach any trade or handicraft, and from a majority of the prisoners throughout India belonging to the agricultural classes, who neither can nor will follow any other pursuit on release.

As the whole of the prisons in India are under State control, most of these defects could be readily remedied.

In so extended and poor a country as India financial considerations are undoubtedly of primary importance, and cannot be rightly or safely disregarded in dealing with all such questions.

But it can be shown and has been proved in practice, that by a wise regulation of prison labour all the ends intended by the addition of this condition to criminal sentences can be fully accomplished, and the prisons be made at the same time entirely self-supporting. One presidency in India has for several years repaid about 40 per cent. of the whole cost of its prisons, and some gaols in the same presidency have been and are entirely self-supporting. An extension of the system which I long and earnestly pressed upon the attention of the Government, would have recouped to the State the whole of the outlay on the prisons, would have converted unprofitable

consumers into profitable producers, would have offered to the largest and most important section of the criminal community the means of securing an honest livelihood on release, would have provided the means of gradually rebuilding the whole of the prisons in the manner required by our present knowledge of the subject, without causing the financial pressure that is a source of public discontent and consequent danger in India, and would have removed the reproach from the prison system of that country which must ever attach to it under the system of association. This is, in all countries and at all times, an undeniable source of demoralisation. India is no exception to the rule.

The chief objections to remunerative prison labour are, that it does not provide the hard work intended by the criminal law, that it enters into injurious competition with free labour of the same kind, and that it makes the prison a stepping-stone to fortune, and thus places the prisoner in a better position than the honest labourer of the same class.

The obvious answers to these objections are, that the severity of labour consists rather in its continuance, and the constant care and attention exacted by all forms of work in which more or less of skill is required, than in the mere exercise of unreasoning muscular force. The limits of the latter are soon reached, and demand prolonged intervals of rest which are injurious to discipline. They excite feelings of anger and resentment destructive of the moral sentiments which are the sole agents of reformation. They are in reality torture in disguise, and not warranted either by the Christianity we profess, or the civilisation to which we lay claim.

That remunerative prison industry enters into competition with free labour is undoubted, and I conceive that it has a perfect right to do so. The interests of the community at large are superior to those of sections or individual members of that community. Prisons must be maintained at the public cost; this cost falls upon the honest and well-conducted members of society; and if the prisoners can be made to diminish the burden by the exercise of compulsory industry, it is not only a most legitimate retribution to exact, but the State is bound to resort to it as a measure of general polity. To teach the prisoner a handicraft, and thus enable him to



gain an honest livelihood on release, will merely restore him to the place that he would have occupied, had he not taken to evil courses. It creates nothing new. It adds to the stock of public virtue, and diminishes to a like extent that of corroding vice. For that reason, if there were none others founded on more general economic considerations which it is foreign to the immediate purpose of this paper to refer to, the use of remunerative prison industry as an important measure of reformation, is not only justified but enjoined.

That a gaol can, in any well-regulated system of prison discipline, ever become a productive school of industry in which a poor and honest labourer should desire to graduate, can only result from grave mismanagement, such as I believe nowhere to exist. The necessary and accessory inconveniences of imprisonment, viz., the entire loss for the time of personal liberty, the consequences immediately resulting from this loss, disruption of family and social ties, destruction of business, a compulsory state of existence in all matters, the necessity of conforming to strict regulations which are and must from their nature be distasteful, a compulsory dietary, uncomfortable means of repose, total exclusion of society, and enforced labour in uncongenial pursuits, are all immediate, tangible, well-understood evils. That there is a desire to encounter them with the remote prospect of learning a trade or handicraft in any section of the honest community at home or abroad, I do not believe.

Within the last two years the out-door employment of convicts has been revived in India, and large gangs of them are now engaged on canal works. If the intention of convict labour were merely to furnish hard work and to recoup the cost of maintenance, and if the essential conditions of prison discipline are to be entirely ignored, this system is sound and logical. But if, as I firmly believe ought to be its intention, the labour is to be a means to an end, viz., the reformation of an offender by the inculcation of habits of order and industry, and by the possession of the skill and knowledge necessary to earn an honest livelihood on release, then I hold the system to be unsound, and to be a retrograde measure.

*Prison Dietaries.*—The dietaries for prisoners in India vary somewhat in detail in every province and presidency. They are,

as a rule, based upon the food in use among the lowest classes of the different people, and are so regulated as to maintain health and strength without the introduction of a single article that is considered to be a luxury. Prisoners are weighed on admission and discharge, and provision is made in the gaol rules of some parts of India to weigh them whenever there is reason to believe that the dietary is, from any cause, productive of disease, a loss of weight being a rough test of deficient quantity or improper quality of food. In such circumstances the surgeon of the prison has power to change the dietary in any way that may be needed for the health and strength of the prisoners—a special report of every instance in which this is done being made to the head of the prison department, to ensure that such power is not abused.

A penal dietary has, after careful experimental inquiry, been recently introduced for short-term prisoners, and for serious breaches of gaol discipline, which used, heretofore, to be punished by flogging. This also is carefully guarded to prevent its being a source of injury to health, and thus in excess of the punishment awarded by the law.

Tobacco, opium, and all narcotics and stimulants to which natives of India have been accustomed from the earliest age, are strictly prohibited in Indian prisons. That the sudden withdrawal of any accustomed luxury may not be attended with injury to health, all prisoners who have indulged to excess in such luxuries or vices, are placed under observation, and the medical officer of the prison has full power either to continue the indulgence in gradually diminishing quantities, or to subject the sufferers to such dietetic and other treatment as he may consider to be necessary, to enable them to bear the entire privation with impunity.

There is no restriction in hospital dietaries as to all reasonable changes in quantities or qualities of food that medical officers consider necessary for the cure of disease, or restoration to health and strength.

The subject of prison dietaries in India has frequently been investigated with great care, in consequence of their important relations to health. The practical rule of guidance has been to give all that is really required for health and strength, and, this end being kept steadily in view, to withhold everything that

would place the prisoner in a better position than the poor and honest in his own walk of life.

The action of the Government of India in this important matter has always been guided by a wise and laudable humanity.

*Prison Punishments.*—The punishments for breaches of gaol discipline in force in India, are: the imposition of fetters, separate confinement, flogging, penal labour, and a penal dietary.

In some parts of the country, from the extreme insecurity of the prisons, all heinous offenders, and some persons under trial, are ironed to prevent escape—a harsh proceeding caused by the absence of properly-constructed prisons. This proceeding has recently been legalised—a reproach to the legislation of the country.

When the prisons are tolerably secure, fettering is employed for the punishment of breaches of gaol discipline.

Separate confinement is resorted to where the means exist; but the provision of cells is so inadequate, even for this purpose, that recourse is had to flogging to an extent that is lamentable.

There is no doubt that this is a brutal and degrading form of punishment, and one that should be strictly reserved for the very few cases in which all more humane and proper means of enforcing discipline fail, after full and fair trial.

Penal labour exists and is enforced in some of the Indian prisons, but not to any great extent. It consists of such tasks as are mere exercises of muscular power, which can only be continued with safety for short periods. It contains no reformatory element, and stands little above flogging in its penal value. It cannot be pushed to any great extent in India without undermining health and strength—hence is regarded with mistrust and dislike by all humane and skilled prison officials. Speculative prison disciplinarians are much enamoured of this mode of employing prisoners generally. They cannot exhibit graver ignorance of the ends and objects of imprisonment.

It would be an insult to this Congress to dilate further upon this topic.

A penal dietary has recently been introduced generally. This was impracticable so long as the prisons were in the personal

charge of judicial officers who had not time to attend to them. In these circumstances it became an instrument of illicit gain to corrupt prison subordinates, and a source of lamentable sickness and mortality from insufficient quantity and improper quality of food. It was only re-introduced after careful experiment, and for its proper working demands constant and close supervision, lest it should be again abused.

All returns of punishment in gaols are furnished in Bengal, monthly, to the head of the prison department, and are carefully scrutinised by that officer to see that the rules are enforced with discretion and humanity. Abuses are immediately corrected, and care is taken that the ends of justice are not defeated, so far as can be accomplished by vigilance in general supervision.

*Education in Indian Gaols.*—Education, by which I mean instruction combined with moral and religious training, is unknown in Indian gaols. Religious acts and observances are practically forbidden to native prisoners, for whom no ministrations are or can be provided. Christian prisoners have the aid of pastors, and other prisoners, if they wish it, can obtain similar aid on applying for it. Proselytising by Christian missionaries is, however, peremptorily prohibited. For secular instruction no special establishments are entertained. Greater attention is paid to the subject in some parts of India than in others, and much has been done by zealous individual officers in the way of primary instruction.

The Government has never taken any decided action in the matter. The Prison Discipline Committee of 1836 set their faces strongly against the instruction of prisoners in reading, writing, and cyphering, on the ground that there is no man whom it would cost more to instruct than a criminal prisoner, and that there is none who would sooner forget such instruction; that it would be unjust to let the children of the honest poor lack instruction, when they have not the means of paying for it, and to spend money that might educate them in teaching a man whose only peculiarity is his dishonesty; and that it was inconsistent with their scheme of making a prison a place of pain to which none should desire to return. They doubted the possibility of any moral reform of Indian prisoners on grounds peculiar to the country and to the people, and believed

that beyond rendering Indian prisons places of dread, and making offenders feel that it was for their interest to offend no more, no greater moral result could be anticipated.

The Gaol Committee of 1864 considered that 'education may be regarded as a reward or a punishment according to the character of the criminal to whom it is accorded. To the sullen, the stupid, and the idle, it must be a real infliction; while to the quick and intelligent it might be a mitigation of the tedium of confinement. It has been found an important aid to discipline, by employing the time after the conclusion of labour which is otherwise occupied in idle conversation; and it is a means of completing the plan of never leaving the convict to himself, which is, to the unreclaimed class, one of the most punitive elements in a strict system.'

The recommendations of this committee were based on the views above enumerated, and this is the principle which at present regulates education, or, as it may be more properly designated, primary instruction in the prisons of India.

In Lower Bengal, of 673,500 prisoners accused of crime, I ascertained that 920 per thousand were entirely uninstructed, 76 per thousand could read and write, and the remainder were tolerably well educated for their position in life. The proportion of ignorant to instructed is very nearly the same in every other part of Hindostan, but in Burmah, from the action of the monastic system, a large proportion of the population is able to read and write. The need of instruction, then, is greater out of the prisons than within their walls—if ignorance and crime be as intimate associates as many suppose.

*Convicts as Instruments of Discipline.*—One of the chief peculiarities of Indian prison management is the employment of convict agency in the maintenance of the discipline of prisons. From the earliest times, prisoners were employed in the discharge of all the menial duties of the gaols, cooking, washing, cleansing, scavenging, husking rice, grinding corn, and the preparation of food generally, and similar occupations.

The difficulty of procuring trustworthy warders on the salaries allowed, and the impossibility of preventing the introduction of forbidden indulgences through their agency, led to the trial, many years since, in the great gaol at Alipore, of well-behaved long-term prisoners as prison guards. They were found to be

so much more reliable than outsiders, and to discharge the duty so much more efficiently, that the plan was gradually extended. It was then introduced into other prisons, and, when conducted with care and discretion, worked so well, that the system has been extended to the whole of India. Special provision for it has been introduced in all the gaol codes, and the reports of its success are generally favourable. As a reward for good conduct and strict obedience to prison rules, all convicts whose behaviour has been exemplary throughout, and who have completed the prescribed term of hard labour, are eligible for the offices of convict warder, guard, and work overseer. These offices can never exceed 10 per cent. of the criminals in custody. All such appointments are made with great care and deliberation, and are subject to the sanction of the head of the prison department, by whom they are jealously watched. They are liable to forfeiture for serious misconduct or breach of duty.

As a measure of economy in diminishing the cost of guarding prisons, and as a means of reformation in teaching self-respect and self-control, very important moral agents in the amendment of criminals, the plan has everywhere been successful, with European as well as with native prisoners. The privilege is much prized. Few prisoners who have held such offices have relapsed into crime, and of many who have obtained positions of trust on the completion of their sentences, up to the time of my leaving India, and who were known to me personally, not a single one had abused the trust by criminal acts. Two or three Europeans had yielded again to the intemperance which had originally led them to crime, and thus lost their situations. For this no absolute cure has yet been found, and against it the best regulated gaol discipline has failed to provide. In all other respects the plan has been so eminently successful as a moral agency of a high order, as to render it desirable to subject it to trial in Europe.

I know of no means of preparing prisoners gradually for liberation superior to this. The prisoner who has regained self-respect, and been taught the value of continuous good conduct in circumstances of restraint and difficulty, cannot fail to be benefited by such training, and thus to be restored to society a wiser and a better man—an end that can never be

accomplished by the infliction of pain or by mere measures of unreasoning severity.

*Intermediate Imprisonment in India.*—A modified plan of intermediate imprisonment was tried in Bengal, and was in operation for a few years. In the absence of a special institution and agency such as exist at Lusk in Ireland, it was deemed desirable to prepare for liberation such of the prisoners as had been well-behaved throughout, and had served with credit and without reproach as convict guards and work overseers, by the enjoyment of partial liberty for a moderate period prior to the termination of their sentences. These intermediate prisoners were allowed to sleep outside the prison, but returned at day-break to the gaol, and worked within the walls.

It is obvious that such a system needs very careful regulation, and is extremely liable to abuse, yet, if properly and judiciously worked, may be made the legitimate and logical complement of the previous training in the internal watch and ward of the prison.

So far as I had the means of judging it had worked fairly well so long as the gaols of Bengal were under my control. Since that time, doctrines of prison management which have long since been abandoned elsewhere, have been revived, the infliction of pain as the cardinal condition of imprisonment has been inculcated, and the whole question has lapsed into the phase of action which prevailed generally half a century since. In such a state it is natural that measures of reformation should be subordinated to means of coercion, and that unreasoning severity should replace enlightened and humane control. Intermediate imprisonment has consequently been abandoned, but whether from defect of working, or on what exact grounds, I am not aware.

As a measure more nearly approaching the Irish system, or rather that of the agricultural colonies of Algeria and Sardinia, I advocated the institution of penal agricultural colonies in India. The majority of criminals throughout India are from the agricultural classes, to whom the teaching of a handicraft is of little or no use on release. On the other hand, there is probably no boon that could be bestowed on the country at large of greater value than the introduction of improved means and implements of cultivation. In spreading abroad such

knowledge, the prisons might be made the instruments of incalculable benefit. A condition of such colonies should be that they be entirely self-supporting, and a relief to the finances of the Empire.

*Prisoners' Aid Societies.*—There are no prisoners' aid societies in India. In the large stations a few earnest and philanthropic individuals occasionally interest themselves in the matter, but the constant changes in Indian society have heretofore rendered continual and combined action impracticable.

All criminals of long terms of sentence, on discharge, are provided with the means of returning to their homes, if they desire to do so. Formerly they used to be sent back under the charge of the police, and were subsequently subjected to police supervision. This is done no longer.

In Calcutta and at Hazareebaugh, well-conducted European prisoners are provided with clothing, and sufficient funds to take them out of the country to commence a new career elsewhere, or to support them while they remain in the country until they can find employment.

Convict artisans trained in the gaols find no difficulty in obtaining employment on release, and few of those who have attained any degree of skill ever return to prison. Many from the prisons under my charge, Europeans as well as natives, were known to me to be in positions of trust up to the time of my leaving India, and, with one or two exceptions, the trust had not been abused.

*Reconvictions.*—The means of ascertaining relapses into crime are so imperfect in India, and the returns in consequence are so unreliable, that I do not trouble the Congress with any of the figures collected. A beginning has, however, been made, and more progress will doubtless be manifest, when reliable judicial statistics are gathered together, based upon a correct census of the population. In the meantime, so far as I could ascertain by careful personal inquiry and observation, the industrial system has worked well in Lower Bengal, in securing to many offenders an honest livelihood on release without the aid of any of those associations which are the instruments of so much good in England.

*Remissions of Sentence.*—The governors of provinces, and the Viceroy of India, possess absolute powers of pardon, but such

powers are never exercised without the minutest enquiry and the gravest deliberation. The gaol rules provide for the remission of the whole or part of the remainder of a sentence, in cases of extreme sickness, and for acts of signal service. All such cases are reported in the annual returns.

*Gaol Gardens.*—To nearly every prison is attached a garden, in which are grown the vegetables and fruits required for consumption by the prisoners. The balance over and above the prison wants is sold in the open market, and the price realised is carried to the credit of the gaol.

The chief object of the garden is, however, sanitary—to counteract the scorbutic tendency of sedentary employment in work-sheds, and to afford a wholesome amount of out-door occupation in a useful direction—a more rational and sensible proceeding than marching prisoners to and fro for exercise. All prison measures should, if possible, be directed to some useful end.

*Hygienic Measures.*—In consequence of the exceptionally prominent and important part played by disease and death in Indian prisons, the gaol codes contain detailed regulations regarding over-crowding, ventilation, water supply, and scavenging. These are not fully carried out for financial reasons, but, so far as the means and agency at command permit, the greatest attention is paid to the health of prisoners. Since the gaol department of India has been under the control of medical officers, a great advance has been made in this direction.

*Port Blair.*—I say nothing of the important convict colony at Port Blair, in the Andaman Islands—now for ever of sad notoriety from the murder of the late Viceroy of India.

It has never been under the control of the Prison Department, and its conduct and management being under official inquiry, it would not be right to speak of it at the present time.

I was president and chief commander of the expedition which selected the settlement in 1857, but have had no subsequent official connection with it.

*Summary.*—I have now given, with the extreme brevity and condensation enjoined, an outline of the chief features of the existing prison system of India. The greater part of the infor-

mation is based upon personal knowledge and experience; the rest has been obtained from official documents.

I may define the prison system of India to be a system of State control, under the special direction of carefully-selected inspectors, acting under the immediate orders of the several local administrations. Intramural and remunerative prison labour is the basis of the system; but departures from it are permitted where the means of enforcing it do not exist, and are enjoined in the execution of certain great public works now in progress. The prisons are governed by well-defined rules, which the local Governments have the power to set aside or nullify according to their pleasure. There is, accordingly, no consistent, continuous, uniform system in force.

The whole question of prison discipline in India is strictly subordinated to financial considerations.

The vast extent of the country, and the financial difficulty of regulating income and expenditure, have heretofore deprived the prisons of India of the share of the public revenues which ought to be assigned to them as a measure of policy, of humanity, and of economy. The prison is the keystone of the judicial arch, the imperfect construction of which renders nugatory a considerable proportion of the large expenditure incurred for the pursuit, detection, trial, and conviction of criminals.

The results already obtained in India clearly demonstrate that to convert prisons into schools of industry is at once an efficient and humane system of enforcing discipline; attaches the primary importance, to which it is entitled, to reformation; compels the criminal, by enforced industry, to repay the cost of his maintenance; and would, if carried to its logical conclusion, furnish the means of constructing suitable prisons, and providing adequate establishments without straining the public resources, or extracting from the coffers of the State a single coin beyond that now expended on an imperfect and unsatisfactory system. It ought, indeed, and would, if properly managed, relieve the State entirely from the whole burden of the maintenance of the prisons, without the sacrifice of the sound principles of penal discipline which are necessary for the protection of society, and the punishment and reclamation of those who prey upon or injure it.

Although I have thus freely criticised the financial policy of the Government of India in relation to prison discipline, I have no hesitation in declaring my honest conviction that no Government can be more earnestly desirous of discharging the great and difficult duty assigned it with humanity, enlightenment, and due regard to the moral and material benefit of its subjects, than the Government of India. That such important and difficult questions as are involved in the regulation of prisons should be subordinated and sacrificed to mere financial considerations, I regard as a misfortune. But it cannot fairly be charged against the rulers of India that an error of policy in the direction above noted, is due to any deliberate disregard of the higher considerations which should regulate all such matters.

Having possessed unusual opportunities of studying the question of prison discipline at home and abroad, and having conducted for fifteen years the prison administration of an Indian province containing forty millions of inhabitants, it may not be unacceptable to a Congress which has brought together so many persons well acquainted with the subject, if I condense into an aphoristic form some of the conclusions at which I have arrived.

I put them forward with all respect and humility, in no dogmatic spirit, but with a profound sense of the great interest and importance of the subject, and a thorough conviction that nought but good can result from a full and fair discussion of one of the most difficult social problems of the time in which we live.

*Conclusions.*—1. That the broad general principles which should regulate prison discipline in India in no way differ from those adopted in and adapted to countries higher in the scale of civilisation. That they merely need the modifications required by local circumstances, climatic causes, and ethnic considerations, and should not, in any way, set aside the principles on which they are based.

2. That the principles (motives) which guide and control human actions, whether good or bad, beneficent or criminal, are universal in their nature, and dependent on our common humanity. That they vary chiefly, if not solely, from the influence of education, religion, and civilisation in the widest sense.

3. That in dealing with criminal acts, whether they be the result of a low standard of morals, of poverty and ignorance, of a congenitally depraved nature, or any other of the many causes which lead to crime and evil-doing, the surest and safest guide is the application of the great leading principles of Christianity. That all sound systems of prison discipline are in accordance with these principles, and all erroneous systems departures from them.

4. That the infliction of pain as a cardinal condition of imprisonment is incorrect in principle, and that whatever is erroneous in principle cannot be correct in practice.

Pain, being a sensation, has no connection with the moral sentiments, and as it is by moral agencies and influences alone that criminals can be reformed and reclaimed, in all sound systems of prison discipline punishment should be subordinated to reformation.

5. That punishment and reformation stand to each other in the same relation as curative and preventive measures in medicine. The former can only influence the individuals immediately subjected to them; the latter may affect whole communities. Hence, as a logical sequence, the major, in all such circumstances, is to be preferred to the minor.

6. That the cellular construction of prisons is the most efficient system of separating prisoners, and individualisation the sole sufficient classification; and that these are even more imperatively necessary for prisoners in Eastern countries, than for those in temperate climates.

That as a measure of policy, of humanity, and of ultimate economy, it should at once be introduced generally throughout India—if for no other reason, to save the large amount of human life now sacrificed from the improper and imperfect construction of Indian gaols, a result which no financial considerations can for a moment justify.

7. That remunerative prison labour is an efficient instrument of punishment and reformation by occupying the whole available time of criminals in uncongenial and compulsory employments; by teaching them the means of gaining an honest livelihood on release; by the inculcation of habits of order and industry, to the displacement of the irregularity and idleness which are the sources of so much vice and crime; and by repay-

ing to the State the whole or part of the cost of repression of crime by the compulsory industry of the unproductive classes, and thus relieving the community at large from a burden which it is at present compelled to bear.

8. That the economic objections to the remunerative employment of convicts are unsound and untenable; and that even if they were true as respects individuals and small sections of the community, the interests of the minority should yield to the general welfare.

9. That the advantages of the State control of prisons are—the introduction of uniformity of system, economy of management, efficiency of supervision, security against too harsh or too lax administration, and a better application of the provisions of the criminal law than can be accomplished by unpaid unofficial agency, however earnest, honest, and well-meaning.

That the chief disadvantages of State control—the danger of a rule of dead level uniformity, and of *laissez aller* and *laissez faire*—may be neutralised by the appointment of prison visitors from the non-official community, armed with full power of exposing all abuses and shortcomings.

10. That the mitigation of the severity of imprisonment, and all indulgences should be worked out by the criminals themselves, and that the employment of criminals in offices of trust in the prisons is a powerful instrument of reformation in implanting habits of self-control and self-respect, which are among the strongest means of restraining from the commission of crime at all times and in all circumstances.

11. That prison officers of all grades should be specially trained to the work, and that prison governors in particular should be men of education, of large and liberal views, of great command of temper, and of power of maintaining order and discipline without resorting to measures of severity and coercion whenever they can safely and properly be dispensed with. In other words, that they should govern by force of character, and rely as little as possible on mere physical means of restraint.

12. That prison education should be education in the real meaning of the word, and include religious instruction, secular teaching, industrial training, and moral control—for all of which fit and sufficient agency should be employed.

There are other points on which I should have wished to

have recorded my sentiments if time permitted, but the above are the most important, and I am content to restrict myself to them.

### CEYLON.<sup>1</sup>

By H. J. DUVAL, Esq., INSPECTOR-GENERAL OF PRISONS, CEYLON.

In preparing an account of the system of penal discipline now enforced, the inspector-general observes that it will be necessary to refer back to the year 1866, and thus take a retrospective view of the condition of the gaols and the treatment of prisoners at that time. During that year a report was presented to Government by a committee appointed for the purpose in response to a Circular Despatch from the Secretary of State touching 'the improvement of prisons.' This report stated that the general result of inquiries of the committee was a thorough conviction that the state of the prisons and prison discipline in Ceylon was very bad, and urgently required reform. In consequence of this report many changes were brought about. Early in the year 1867 a system of penal discipline was introduced into Wellikada, the principal prison in the island, based generally upon the committee's report and recommendation. Separate confinement with rigorously penal labour was enforced during the whole term of short sentences, and the first six months of long sentences. Long terms of imprisonment were divided into three progressive stages of prison discipline, called respectively the penal, secondary, and upper stage.

The practical working of the system is as follows:—

On being admitted to prison every prisoner is placed in the penal stage, there to undergo the first six months in the case of a long-sentenced prisoner, or the whole term of imprisonment in that of a short sentence. This stage is certain, no part being remissible, but liable to be prolonged in the case of long-sentenced prisoners for acts of misconduct. In the penal stage prisoners are locked up, each in a separate cell, night and day, with the exception of three hours—an hour and a half

<sup>1</sup> For this and the next paper, on Jamaica, the Congress was indebted to the kindness of the Right Hon. the Earl of Kimberley, H.M. Secretary of State for the Colonies.



in the forenoon and the same in the afternoon, when they are taken out in gangs to undergo shot drill, thus imposing uniform hard labour in the open air, which is found to be much more beneficial to health than sauntering round in single file, as is sometimes the custom with prisoners in this class during the 'hour of exercise,' or being set in gangs to pump water, or, in short, any such labour as admits of an inequality of exertion, arising more from the various dispositions than the physical capacities of the prisoners. In shot drill every man exerts himself equally. It is rarely found that prisoners are incapable of undergoing the severe daily labour of the system pursued at Wellikada, while very many are improved in health and condition by it, as will be presently shown. Every prisoner in this stage is strictly under the eye of the medical officer of the establishment, who takes care that severe discipline shall not be carried to the extent of cruelty. The prisoners in the penal stage are weighed every month before the commencement of the issue of penal diet, and the following extract from a letter dated March 10, 1869, affords satisfactory proof that the system, though severe, is not injurious to health:—

'The test of the system as it affects the health really rests in the fact that the prisoners generally improve in bodily vigour and aptitude for labour under the treatment.'

During the hours of the day when prisoners in the penal stage are not at shot drill, they are employed in their cells beating cocoa-nut husk into fibre, or twisting by hand the fibre into coir-yarn, a fair day's task being exacted, by weight or measurement, from each man. Failure to give the allotted task is met by additional punishment.

The weight of the shot used at that exercise is 24 lbs., and it is carried at the rate of three times a minute a distance of seventeen feet; the three hours' daily labour at shot drill represents the removal by each prisoner of 540 shot, equal in the aggregate to five and a half tons; lifted from a stand eighteen inches high, and deposited on a similar stand seventeen feet apart from the first, uniformity of action, lifting, marching, and putting the shot down, being maintained throughout.

Stands are used in this exercise in consequence of the liability of the natives of this country to rupture of the spleen, which it was considered would be greatly induced by stooping to the ground to lift the shot.

It not unfrequently happens that remunerative labour, such as that in the manufacture of coir, cannot be found for prisoners in the penal stage. The rule in that case is, that between morning and evening shot drill they shall be employed in the yard breaking stone for road metal—care being taken that each prisoner shall be placed at a sufficient distance from his neighbour to prevent communication, and that a full day's task shall be exacted. If this work is not available, they undergo unproductive penal labour the whole day; alternating every two hours between shot drill and 'pingo carrying'—this is the native method of carrying weights, attached to each end of a pole, on the shoulders; for penal purposes a bamboo weighted with 20 lbs. is used. The prisoners in gangs are marched round the yard in single file, at an average walking speed. A day thus spent is one of severe labour, and if continued throughout short terms of imprisonment is effectually deterrent.

The prisoners in this class are also responsible for the cleanliness and tidiness of their cells, the scrubbing and washing of which form the first task of the morning immediately after unlocking.

The food of prisoners in the penal stage of imprisonment consists for the first ten days of each month, in the case of Europeans, of twenty-eight ounces of bread, and one pint of rice congee; and in the case of native prisoners of five-sixths of a quart of raw rice, which, when boiled, yields two piled quarts, and one pint of congee—the latter is served out hot to both Europeans and natives at 5.30 A.M., before commencing the day's work.

During the remaining twenty days of the month in the penal stage and in subsequent stages of imprisonment, the food of the prisoners of both classes is good and ample. In addition to the twenty-eight ounces of bread issued to Europeans they receive one pound of meat, two ripe plantains, one ounce of sugar, half an ounce of coffee, and half an ounce of salt and pepper; to the natives, in addition to two quarts of rice, two curries of fresh or dried fish, or fresh meat and vegetables, with coffee sweetened with jaggery, and four ounces of rice cakes are issued daily.

This stage of imprisonment is found to exercise a most beneficial influence on the prisoners. It subdues and renders

them amenable to a much more rigorous course of discipline throughout their term of imprisonment than could possibly be expected if they were allowed to associate in common from the date of their admission to gaol. It also encourages habits of order and industry, not, however, from any prospect of reward, but by a spirit of emulation, every prisoner striving to be equal to his neighbour in the discharge of his work and the general observance of rules. Silence being strictly enjoined throughout this stage assists greatly in the maintenance of order.

Of the various races settled in the island, the Sinhalese, especially of the class who fill the gaols, are by no means remarkable for their aptitude to undergo laborious work; on the contrary, they are slothful and indolent, strangers generally to labour of any kind, yet when subjected to a rigorous course of discipline their previous habits soon give way, and they learn to work with a determination and tact unsurpassed by any of the other races. The Moors, an energetic and fanatical people, impatient of subjection and restraint, as well as high-caste Hindoos, with whom caste prejudice exists to a most obstructive degree, are not less amenable to the discipline of hard labour, while under a lax system all such men would prove very refractory, and give endless trouble in gaol.

Breaches of prison rules are not very frequent. The lash, return to the penal stage for short periods, and the forfeiture of marks, are the means adopted to punish offenders. The infliction of the former never exceeds twelve lashes, and only then in cases of mutinous conduct. During three years there were only three floggings for prison offences—two European soldiers, and a native of Aden, an habitual criminal. No distinction is made between Europeans and natives in respect of labour.

At the termination of the penal stage, prisoners are removed into the secondary or industrial hard labour stage. Here they are employed at any hard labour to which their previous habits or occupation of life may have adapted them, the object being to make their labour as productive as possible. The wholesome dread of the discipline from which they have just emerged, and to which for misconduct they may be returned, acts as sufficient stimulus to ensure persevering industry at whatever employment they may be put. Moreover, with the commencement of this stage prisoners are placed upon the mark books,

and they distinctly understand and appreciate the usefulness of this system. Every prisoner is debited with a number of marks corresponding to the number of days in his sentence—minus the first stage. By persevering industry, in the first place, and general good conduct, he may earn nine marks per week, and this continued will close his mark account at seven-ninths of the period, the remaining two-ninths being remitted—or he may only earn eight marks weekly, gaining thereby less remission; but the general endeavour is to secure the maximum number.

The upper stage is a privilege held only by the few. Prisoners who have served at least two-thirds of their sentence, and who have, while in the industrial stage, distinguished themselves as good prisoners and leading workmen, are promoted to the grade of prison constables; their duties being to assist the subordinate officers in the maintenance of order and discipline in the prison. When employed on public works, they act in the capacity of foremen. They are generally selected with a view to their fitness for such work. While holding this appointment, they are credited with one rupee per month, which is paid to them on discharge from prison.

Religious instruction cannot possibly be general in a country settled by many races, professing a multitude of religious or superstitious creeds. At the Colombo prisons and the larger provincial gaols, the ministers and native catechists of various missionary bodies hold service on Sunday, but it is optional to the prisoners to attend these ministrations.

The education of the prisoners is a question almost as difficult as the previous one of religious instruction. I believe that no better regulations than those now in force can be adopted in either case. Native schoolmasters, in receipt of a small stipend, attend on Sunday afternoon, and give elementary instruction in the vernacular languages, Sinhalese and Tamil, but their labours are productive of very little good. The great majority of prisoners dislike attending school generally, and on Sunday especially, because they feel it should be their day of rest, and they prefer idling their time in sleep or wanton conversation the whole day. On the other hand, if schooling brought temporary respite from labour—which would be the

case if it were held on a week-day—many would make fair professions without any real improvement.

If a prisoner is really desirous of improving his mind, Sunday afternoon instruction will be found sufficient, with spare moments, of which he will gladly avail himself, through the week.

### JAMAICA.

By B. SHAW, Esq., INSPECTOR OF PRISONS.

The prisons in this island may be separated into four classes:—1, General Penitentiary; 2, County Gaols; 3, District Prisons; 4, Short-Term Prisons. The General Penitentiary is the principal and most important. To it are sent criminals of both sexes from all parts of the island, who have to undergo sentences from over twelve months to sentence for life, also naval and military prisoners under sentence from courts-martial.

The prison buildings consist of two ranges, each range containing separate sleeping cells for 132 prisoners, or for 264 in both, besides fourteen association wards, capable of accommodating twelve in each ward, and a large shed, where fifty prisoners can sleep in hammocks. There is a good hospital for the sick, with other necessary rooms, offices, kitchen, &c.

The prison for women is cut off from the rest of the penitentiary by high walls. There are separate sleeping cells for forty-four women, and one association ward to accommodate eight more.

For the female penitentiary there are one matron and two women as officers. There are official visitors appointed by the governor who visit the prison, and the inspector of prisons visits frequently.

The superintendent has the power to sentence a prisoner for breach of prison discipline to three days' solitary confinement on bread and water. One visiting justice can sentence a prisoner to six days' solitary confinement on bread and water, and two or more official visitors can send a prisoner for one month's solitary confinement. They can also sentence a prisoner to be flogged with the cat, but before it can be carried into effect, the sentence has to be confirmed by the governor, to

whom a copy of the evidence is sent. The superintendent enters each case in his journal that has been dealt with by him, and a record of the evidence taken and sentence passed by the official visitors is entered in their visiting book.

The punishment to women prisoners can only be of the mildest description, such as solitary confinement in cells on bread and water, and, if very bad, refused to be put on the licensed class. This will be explained under head 'Rewards.'

The reward for good conduct that any prisoner can obtain who has not been re-convicted, or been guilty of crimes against nature, is, that after having served half of his time satisfactorily, he is promoted into the licensed class, on which he obtains a remission of one-fourth of the remaining portion of his sentence; if he misconducts himself whilst in the licensed class he can be returned to his former class, and would have to serve out his original sentence. It is very rarely a prisoner has to be turned back from the licensed class; there has not been an instance of this for the last two years. A list of the prisoners eligible for the licensed class, showing their crimes, time served, time left to serve, conduct whether good or bad, is sent to the governor for his approval before the prisoner can be removed from his original class.

I have found this licensed class system of great use in the penitentiary in keeping the prisoners steady and obedient; the hope of being promoted to it, and the fear of losing its benefits when promoted, has an admirable effect on both male and female prisoners.

The discipline and reformatory treatment of the prisoners is based on hard work at remunerative labour, shot drill and the treadmill, a diet sufficient to keep the prisoner in good health, but not to pamper him.

The other kinds of labour employed besides the treadmill are brickmaking, burning lime, quarrying stones for building purposes and for ballasting ships, as stonecutters, carpenters, masons, blacksmiths, coopers, tinsmiths, tailors, shoemakers, brushmakers, in breaking stones, and at present clearing the palisade and planting cocoa-nuts. The above trades are taught to the prisoners by competent tradesmen employed for the purpose, and supervised by an intelligent overseer of works from England.

The prisoners are worked in association, with strict orders to the officers in charge of the working parties to allow of no talking amongst the prisoners; and the female prisoners are worked inside the walls of their prison. They are principally employed in washing clothes for the prison, Royal Mail Steam Company, Naval, Military, and Public Hospital, and for private persons; sewing, and picking coir.

The whole of the labour in the penitentiary may be said to be remunerative, excepting only shot drill. The treadmill is so, as there is a mill for grinding Indian corn (maize) attached to it, which does more than supply the prison with that article of food at a much less cost than it could be had otherwise.

The prisoners are allowed to see ministers of their own religious persuasion, and there is a chaplain of the Church of England employed for the prisoners, whose sole duty is to attend to their spiritual wants.

The above is the means adopted in the chief prison of the island for the discipline and reformatory treatment of the prisoners. In my humble judgment the system works well, the prisoner acquires a knowledge of some sort of handiwork that will be of use to him in after life; if he has not had time to become a good tradesman he has learnt the use of the spade, pickaxe, or wheelbarrow, a great step in advance for a Jamaica labourer accustomed to use only the hoe, machetts, and basket. At the same time his labour is remunerative, and returns to the public who have to provide for him some portion of his cost.

The cost of the diet for the past year was 3·855 pence for each prisoner per diem.

The sanitary condition of the prison is very good, great attention being paid to keeping it clean, and the latrines constantly flushed, and when this is not convenient the dry earth system is used with much advantage.

The second class of prisons are the Middlesex and Surrey County Gaol, and the Cornwall County Gaol. The former is merely used for debtors, misdemeanants, untried prisoners, and those who cannot find bail. There is no labour of any kind done by the prisoners.

The district prisons are next on the list. Of this class there are five, situated in different districts of the island, to

which are sent prisoners under sentence of from one day to twelve months. These prisons were built many years ago; they are strong, massive buildings, have only association wards for the confinement of prisoners; the separation of the sexes is complete in them all. A Government medical officer visits the prison daily; the magistrates of the parish in which the prison is situated act as official visitors to try breaches of prison discipline, and have the same power as the official visitors of the general penitentiary. The inspector of prisons visits them not less than three times a year, and oftener if required. The nearest clergyman acts as chaplain on Sundays.

The fourth class of prisons, called Short-Term Prisons, of which there are at present four, and one about to be added, was opened to meet a want that was experienced of some place to send a prisoner to who had only a few days' sentence to undergo; but for the opening of these prisons, a person tried for some trifling offence, and sentenced to a small fine or a week's imprisonment with hard labour, would have to be sent twenty, thirty, or forty miles to a district prison; frequently their term of sentence expiring before they reached the district prison. Prisoners can be sent to this class of prisons for a period not exceeding sixty days.

They are supervised by a sergeant of constabulary, whose wife acts as matron, and a taskmaster, and the prisoners are employed on the main roads, breaking stones, and picking coir. The health of the prisoners is attended to by the Government medical officer of the district.

There were in all the prisons of the island, not including the general penitentiaries, on September 30, 1871, 387 male prisoners and 45 female prisoners; in all, 432. In the general penitentiaries on the same day, 387 male and 37 female prisoners, or a total of 424. In custody in all the prisons of the island, 856.

I cannot close these remarks on the prisons and their discipline without stating the very satisfactory decrease in the number of women as prisoners within the last eight years. Since the year 1864 to the present time, the decrease is over 70 per cent. I attribute this entirely to the fact that in the year 1864, orders were given that the hair of women committed for hard labour should be cut close; immediately the decrease

commenced. There is nothing in the world a negro woman prizes so much; she feels the loss of it severely, and it is quite a common practice for many of them now before trial to have their hair cut off and put by until they come out of prison, when they fasten it on again. Those who have not been so provident, and come out of prison with shorn locks, hide themselves until their hair has grown.

I have had some experience of prisoners and their ways; I have paid much attention to all that has been said and written as to the practicability of deterring people from crime, but I am bound to confess I have seen nothing equal to cutting the hair of negro women as a preventive.

I am sorry I cannot say that anything that can be done to, or for, male negro prisoners seems to have an equal effect.

### VICTORIA.<sup>1</sup>

INFORMATION LAID BEFORE THE CONGRESS, BY THE RIGHT HON. H. C. E. CHILDERS, M.P., AND J. D. WOOD, ESQ., THE REPRESENTATIVES AT THE CONGRESS COMMISSIONED BY THE COLONY OF VICTORIA.

*A. Convict Prisons (by G. Duncan, Esq., Inspector-General of Penal Establishments).—*There is only one convict prison in Victoria. It is for males only. It has space for 650 prisoners. It is on the separate system. The first portion of the sentence is spent in entire isolation, the prisoners working in their cells and being exercised in radiating yards; in subsequent stages there is no separation at work or in chapel, except denominationally. All sleep in separate cells. There are 609 cells. Their dimensions are in the first two divisions, 10 ft. × 6 ft. × 9 ft. 6 in., and in the other two 9 ft. × 4 ft. 6 in. × 9 ft. 6 in. The cells contain in the first two divisions—closet, washing apparatus, cupboard, table and stool. In the others, night-stool, drinking pannikin, and seat. Gas is laid on to a portion of the cells and will be shortly to the remainder.

The cells are visited by the officers of the prison daily. The prison is visited at least weekly by the Inspector-General of

<sup>1</sup> This account ought to have appeared in Part I., but was accidentally omitted.—Ed.

Penal Establishments and the visiting justice. The average number of prisoners during the last five years has been 671 males. The Governor in Council, on the recommendation of the political head, appoints the officers during their good behaviour. After service they receive yearly pensions and retiring gratuities.

The prisoners are stimulated by remission of a portion of their sentences, and by payment during the latter portion of their term at rates varying from 2*d.* to 6*d.* per diem. There are six classes: first, separate confinement; second, third, and fourth, associated labour, but separation at night; fifth and sixth, labour on public works at 2*d.* per diem in the fifth, and 6*d.* per diem in the sixth class, with rations of tobacco, tea, and sugar. The system has scarcely been sufficiently long in operation to thoroughly test it, but the results are considered satisfactory so far. The punishments are solitary confinement and extension of period of servitude. Corporal punishment is never employed. A full record of punishments is kept. The prisoners do not wear a parti-coloured dress. It is believed that such dress only degrades a prisoner.

The mask is worn only in the first stage; I think it is useful there. There are four chaplains—Church of England, Wesleyan, Presbyterian, and Roman Catholic. Each denomination holds one service every Sunday. The chaplains visit the prisoners individually in cells and hospital during the week. There are no volunteer working visitors. About ten per cent. are found to be illiterate on entrance.

There is a schoolmaster, and the prisoners attend school one hour daily. Here they are taught reading, writing, and arithmetic. Facilities are also afforded for the study of geography, grammar, and elementary mathematics. Fair progress is made. Each prison has a library. They have about an hour and a half daily, besides Saturday afternoons and Sundays, for reading. The separate confinement cells are furnished with water-closets. The sanitary condition of the prison is satisfactory. Indigestion, influenza, and rheumatism are the prevailing diseases. The average death-rate for the last five years has been about 5 per cent.

There is no strictly penal labour. There is no contract system. The average annual net earnings per head, exclusive

of the portion allowed to the prison, is for the last five years 17*l.* 19*s.* 6*d.* The chief kinds of work are shoemaking, tailoring, carpentering, blacksmith's and tinsmith's work, weaving, mat-making, quarrying, and building.

The average cost of the prisoners, including food, clothing, and a proportionate share of salaries, and of the estimated rent (say at the rate of five per cent. on the cost of the building), and of every other expense whatever, but deducting the money received for prisoners' work (if sold to the public), or its value, if employed on public works belonging to the Government, and unconnected with the prison, has during the last five years been 42*l.*; the cost of the buildings cannot now be ascertained, but they have been calculated by a competent officer, and the rent calculated on that value—6,184*l.* 10*s.*

About one-half per cent. of the inmates during the last five years have been under life sentences. They receive the same treatment as other prisoners.

Under present circumstances prisoners are often set free before their liberation can be considered safe to society, or really beneficial to themselves, both because their moral cure cannot be deemed complete, or because they have not the means of getting an honest livelihood, either from want of a sufficient knowledge of some handicraft, or from physical or mental weakness. Occasionally, but only rarely, prisoners are detained beyond the time when it is fully believed that they could safely be liberated. There are no prisoners' aid societies in existence at present. No means are taken to trace prisoners after their discharge, in order to ascertain what is their subsequent career.

*B. Borough and County Gaols.*—There are ten gaols in charge of the Penal Department, and about twenty smaller gaols in charge of the police; these gaols all answer the purpose of county gaols in England, receiving prisoners of all classes both before and after conviction; prisoners sentenced to a few days' imprisonment only are kept in police gaols, and long-sentenced prisoners, as a rule, are not detained in the other gaols, but are transferred to the convict prison. The aggregate number of prisoners which these gaols are together calculated to receive is 1,425.

About six months in the ordinary gaols, a few days only in police gaols, is the average period of confinement. In sub-

sequent statements, the police gaols will not be included, as they only afford temporary accommodation in remote districts.

About 0·417 of the prisoners are confined for periods not exceeding one month. About 0·338 for periods of from one month to six months; and about 0·245 for periods exceeding six months.

In some prisons there is complete separation by night, but in none by day.

The governor of the gaol visits each prisoner in his cell once in twenty-four hours, the visiting justice visits weekly, and the Inspector-General of Penal Establishments frequently.

The prisoners work in association.

The prevailing diseases are those resulting from intemperate living. The average death-rate for the last five years has been two and three-quarters per cent.

There is no penal labour in any of the gaols.

The average annual net earnings, per head, of the prisoners in the last five years, exclusive of any portion allowed to the prisoner himself, is about 18*l.* The chief kinds of work are stone breaking and road and street making. This high average of earnings is due to there being public works in the vicinity, on which the prisoners were employed.

All prisoners are set to work, but they are generally confined for such short periods in the gaols that permanent beneficial results can scarcely be expected. Nearly one-half are sentenced for less than a month; about one-third under six months. Short sentences are undesirable. Long sentences for habitual criminals are recommended. Still I think it would be very undesirable 'to substitute unlimited for limited periods of imprisonment, to which criminals are sentenced, with a view to make the time of liberation depend on the prisoner's moral condition and on the reasonable expectation of his not relapsing into crime.' Such a system would afford an opportunity for the greatest hypocrites, and probably the worst offenders to escape just punishment, and would moreover leave too much power in the hands of the officers of the prison. With the very short-sentenced prisoners confined in gaols it is feared very little improvement takes place.

*c. Reformatories.*—There are three reformatories in Victoria. They are provided with funds for their support, chiefly by

Government. Two are wholly supported by the State, and one partly by the State and partly by private contributions. As far as practicable the parents of the inmates are made to pay, but only eleven shillings per annum is received from this source. The ordinary kinds of work in the reformatories are: males—tailoring, shoemaking, carpentering, sail-making and seamanship. Females—general domestic work and needle-work. None of the produce is sold to the public, but work is performed in making clothes, etc., which would otherwise have to be paid for.

The children who have been discharged as reformed are considered still, when licensed to employers, under the care of the institution; so that they can be returned to it if not doing well. When discharged to parents they are no longer under the care of the institution.

Children are admissible over eight and under fifteen years of age.

In nearly every case the children obtain a situation or are sent to parents. In some cases boys refuse to take the situations provided for them, and on expiry of term leave to seek employment for themselves.

Prizes are given for school-work, and early discharge to service for good conduct. From boys with good-conduct badges, captains of messes, monitors, etc., are selected. The effect is good. The punishments are extra drill, privation of food for short periods, and corporal punishment, not exceeding twelve stripes on hand or breech. The conduct of the children while in institution is recorded, and also on leaving for service so long as they can be traced.

About thirty-three per cent. of the inmates are orphans.

## THE PENAL AND REFORMATORY INSTITUTIONS OF THE STATE OF MARYLAND.

By G. S. GRIFITH, Esq., Commissioner from the State.

**PENAL INSTITUTIONS.**—The prominent penal and most of the reformatory institutions of the State are situated in the City of Baltimore and its vicinity. Maryland contains a population of 810,000 souls. The city contains a population now estimated at 300,000; there is but one State prison or penitentiary, which is in Baltimore; the whole number of inmates, in 1871, were:—white males, 203; coloured males, 408; white females, 6; coloured females, 52. Total, 669.

The second important penal institution is the Baltimore City Gaol, a substantial stone building of striking architectural proportions; in its construction and arrangements this may be considered a model prison.

The State is divided into twenty-two counties, each containing a gaol and almshouse. None of the other gaols are equal in size or excellence to that of Baltimore, and most of them are very defective in all the attributes of a good prison.

It contains the following reformatories:—The House of Refuge; the Maryland Inebriate Asylum; the Home of the Good Shepherd, for women; the Maryland Industrial School, for girls; the Home for Fallen Women. It contains also six homes, or training schools, for neglected children, and for the prevention of crime.

**THE PRISON SYSTEM.**—The Associate, as distinguished from the Cellular System, prevails, with a decided preference for the first.

**GENERAL ADMINISTRATION.**—There is no central authority, having the control of the whole prison system. The managing power is lodged in a Board of Directors for the Maryland State Penitentiary, and a Board of Visitors for the City Gaol. These gentlemen have power to elect the warden or governor, and the



subordinate officers. The Board of Directors for the penitentiary is appointed by the Governor of the State, and required to make an annual report to the Legislature. The Board of Visitors of the City Gaol is appointed by the Mayor, and required to make an annual report to the Mayor and City Council of Baltimore.

The county gaols are under the general control of the county commissioners and sheriffs. By a settled custom, political influence seems to enter largely into all these appointments, and its effects must be regarded as highly injurious to the prison interests. There are no special training-schools for officers. His Excellency the Governor has the power to pardon a criminal before the expiration of his sentence. This clemency is frequently exercised through petitions signed by influential men or parties pleading mitigating circumstances. Prisoners are often recommended for pardon by the Board of Directors and the warden, in consideration of their good behaviour while under sentence. This is well as far as it goes; still, as an incentive to well-doing on the part of the convicts, our preference would be a commutation or abbreviation of sentence rather than a direct pardon. A Bill to this effect was recently introduced in the State Legislature, and it is expected that it will be passed at the next session.

**DISCIPLINE.**—While the discipline is positively deterrent, it earnestly aims to be reformatory. The agencies employed are *moral suasion, positive discipline, labour, and rewards*. Rewards, however, are more relied upon than punishments, and with the best results.

**SECULAR INSTRUCTION.**—The general condition of criminals in point of education, on their commitment, is lamentable. Unhappily no systematic effort is made for their mental improvement while in prison. The Penitentiary, however, contains a very good library for the use of the convicts. The writer earnestly hopes that improvements may soon be introduced in this important part of prison training.

**PRISON LABOUR.**—No systematic labour is performed by any of the prisoners, except in the State Penitentiary. Convict labour is not managed by the Administration, but let to contractors. It is believed that this institution will hereafter be entirely self-sustaining, the opportunities of labour having

been increased and the workshops enlarged, in consequence of an appropriation of thirty thousand dollars (\$30,000) by the Legislature.

In the State Penitentiary and City Gaol much attention has been given to ventilation, drainage and cleanliness. Sickness and death are generally reported as at a moderate rate.

The most common forms of crime, as reported by all our penal institutions, are *larceny, assault and battery, and burglary*. The leading causes of such crimes are almost entirely *ignorance, idleness, and especially drunkenness*.

**MORAL AND RELIGIOUS INSTRUCTION.**—There are no religious agencies officially employed, and no chaplains appointed by the administrations to labour in the penal and reformatory institutions. Visitors are admitted for volunteer labour into the penitentiary and gaols, but the State makes no provision for the moral and religious interests of its prisoners. This grave fact has developed the necessity of a

**PRISONERS' AID ASSOCIATION.**—This was accordingly organized April 1, 1869, and is now in very successful operation throughout the State. It is but stating a fact to say that the religious interests of the prisoners in Maryland seem providentially committed to the care of this Association, and the results show very encouraging progress. Two flourishing Sunday-schools are established in the State prison, which are taught by ladies and gentlemen, who volunteer their services. The male-school superintendent is a vice-president of the Association, and a gentleman possessed of peculiar qualifications in forwarding the work of reform. These religious exercises excite the liveliest pleasure of all who witness them. Apart from the word fitly spoken, they are well repaid by the melody and harmony of congregational hymning, there being a chorus of convicts composed of many hundred voices, and the organist being one of their own number. Sacred music is taught by the superintendent as an element of reform. On Sunday afternoons the male and female convicts are assembled in separate chapels for divine service. The officiating ministers are selected from different denominations. Suitable provision is also made to supply the spiritual wants of the sick and disabled in the hospital.

Under the auspices of the Association, religious exercises are

regularly conducted, on Sunday afternoons, in the chapel of the gaol. The inmates also receive suitable personal instruction, and are furnished with Bibles and tracts, and suitable religious papers.

The president and the general agent of the Prisoners' Aid Association have given much personal attention to the duty of visiting the gaols and almshouses in the counties, and securing local committees, composed of ministers and laymen, who kindly pledge themselves to furnish the inmates with religious services.

This Association is working on a solid and permanent basis. The principles of its reformatory movements are heartily approved by the voice of the courts.

Vice is the enemy against which the Association battles, and therefore it is a study to adopt the best measures, and pursue the most systematic and effective plans of assault. Our purpose and endeavour are :

1. To search out juvenile offenders who are committed for trial, to rescue them from the contact of a prison, and save them by placing them in other institutions, under wholesome control, with such influences and means as are necessary for their reformation and moral growth.
2. To extend a kind hand to such prisoners as are arrested on a charge or suspicion of crime, or, as sometimes is the case, through the malice of others ; to give them such counsel as each case may demand, and to aid them in such ways as their helpless circumstances may require.
3. To give encouragement to prisoners who are willing to reform, and at the expiration of their sentence to give them, if need be, temporary shelter ; to obtain employment for them, or, if desired, to furnish them with the necessary clothing and transportation to reach their friends at a distance, or to places where they may earn an honest livelihood.
4. To ameliorate the condition of the poor in all the almshouses throughout the State, and to furnish them the Gospel, that most potent relief to suffering souls.
5. To make discreet suggestions to the proper authorities with reference to the improvement of the discipline and government in the institutions visited, when and where it is found to be expedient.

What is the chief preventive of crime? Increase the forces

a hundredfold to save the children. The unrestrained boys and girls of our community are the roots of that cancer which grows into public injury. It is a sad, stern truth that some of those who are now boys and girls are to be the paupers and criminals of the future. No one doubts that many noble and useful citizens come from the ranks of the poor. Yet it is no less true that paupers and criminals spring almost entirely from the untrained outcasts of society, such as neglected orphans, children of drunkards, the illegitimate children of prisoners and paupers, and the children of thieves. These facts are supported by statements furnished by practical workers.

REFORMATORIES AND SCHOOLS OF PREVENTION.—The reformatory and preventive institutions of Maryland are :—

1. *The House of Refuge*.—This institution is situated two miles from Baltimore, in a high and healthy location. The building is constructed with a view to develop the physical as well as the moral growth of the inmates. This is the most important reformatory in Maryland for juvenile delinquents. It is provided to receive the youth of our State who become too insubordinate to be governed by their parents or guardians, and for those who are sentenced by the criminal courts and magistrates for committing public offences. They are sent to the care of this institution until they become of age, unless otherwise provided for by the Board of Managers, in consideration of great moral improvement, which often occurs under the excellent administration of Mr. W. R. Lincoln, superintendent, and one of the appointed delegates to this Congress.

The governing power is vested in a President and Board of Managers, of whom four are appointed by the State, ten by the Mayor of Baltimore, and ten elected on the part of the subscribers. By a provision of the charter, the Board are required to make an annual report to the Legislature. It is not strictly a State institution, yet it is encouragingly sustained by an appreciative State and city recognition. Last year the Legislature made an appropriation to the institution of fifteen thousand dollars (\$15,000), and the city council thirty thousand dollars (\$30,000).

Music is a particular element of education of the boys. They have organized a brass band, which is the source of much pleasure on public days and festive occasions. They are frequently

invited to the city, to play at fairs, and other entertainments held for benevolent purposes. The other branches taught are those of a primary common school. The larger boys receive instruction equal in grade to that of the grammar-schools, including the elements of natural philosophy, physiology, algebra, &c. Since it was opened in 1855, 2,159 minors have passed under its control, of whom 1,942 were boys, and 217 were girls. At the present date there remain under care 331, of whom 315 are boys and 16 girls. The very small proportionate number of girls deserves passing notice.

Industry is taught in some practical form. Labour is found to be a most desirable adjunct in the effort of reform. The workshop, next to the Sunday-school and secular instruction, is the best corrective of evil habits. Here the boys are employed in the harness shop, shoe shop, tailor's shop, broom and basket shop, in caning chair-seats, &c., and in farming and gardening, besides assisting in the work of the household. The products of the farm and garden last year amounted to \$2,248.28. The institution is in part self-supporting, yielding a profit from mechanical labour of the inmates.

2. *St. Mary's Industrial School for the City of Baltimore.*—Its objects are to receive and train to virtue, industry and learning, orphans and other destitute boys who may be committed to its charge. One hundred acres of land, about three miles from Baltimore, were generously bequeathed by the late Emily McTavish. Since then an imposing building has been reared at a cost of \$60,000, which was completed on August 1, 1868. The boys committed to the care of this institution are not placed here for crime, but on account of mere destitution, and for the prevention of crime.

This is a Roman Catholic Institution. The inmates are instructed in their religion, and the refining influences and safeguards of the Church are thrown around them. We are assured by the worthy brothers and the Rev. Father in charge of this school, that all the boys, with hardly an exception, have the greatest pride in the institution, and look upon it as peculiarly their own.

Since the foundation of the school, 269 boys have been received; 51 have been apprenticed to neighbouring farmers, and 140 now remain at the institution, and are divided among

the different trades, such as printers, shoe-makers, tailors, carpenters, farmers, bakers, blacksmiths. The question is asked, What advantages are these trades to the institution? In the first place, the boys print and publish an interesting paper, called "The Catholic Child's Sunday-school Companion;" they attend to the cooking, washing, tailoring, mending, farming, gardening, and making and mending their own shoes. Besides these advantages, the boys are acquiring social and industrious habits, and some knowledge of tools, which will become in after life beneficial to themselves and useful to society.

3. *Baltimore Manual Labour School for Indigent Boys.*—The Baltimore Manual Labour School for Indigent Boys was incorporated in the year 1842, having now attained to its thirtieth year of active usefulness. From its origin to the present time it has averaged 45 boys. The present number is 63. Neither a penal nor reformatory institution, the Board of directors receives only such boys as are not known to be vicious, and only orphans, or half-orphans whose surviving parent or guardian is unable to educate or maintain them. When they have acquired a tolerably good English education, they are either apprenticed to some mechanical trade, or to a farm, within the bounds of the State. The institution is not sectarian, but the boys with their teacher attend the nearest church (Methodist Episcopal) at Catonsville, and also the Sunday-school at the same place.

The farm contains 140 acres, and a large portion of its produce is sold in the markets of Baltimore. The larger boys assist in its cultivation, and are taught here to work the farm under the instruction of the farmer and superintendent.

4. *The Boys' Home.*—This Home stands on one of the main thoroughfares of the city. New additions are being built, which will soon be completed, with capacity to accommodate 125 boys. The total cost of the building, with improvements, and the ground in fee simple, is estimated at forty-two thousand dollars (\$42,000). To aid in defraying the expenses of these enlarged improvements the treasurer has received ten thousand dollars (\$10,000) from Alexander Lorman, Esq.; eight thousand two hundred dollars (\$8,200) from a fair held by ladies who are co-workers with the Board; two thousand dollars

(\$2,000) from the city; and five hundred dollars (\$500) from the State Legislature. This institution was commenced in 1865, in an obscure room, by a few gentlemen of the Young Men's Christian Association. It became the common rendezvous of a motley crowd of unwashed, half-civilised boys. The room was kept warm and bright in winter, and furnished with pictures, papers, small games, and cheap fare for their entertainment. Thus they were won, and taught to value honest industry. They were instructed and encouraged to improve by kind words. Subsequently, in the year 1867, the Board of directors, consisting of twenty-one members, was constituted a corporation under the title of "*The Boys' Home Society of Baltimore.*" The Board meetings are held monthly, while the daily routine of the institution is conducted by a superintendent, matron, and assistants, under the oversight and direction of an executive committee of five of the directors, who are clothed with all needful powers for the current management of the affairs of the establishment.

The Home is not a reformatory, such as the House of Refuge, nor is it a house of correction, where coercion or force can be employed to compel obedience. It is a large household with its dual head, wherein obedience is recognised as a duty, and love the incentive to its exercise. Like any well-regulated family circle, it has its daily separations and reunions. After breakfast each member goes out to his appointed labour. The directors find the system of encouraging volunteer labour to work admirably. The boys are assisted to find work, and get fair wages. Most of them are learning mechanical trades. Those who have employment are charged the small board of \$1.75 per week. The balance of their earnings is put into a savings-box until the end of the year, and then returned to them. This arrangement generates feelings of independence and self-respect. Under the genial influences of the Home, they are taught habits of economy, cleanliness, virtue, industry, obedience, and self-reliance. It prevents vagrancy, pauperism, crime, and juvenile delinquency. This is a great saving to taxpayers, and sound political economy.

5. *The Maryland Industrial School for Girls.*—This institution opened June 8, 1868, and is designed to rescue from sin young girls between twelve and eighteen years of age, those

who have lost their virtue, or who are in imminent danger of losing it, from vagrancy and exposure to evil influences. A farm of fifty-four acres in a healthful and beautiful location, on the Baltimore and Ohio Railroad, eleven miles from Baltimore, was purchased, and buildings erected suited to accommodate the superintendent and his family, the matron, teacher, and the school. The total cost of land and buildings was about \$18,000. The farm has proved a source of recreation, exercise, and healthful enjoyment. It is well stocked with fruit, and has begun to be remunerative, furnishing abundant supplies of vegetables and milk for the use of the school, and a large surplus for market. The net gain in 1871 was \$1,272.

Since the opening, 72 girls have been received, of whom 62 were under 20 years of age, and 10 over 20. The discipline of the school is that of a Christian family. Its law is kindness. There are no walls or bolts. No corporeal punishment is permitted. Deprivation of privileges and meals, with detention of the refractory in her room until penitent, is sufficient. The ordinary branches of a common school education are taught, with singing and bible lessons. Instruction is also given in all branches of household labour, and in canning fruits and vegetables. The improvement of the girls in all respects has been very marked and gratifying while in the institution. 34 have been restored to their friends, 23 have been provided with situations, 2 have died; the rest are either now in the school, or have been discharged for disease or other causes. Religious instruction has been regularly given.

For four years (up to 1872) the school has been supported almost entirely by *private benevolence*. This year the State Legislature has appropriated \$3,000 to it, and the Governor has appointed ten directors on the part of the State. Baltimore City is represented by five, and the subscribers by fifteen. A committee of ladies also assists in its management.

6. *Children's Aid Society.*—The Children's Aid Society is a recognised temporary asylum for all truant and stray children picked up in the streets by the police, and for children whose parents have been committed to the gaol or almshouse for disorderly conduct or for vagrancy. In many cases they receive food and shelter until they are found by their parents, or reclaimed by others after they are released from confine-

ment. Since the institution was opened in 1860 one thousand and ninety-two (1,092) children have received its protection. At present, three hundred and thirty are in good homes provided for them, either in Maryland, or in the neighbouring States of Pennsylvania or Virginia. Their foster-parents, or those who take them in charge, are required by the Board of Managers to make monthly reports concerning their welfare. If they are not happy together, the children are recalled and placed under other care.

7. *Home of the Friendless*.—This Asylum and Reformatory was organized under a Board of lady managers. It receives small boys and girls, the neglected, deserted, unhealthy, maimed, crippled, and also the incurably afflicted. The total number of inmates received since it was organized has been 1,042. Of these there remain at present date 130, many of whom are under eight years of age. This institution is supported by voluntary contributions and legacies, with an occasional appropriation from the City of Baltimore, and the State Legislature. Total amount of receipts in 1871, for household expenses and building improvements, twenty-four thousand nine hundred and seventy-three dollars (\$24,973).

8. *House of Reformation and Instruction for Coloured Children*.—This institution was incorporated by the General Assembly of Maryland, at the January Session, 1870. Maryland has a large coloured population, especially since the emancipation of slaves. This population, which has heretofore been deprived of the benefits of education, is now thrown upon us in a deplorable state of ignorance. Ignorance, idle habits, and crime generally go hand-in-hand together, and become an element of danger to the community. The Board of Visitors of the Baltimore City Gaol report the following commitments of coloured persons during the year just drawing to a close. For the violation of the peace and for drunkenness, 1,890; for larceny, 375; for vagrancy, 70; in all, 2,335, many of whom were children between the age of eight and ten years.

A farm, containing 700 acres, in Prince George's County, has been purchased for this institution. Appropriations have been made by the State Legislature of ten thousand dollars (\$10,000) for two succeeding years, making in all twenty thousand dollars (\$20,000).

The situation of the reformatory institutions in Maryland is a subject worthy of note. They are located in the most healthy sections of the city or county, on broad streets, wide avenues, or eligible farms, the sanitary advantages having been always considered in selecting a site. The buildings are erected on high grounds, affording spacious yards or areas for exercise during the hours of recreation. They are constructed with large windows, wide passages, and broad stairways, with a view to obtain the unobstructed rays of light from the rising to the setting of the sun, and a free and full circulation of pure air. It is a fact which marks the history of these various institutions, that the inmates are exempt in an extraordinary manner from epidemics or sporadic diseases. Their list of mortality records fewer deaths than occur in common households by a comparative number of the children and youth.

Experience teaches that the essential elements of health will promote the moral as well as the physical growth of human nature. The genial influences of air and sunshine will penetrate the heart and generate kind feelings, stimulate bright thoughts, and excite the hands to useful works.

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#### OHIO PENITENTIARY.

COLONEL BURR, warden of the Ohio penitentiary, furnished, through the Hon. Judge Leavitt, the following statistics:—Of the 1,000 men last received 238 remained at home till they were of age, 132 ran away from home, 68 were left without homes when young, 24 were born in slavery, 538 left home under age without consent. Of the same number 107 attended Sunday school regularly, 224 never attended, 669 attended occasionally. 244 out of the 1,000 were classed as temperate, 756 as intemperate. 189 were born of Catholic parents, 120 of wholly irreligious parents, 691 of parents who attended various Protestant churches. 479 had received a common school education, 154 could read and write, 165 could read but not write, 107 could neither read nor write, 33 had received an academic education, and 22 a classical. The number of the members of

the prison church who have gone out is 118; of this number 38 have not been heard of, 13 are not doing well, 67 have been heard from and are doing well, 9 are known to have joined church.

## MEMORANDUM ON THE WORKING OF THE CELLULAR SYSTEM IN BELGIUM.

PRESENTED ON BEHALF OF THE BELGIAN COMMITTEE, BY M. BERDEN, DIRECTOR-GENERAL, AND M. STEVENS, INSPECTOR OF PRISONS OF BELGIUM, AND REPRESENTATIVES OF THAT COUNTRY IN THE CONGRESS.<sup>1</sup>

THE first attempt to apply the cellular system in Belgium was made in 1835, at the gaol of Ghent, by erecting a special department of thirty-two cells, completely separating the prisoners from each other. This building was enlarged in 1865, and the number of cells increased to 158.

In 1870 the number of cells in Belgian prisons amounted to 3,468, distributed through nineteen prisons. Besides these prisons which are occupied now there are others in course of building.

The question of prison reform has been a long time agitated almost in every country, and has acquired a greater importance since imprisonment has become, if not the only mode of punishment, at least the one which is the most frequently applied. But which is the best mode of application? Here we meet a great variety of views; and it would be a long and tiresome labour to state, appreciate, and decide on the merits of different systems which have been proposed and applied in Europe and America. For brevity let it suffice to bring together these systems in certain groups and exhibit their more prominent features.

This leads us to note—

1st. The system of having prisoners assembled together, both by day and night. This system has been condemned by all as causing corruption, which imprisonment should endeavour to diminish and prevent. It exists no longer, except where the difficulty of replacing it is experienced. In fact, it

<sup>1</sup> Such portion of this memorandum as repeats the information furnished in Part I. under the head 'Belgium,' or is contained in pp. 483-7 in Part II., is omitted.

continues to prevail nearly everywhere, existing in conjunction even with reformed establishments.

2nd. The system of assembly together during the day and of separation by night. This system, compared with the one above-named, is generally considered an advance, and is presented in many forms. Introduced in the last century into Belgium, in the central prisons of Ghent and Vilvorde, it was adopted at the beginning of this century in different parts of the United States, where it is called the Auburn system, deriving its name from one of the best organised prisons in the State of New York, whence it was re-imported to Europe, where it was considered a kind of novelty. Besides the United States, Switzerland, England, and Belgium present the most remarkable types of this system.

3rd. The system of complete separation, both by day and night. The first trace of this mode is found at Rome, in the prison of St. Michael, whose august founder, Pope Clement XI. (1703), was penetrated by the same thought which still to-day guides the organisation of the cellular prisons in Belgium and elsewhere. Introduced afterwards into America, in the renowned penitentiary of Philadelphia, it was at first applied with excessive strictness, which has been moderated during recent years. It was recognised with approval in the writings and reports of Messieurs G. de Beaumont and A. de Tocqueville, of Messrs. de Metz and Blouet, of W. Crawford, Esq., Chief Inspector of the prisons of Great Britain, who were commissioned to go and study it on the spot. Their report decided the erection of the prison at Pentonville, in London, which has partly served as a pattern and type for other cellular prisons successively erected in England, France, Belgium, the Netherlands, Germany, Sweden, Norway, Denmark, Tuscany, etc.

To which of these two last systems should we give the preference? We do not speak of the first, which has been, at least in its principle, definitely given up.

The advantages of the system of separation may be divided into two principal categories—negative and positive.<sup>1</sup>

The question of the relative advantages of the two systems may be put in this form:—Suppose a prisoner in whom you take an interest had at the moment of his entry into prison

<sup>1</sup> See page 484.

the liberty of selecting either of the two systems, and that he could consult you as to the selection which he has to make, what advice would you give him? Certainly you would tell him, 'In the collective system you will have the society of your companions in misfortune; but this association exposes you to great dangers. If you have retained any good feelings, any dignity, you ought to fear the bad examples which you will have under your eyes, the pernicious influence of continued relations with persons oftentimes the most depraved and degraded. If you try to keep aloof from them, if you do not accept the odious associates who will be forced upon you, you will be much subjected to their jeers and to the bad acts of those who consider you as a traitor and a spy. Known by them during your imprisonment, this acquaintance will follow and pursue you on your leaving, and close to you, whatever you may do, the way to an honest life. There are too numerous instances of this. In the system of separation you will have, perhaps, more to suffer, especially in the beginning; but you have at least not to endure a fatal and dishonourable contact. You will be deprived of the society of other prisoners, but you will receive by way of compensation the sufficiently frequent visits of the numerous officials who have the superintendence and the management of the work, instruction, and religious service. You will suffer your punishment entirely in your cell, but you will have work, books, and all facilities to instruct and divert yourself. In order to break the monotony of the imprisonment you can frequently correspond with your family, and receive the more numerous visits from your friends outside the prison. You will go out several times a day for a walk, to school, and to chapel. If your conduct is good and your repentance sincere, your imprisonment will be alleviated, certain favours will be accorded to you, especially the use of tobacco; the exercise of the right of pardon will hasten the date of your liberation; and when you are restored to society you will not have to dread the vengeance and denunciation of your former fellow-prisoners, to whom you will be unknown.' His choice between the two systems will not be doubtful; and we find it confirmed by the applications made spontaneously by a great number of sentenced prisoners for a change from the common prisons to the cellular prisons. And if there are some excep-

tions, you may be sure beforehand that the other system is solicited by individuals of confirmed immorality, and who are fallen to such a state of degradation as alone should be sufficient to preserve the other prisoners from their dangerous contact.

The system of separation is absolutely the substitution of good for bad company. If the criminal is a sociable being, it is not at all necessary to gratify the desire of his nature, by placing him in constant association with other criminals.

Let us suppose in one prison only one prisoner; what treatment would he have to undergo? And would it be requisite to wait till other malefactors should be incarcerated with him, in order to submit him to a regular system which would satisfy his wants? Put this question: What is its solution? The cellular system answers in all points to the prison with the single prisoner, of whom we have just spoken. There are no more reasons in the one case than in the other for substituting promiscuous companionship in place of separate living.

The cellular system is based, in all the prisons, on individual separation of the prisoners; communication with the officials; visits and correspondence with persons outside; recourse to competent authorities; individual walks in fresh air; obligatory and remunerated work for the sentenced prisoners, who are compelled to perform it by the Criminal Code; scholastic, moral, religious, and professional instruction; attendance at the religious exercises and sermons.

Individual imprisonment, as it is applied, should not be confounded with solitary confinement. It excludes indeed solitude and silence, at the same time that it allows work, walks, scholastic, moral, and religious instruction, as well as the exercise of worship. It appears even that individual imprisonment, such as we comprehend it and as we have personally applied it during more than twenty years, differs rather sensibly from the system adopted in other countries. We do not want better proofs than the testimony of Major-General Jebb, Chief Inspector of the English Prisons, the founder of the cellular penitentiary of Pentonville. He visited Louvain in 1862, and entered in the book of the visitors the following lines:—

I have seen many prisons, but I never had the good fortune to see one equal to this. I have experienced the greatest satisfaction in



finding the discipline of cellular imprisonment so truly and so completely put in practice.

But more recently in 1871, the same establishment was visited by Dr. Wines, Secretary to the National Association for Penitentiary Reform in America. These are the words of this honourable philanthropist in his report of his visit to the meeting held at New York on January 26, 1872.

The edifice is plain, substantial, and stern in its beauty, without having anything of the palatial aspect which is so common in our great prisons, and which always appeared to me to be out of place in buildings intended for the treatment of criminals. But the interior organization excels the outward beauty. I never imagined anything in the shape of a penitentiary establishment so admirable in its organization and so perfect in its administration. Nothing seems to have been forgotten in its construction, nothing unforeseen in its regulations, nothing omitted in the details of its arrangements. The system of imprisonment is that known as cellular, of which, *per se*, I am not an adherent. But the system is applied here in a manner entirely different from what I have seen anywhere else. Each prisoner receives not less, on the average, than five or six visits a day from the chaplain, instructor, director, trade-master, or other official, by whose presence and conversation the burden of solitude is relieved and made supportable, and who by their advice give to the prisoners motives and encouragements to a better life. All seemed to me to have in view the reform of the prisoner; towards this aim all efforts appear to be directed, and the results are as extraordinary as they are encouraging. This house has been in operation for about twelve years. Re-incarcerations amounted in the old prisons to about sixty per cent., now they are only six per cent. This proves not only that the criminals can be reformed, but that their reform depends less on the organization and system than on the spirit of the administration and the men who conduct it. "Where there is a will there is a way," is a maxim which seems as true when it is a question of changing bad men into good as in any other human undertaking.

Is this sufficiently clear? If this system encounters antagonists, it may be permitted to us to ask them not to judge it, much less condemn it, for facts observed elsewhere. We believe it will be useful to give a few indications of the application of the cellular system in order to answer the objections which may be opposed to it. These objections are directed principally to the difficulties of the organization of labour, the sanitary state, the mortality, the cases of insanity and suicide,

the increase of cost, and the absence of favourable results in regard to returned convicts.

1. The regulations settle the kind of work on which the sentenced prisoners are to be employed, as well as the indispensable conditions that this should fulfil.

2. The sanitary state is generally more favourable in cellular prisons than in the ordinary prisons. The following figures will clearly establish this point. During the year 1869 the cellular prisons have not given more than 12,938 days of sickness for 913,811 days of imprisonment—that is, 1·41 per cent., whereas the ordinary prisons counted 38,570 for 1,148,701 days of imprisonment, or 3·35 per cent. During the decennial period of 1861 to 1870, the average number in the penitentiary at Louvain was 513 prisoners, and the average number of days in the infirmary was 4·41—that is, ·86 per cent.

3. As the number of days of illness is greater, so also the proportion of deaths is generally higher under the collective than under the separate system. Thus during the year 1869, eighteen deaths were counted in the cellular prisons on an average of 2,503 prisoners, or 0·72 per cent.; 78 deaths occurred in the common prisons on an average of 3,147 prisoners, or 2·47 per cent. The proportion of deaths in the penitentiary at Louvain is 1·29 per cent. for the decennial period of 1861 to 1870.

4. Besides, it is proved by the report presented to the Minister of Justice by the Administrator of Public Security and Prisons, December 31, 1869, that the cases of mental derangement are more frequent in the common penitentiary at Ghent than in the cellular penitentiary at Louvain. Subsequent inquiries also confirm this experience. Only one case of mental affliction happened in the penitentiary at Louvain during the four years from 1867 to 1870. The year 1869 shows for the cellular prisons 14 cases of insanity for 22,169 prisoners, or 0·63 per cent. There were 12 cases in the ordinary prisons on 19,646 prisoners, or 0·61 per cent.

The collected observations enable us to affirm that (a) The separate system of imprisonment can be applied to long imprisonments without injuring the health of the prisoners, and without affecting their reason. (b) The prolongation of the punishment beyond a certain limit does not sensibly influence

the mortality. Sickness arising from continuance in prison manifests itself with remarkable intensity only at the beginning; first, habit lessens the danger, and finally overcomes it. (c) The sentenced prisoners present natures for the most part vulgar, feeble, and deficient in energy. (d) Individuals possessing intellectual power endure more easily the cellular system than weak-minded men, who have no intellectual resources in themselves.

5. It is admitted that suicide is a permanent danger in prisons of all kinds. No suicide happened in 1869 in the penitentiary at Louvain; one single case in 1870. In the penitentiary at Ghent two cases of suicide were reported in 1869, and one case in 1870. All the prisons taken together give the following results for the year 1869:—Cellular prisons, 22,169 prisoners, 2 suicides. Common prisons, 19,646 prisoners, 4 suicides.

6. The cost of maintenance of the prisoners in the penitentiary at Louvain amounted to 0,99·87 fr. per day for the last ten years. In 1869 the daily cost at the penitentiary at Ghent came to 0,98·32 fr. At the penitentiary at Louvain, 0,99·51.

7. The influence of the cellular system on relapse into crime has been officially stated in the report of the Administrator of Prisons which has been already cited.

This document establishes that for the normal number in the penitentiary at Louvain—referring to the criminals who had not previously suffered collective imprisonment—the average per cent. of relapses after liberation was 4·46. For those who had undergone one or more sentences in the ordinary prisons before their admission at Louvain, the average per cent. of returned convicts on their admission was 68·80, and the same average after liberation was 30·36. The effects of the cellular system on prisoners sentenced for a long term are still more striking. The return of prisoners having undergone three or more years of imprisonment in this house gives 3·28 per cent. of relapses of prisoners having suffered no penalty at Louvain, and 21·64 per cent. of relapses of prisoners who had previously undergone in other prisons one or more sentences. It shows that the prisoners who have suffered a long imprisonment in the penitentiary at Louvain have relapsed in a less proportion than those whose shorter stay had not completed their reformation.

We finish by announcing the fact that in Belgium the civil

population of prisons has fallen since 1856 from 7,000 to 4,000 prisoners. Although this may be attributed to some other causes, nevertheless the fact arises partly from the gradual introduction of the separate system into several houses of imprisonment.

We cannot possibly forbear stating as briefly as possible our wishes on behalf of the penitentiary system.

1. To affirm the conclusion of the commission of inquiry appointed by the English Parliament, that the system of individual imprisonment is for prisoners preferable to any collective system whatever.

2. To extend the cellular separate system as the best substitution for the punishment of death, in case this punishment is abolished.

3. To subject to certain determinate rules the application for pardon in favour of prisoners in the penitentiaries.

4. To favour the setting up in business of liberated prisoners who have given during their imprisonment proofs of a sincere return to good conduct.

5. To admit preparatory or conditional liberation in favour of convicts sentenced to hard labour for life, and who have undergone incarceration in cells during the time fixed by the law, and who, by their exemplary conduct and their repentance, have given sufficient proofs of amendment, yet keeping them liable to re-imprisonment in case of bad conduct.

6. To appropriate one or several special prisons—

a. To convicts sentenced to hard labour for life who, having suffered cellular imprisonment during the time fixed by the law, have not been admitted to the benefit of the preparatory or conditional liberation, and to those who should be re-imprisoned in case of bad conduct.

b. To sentenced prisoners who are estranged or weak-minded.

c. To sentenced prisoners who suffer from chronic disease, grave, or incurable infirmities.

d. To sentenced prisoners who, after a sufficiently long trial, are considered incapable of benefiting by cellular imprisonment, and who are exposed to dangers which could not be prevented without a complete change of the system.

7. To organise the patronage of liberated prisoners, and to

give that organization a basis which would recommend it to public confidence.

8. To entrust the direction of prisoners, and particularly the direction of penitentiaries, only to officers who have made a special study of the penitentiary theory, and who, either through their prior functions, or by a sufficiently long term of probation in a well-organized and well-managed penitentiary, have obtained a thorough knowledge of all the specialties of the service in a moral, disciplinary, economical, and industrial point of view.

9. To avoid putting the warders in communication with the prisons before they have acquired a complete and methodical knowledge of the regulations whose application is entrusted to them. The establishment of a normal school for warders, annexed to a penitentiary, would render immense service to the work of prisons. The warders should not be admitted before the age of twenty-five years, nor retained after the age of fifty-five years.

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## MEMORANDUM ON THE STATE OF PRISONS IN THE NETHERLANDS.

By M. PLOOS VAN AMSTEL, ONE OF THE REPRESENTATIVES OF THAT COUNTRY, ON  
BEHALF OF THE DUTCH COMMITTEE.<sup>1</sup>

OUR penal laws only recognise, in addition to military and police imprisonments, two punishments inflicting loss of liberty—the criminal punishment of reclusion, and the correctional punishment of imprisonment. The French prison regulations, imposed on Holland at the commencement of this century, were replaced by others as opportunity offered, and when we gained our independence, we were compelled to ameliorate the condition of our prisoners. In 1823, in the reign of William I., the first King of the Netherlands, a society was founded by MM. Suringar, Warnsinck, and Nierstrasz for the moral reformation of prisoners. It is impossible to speak of this institution without paying a tribute of respect to M.

Suringar, who, inspired by the examples of John Howard, Elizabeth Fry, and other philanthropists, entirely devoted himself to the study of prison reform, and successively visited the different prisons of Europe. He considers all efforts to reform prisoners will be unavailing as long as they are imprisoned on the collective system, and it was principally due to his ability and perseverance that the first cellular prison was erected at Amsterdam in 1850. This event gave rise to debates among the lawyers. In the end, the opinion of those prevailed who asserted that the law alone could fix the system of imprisonment. Consequently, the law of June 23, 1850, gave the judge the power of sentencing criminals to six months' cellular imprisonment in those cases where he would have sentenced them to at least a year's collective imprisonment. In 1854, cellular imprisonment was increased to a year, and in 1871, conformably to a proposal of M. Jolles, Minister of Justice, to two years. It is thus that the cellular system has advanced in public estimation. Yet it has opponents in the Netherlands. M. Van der Brughen, late Minister of Justice, vigorously opposed it in a pamphlet remarkable for its clear statement of the merits of the Irish system of imprisonment, which still finds warm defenders among distinguished lawyers.

As prisoners cannot be reformed except by developing their moral and religious sentiments, chaplains of the different creeds are paid by the State and attached to the central prisons and to the houses of arrest and justice. Members of the Netherlands society for the reformation of prisoners are admitted into the prisons. The women are visited by a committee of ladies. In the cellular prisons these visits are gladly received, and without doubt have a beneficial moral influence on the prisoners.

The directors of the prisons are appointed by the King; the officers, male and female wardens, are appointed by the Minister of Justice, for an indefinite time. No regard is paid to their political opinions. The directors are responsible to the Minister of Justice, have to obey his orders, and also the orders they receive from the Commission of Administration. In Holland there is no school for the instruction of prison officers, nor do I think one necessary, for the knowledge essential to such officers can only be gained by practice and association with prisoners.

<sup>1</sup> Portions only of this paper are given, as much of the information will be found under the head 'Netherlands,' in Part I.

Holland possesses many reformatory schools. In the colony of Mettray, founded by M. Suringar, boys are trained in and are taught agriculture, horticulture, and various trades. M. Helldring, a not less distinguished philanthropist, also founded a school at Hoenderls for poor boys, and at Zettenpour for girls. The Catholics have similar schools near Leide and in the province of Limbourg. In the great cities, as Amsterdam, the Hague, and Rotterdam, are schools for apprenticeship to trades, besides schools for poor and neglected children. I have no information concerning the average number in these schools.

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## MEMORANDUM ON PENAL LEGISLATION IN SWEDEN.

By G. FR. ALMQUIST, DIRECTOR-GENERAL OF THE PRISONS OF SWEDEN, AND REPRESENTATIVE OF THAT COUNTRY IN THE CONGRESS.<sup>1</sup>

THE penal code of Sweden has undergone a gradual diminution in severity, and has been brought more into harmony with the spirit of Christianity and present civilisation. Deterrent punishments formerly chiefly characterised it, as death, bastinado, hard labour, disgrace and loss of civil rights, fines, and exile. Twenty-five years ago all the prisons in Sweden were on the associated system. They were: 1. Houses of arrest. 2. Prisons for men sentenced to hard labour. 3. Prisons for women sentenced to hard labour. 4. Houses of correction for vagrants and liberated prisoners without means of support. Their chief aim appeared to be to keep the prisoners securely at the least possible expense, but no effort was made for their moral reformation. In 1832 committees presented an outline of a new penal code, based on the principle that punishment should be deterrent, and yet of such a nature as to ensure the amendment of the criminal. No sensible change was made till 1840.

At this time Prince Oscar, afterwards King, published his

<sup>1</sup> Portions only of this paper are given, as much of the information will be found under the head 'Sweden,' in Part I.

work, 'Punishments and Penitentiary Establishments.' With force springing from conviction, and enthusiasm inspired by humanity, he set forth the duties of society to itself and to those who transgress the law. He declared that mitigation of the penal laws without an improvement in the prisons would only be a half-measure. He recommended that the reform should be complete, and embrace not only what would prevent crimes and suppress their causes, as true religion, general instruction, economic measures to promote public prosperity, but also the punishment of crime and the reformation of the prisoners. To secure the latter objects criminal legislation and a penitentiary system were necessary. His work was accompanied by a complete plan and an estimate of such a system of prisons for Sweden. In general he recommended the Philadelphia and Auburn systems for those sentenced to hard labour for more than six years. In consequence of his efforts several changes were made, with the object of making the punishments less humiliating to the dignity of man. In 1840 Parliament, at the proposal of the King, granted considerable sums for the construction of cellular prisons in the provinces and the reconstruction of prisons in the towns and districts.

In 1844 King Oscar ascended the throne. The erection of prisons proceeded without interruption. In 1845 persons accused were ordered to be tried in the prison nearest their homes. This prevented long journeys in contact with other criminals. In 1842 compulsory instruction was decreed. Every parish had to provide the necessary school accommodation. Parliament granted funds in aid of the masters' salaries, of teachers' training-schools, and of technical schools for instructing and developing the skill of workmen.

In 1847 poor-laws were passed, which compel each parish to support its own poor. A modification of them in 1871 provides for the maintenance of infants, aged people, and lunatics, and orders that able-bodied men should be compelled to work for themselves and their families.

A new penal law, presented by the King to Parliament in 1863, was approved, promulgated March 21, 1864, and put in operation at the commencement of 1865. This law allows latitude in passing sentences, and concisely states the various

circumstances which demand a mitigation of the ordinary sentence.

It was followed by a royal decree, dated the same day, which fixes the circumstances under which persons may be arrested.

The general sentences which can be pronounced in accordance with this law are : 1. Death. 2. Hard labour. 3. Imprisonment. 4. Fines. The sentence of death is passed only upon any one who has been sentenced to penal labour for life and afterwards commits manslaughter or murder. Moreover, sentence of death is decreed optionally only in cases of treasons and crimes against the security of the State, of aiding in violence towards the King, of murder, wilful incendiarism which has caused any one's death, or poisoning.

Hard labour is not the same as the *bagne* in France ; it is simply penal labour. Criminals are sentenced to this punishment for life or for a term not less than two months, nor more than ten years. Yet, by the addition of punishment incurred for certain offences, it can be increased to twelve years or more.

When the sentence of penal labour does not exceed two years it is undergone in a cell. That part of the imprisonment which exceeds three months will be diminished by one-fourth. (Decree December 21, 1857.)

The imprisonment in a cell is absolute, not only by day and night, but even during divine service, instruction, and walking exercise the prisoner is separated from his companions.

Prisoners sentenced to penal labour for life, as well as those sentenced to death whose sentence has been commuted to penal servitude for life, are kept in special district prisons.

Imprisonment (reclusion) is a sentence passed either at once on offenders or is applied instead of fines which have been imposed. This sentence must be at least a month, but cannot exceed two years. It is undergone in a cellular prison.

The sentence of death is commuted to various minor punishments when the crime has been committed by a child, a youth, or one not in full possession of his reason.

Those who have applied the above-mentioned law, and who have thus been able to watch its application, have expressed doubts as to the justice of some of its enactments. Thus it has been remarked that it is hardly consistent with an elastic

system of law ; that the minima of punishment should be determined by the law itself for almost all crimes, and for relapse, and that these minima are at least too high ; that civil degradation prescribed by the law for at least five years, in addition to the punishment to which the prisoner is sentenced for robbery and certain other offences, without regard to the greater or less degree of his guilt, by covering him with disgrace, renders his re-establishment in society more difficult, prevents him from obtaining service or earning his living ; that the difference in the nature of crimes and in the degree of guilt of the accused is too great to permit them to be justly subjected to such *general* sentences as hard labour and simple imprisonment ; that a man of honest character who, in a moment of passion, has committed a murder with violence, or a soldier guilty of insubordination, or a man when attacked who has carried self-defence further than is necessary, ought not to be subjected to hard labour, which implies that he is in the same position as the greatest malefactor.

The introduction of a system of latitude in punishment is undoubtedly a great improvement, but its advantages are not realised as promptly as we desire. The present organisation of the tribunals only allows a slow adoption of new principles. The great extent of the country and the difficulty of communication have rendered, in the first instance, many tribunals necessary. Without counting those in the large towns, Sweden has now more than eighty similar tribunals, with several magistrates, and more than 100 in the country districts, where the judge is aided by twelve peasants or proprietors. If all these assistants are unanimous—which rarely happens—they decide as to the guilt or innocence of the accused ; but in all other cases the judge alone decides.

There are in Sweden neither examining magistrates nor counsellors, nor magistrates' clerks ; consequently, in country districts, the judge alone has to examine into offences, draw up reports, and pass sentence. It ought, however, to be remarked, that the judicial body in Sweden is regarded as perfectly upright and impartial.

The inconvenience of this system is, however, recognised, and Government is taking steps to remedy its defects.

## PRISONERS AND THEIR REFORMATION.

By Z. R. BROCKWAY, GOVERNOR OF THE DETROIT HOUSE OF CORRECTION, U.S.

CIVILISED sentiment now concedes that the protection of society is the justification and main purpose of imprisonment; that protection cannot be surely had without the reformation of the criminal, or his continued control by legal authority. Hence, reformation is recognised to be the immediate object to be sought. But doubts exist that prisoners generally can be reformed, and prison officials have little hope for any individual reformations. There probably is not in existence anywhere a prison establishment or prison system that is practically and uniformly successful in this particular. Advancing civilization, with its denser population, its multiplied laws, and better attention to their enforcement, tends to bring to the surface of society its criminal element, and at the same time consigns them to a deeper social degradation. It is believed, however, that the criminal law may be so reformed in its spirit and in some particulars of its administration as to produce a soothing, instead of an irritating, effect upon those in society of vicious and criminal tendency, and so as to retain the population of the prisons at the minimum residual quantity. The present worn-out laws and unwise imposition of penalties recruit the population from such varied social conditions, that the protection of society, as well as the dictates of humanity and of Christianity, demand the most earnest attention to the reformation of prisoners and their restoration to citizenship.

All crimes are against the person, against the property, and against the peace of society doubtless; but there is a special sense that classifies crimes under one or the other of these heads. The particular class of crimes to which a prisoner is addicted depends upon the circumstances of his life and his inherited tendencies as well; but the question whether a man will commit crime at all is primarily governed by his own constitutional characteristics. Since the welfare of society is the true measure of each individual's best interest, and a man's intelligence and integrity of mind are in proportion to his

knowledge and pursuit of those interests, and since all crime is opposed to society's welfare, and consequently to the interests of the criminal also, it follows that a criminal act proves ignorance or aberration on the part of the perpetrator. This condition of character favourable to crimes may be stated to be one of deficiency of power over the emotions—a deficiency which indicates imbecility, incoherent mental development, or the result of dissipation, that disturbs the equilibrium of the mind, so that the emotional and passional gain supremacy over the rational and volitional parts of the nature; reason is off duty, or is trifling with duty, while the animal instincts and sentiments are brought into prominence. This is not surprising, since criminals are so uniformly without systematic education. The animal impulses, depending mainly upon physical causes for development, grow with the growth, and strengthen with the strength, quite independent of artificial means; while the rational and volitional usually require skilful training to bring them into activity. This is not disproved by the *finesse* so characteristic of some criminals, for *finesse* is an element of mind akin to the cunning of lower animals, and, though sometimes difficult to distinguish from the operation of the higher faculties, is believed to be essentially different from them and not dependent upon them. All who have studied criminals closely by actual contact with them will have observed the undeveloped, incongruous, or unbalanced condition of their higher mental faculties, and the consequent sway of their animal instincts. I have attempted to teach a class of twenty criminals of the lower type the difference between letters, words, and sentences in composition without success. After an hour of instruction, they were unable to state correctly the number of words in so simple a sentence as the following—namely, ‘John bought a horse’; the class—every member of it—declaring the two words ‘a horse’ to be one word. Another class of ten criminals convicted of high crimes skilfully perpetrated (all of them cunning, active fellows, who at the first lesson could give the correct answer to many problems in intellectual arithmetic), were every one unable to explain the process by which they reached the result, and that in so simple an example as an average child of twelve years in our primary schools could readily analyse. This deficiency is further manifested in

the improvidence of prisoners, and also of the classes of society from which they come. Prisoners are almost uniformly penniless on admission to prison, and it is to be regretted that they are often released in a similar pecuniary condition, and without additional economical impulse. However, they are not as a rule anxious about it, and, when provided with funds, will usually proceed to squander them before exerting themselves for a living. This habit of mind is utterly inconsistent with the ordinary ambition of reputable citizens, and so illustrates my point. It is also believed that such habitual improvidence, with its attending poverty, must constitute one of the chief causes of the condition of mind we are considering. Such criminals do not, and in the nature of the case cannot, be possessed of a just estimation of morals. That all men have some idea of right and wrong I do not deny, but the true idea of these principles involves, not only the supremacy of the benevolent over the malevolent affections, but also such cultivated minds as enable them to discriminate nicely and correctly as to morals. Such want of foresight as I have indicated as belonging to prisoners, such inability to examine proofs and arrive at knowledge through a process of reasoning, is inconsistent with habitual rectitude of conduct, or with any special regard for the future consequences of a given course. I have been constantly surprised at the blindness of prisoners to the moral quality of their conduct. The most careful explanations, either by discussion or illustration, fail to make permanent impression in the great majority of cases. I have in mind a prisoner who was committed for forgery, who possessed a good common school education, and was a fine draughtsman and mechanic. He was so cunning that he proved a most successful spy during the last war, in which capacity he was employed for three years on very intricate and important service. He was much interested in the means of improvement to which he had access in prison, and, I have no doubt, honestly resolved to reform. But in the very plan by which he hoped to regain his social position, *falsehood* formed an important place, and apparently all unconsciously to himself, thus revealing his moral obliquity.

This paralytical or undeveloped state of the moral faculties of the mind, though believed to be very largely attributable to

the lack of proper education and other early unfavourable circumstances, is probably transmitted from one generation to another through the physical or material organism.

The following is the average result of statistics gathered by different persons miscellaneously on a given day among the prisoners of a single establishment:—Forty-four per cent. inherit from their ancestry, within three generations, whatever impulse springs from intemperance, gross ignorance, licentiousness, epilepsy, pauperism—all these; twenty per cent. inherit from intemperance, ignorance, and epilepsy; fourteen per cent. intemperance and extreme irritability, amounting almost to *insanity*; twelve per cent. intemperance and pauperism; while only four per cent. spring from healthy stock and favourable early influences. It is further shown that twenty-eight per cent. of these prisoners thus examined have (or had) relations who are criminals.

If, as I have tried to show, there is a common peculiarity of mind among criminals, which consists in the activity of the grosser and selfish impulses, and the inactivity or imbecility of the reflective faculties and the will, then have we not found the basis for a reformatory system whose philosophy may be stated in the one word *cultivation*?

The question whether what is known in the United States as the Pennsylvania or separate system is a better protection for society, and more promotive of reformation for the prisoners than the Auburn or silent system, is an old question, and has been much discussed. But, having learned lately that the former system is to be recommended to a foreign State by the special commissioner who has been examining prisons and systems throughout the civilized world, I venture to state here the summary of argument in favour of the separate system, together with such replies as suggest themselves.

It is claimed, first, that ‘since the infliction of the punishment for crimes is directed to the offender, and society’s benefit is to be derived through him, therefore the more positively the means employed are individual in their character and application, the greater the probability of success.’

It is doubtless true that society’s benefit, from the treatment of convicted criminals, is to be sought through the offender by his segregation or reformation, but it is denied that the probability



of success is governed by the degree of positive individuality in the character and application of the means employed. Society cannot secure protection *perfectly* by the segregation of offenders save by such separation as involves their destruction. This is impossible of application generally, for civilized sentiment will not tolerate it, or, if so for a brief period, the reaction of such severity upon society at large would increase the criminal class, creating a condition of semi-barbarism at last, so indifferent to social order as to refuse authority for such rigorous treatment of offenders. Such partial separation of criminals from society as is secured by their imprisonment under any and all known systems, does not afford the protection popularly supposed.

‘That since it is an admitted principle that the operation of the punishment shall separate the offender from the community, therefore the separation should be as complete as possible.’ Such degree of separation should be had as serves to protect society from a repetition of particular offences, and, at the same time, best subserves the reformation of prisoners, through which *alone* complete relief from injury by them may be had. The third argument is, ‘That since the treatment of the individual is to reform some evil or abnormal moral condition, which involves close scrutiny of the circumstances of the crime and the character of the criminal, and also careful adaptation of means to the individual case, each prisoner should be separated from every other, and that this separation should continue until the prisoner is returned to society; that any other classification is wrong in principle.’

The affirmations of the above are accepted, and the inference rejected. The circumstances of a crime may be as well ascertained under one system as another, for they are to be gleaned from the courts and officers at the place of the crime and trial. The character cannot be ascertained by scrutiny unless the prisoner is measurably free to follow his own impulses or to control them when under the sway of such motives as pertain to civil society. For this purpose it were better to scrutinise him when associated with others like himself than when isolated in solitary confinement. Still better would it be to classify him with a selected group of varied character, allowing all the liberty of action consistent with good order and the other

necessities of prison management. The best means for reformation cannot be supplied, nor can they be successfully applied to prisoners in solitary confinement; somewhat of association is required, and also a gradually increasing social sphere as they approach the period of their return to civil freedom.

The fourth point against the Auburn system is, that under it ‘No classification is possible, by which discriminating individual treatment may be had, assuming that the separation of the better prisoners from those worse will contribute to the reformation of both, and that such indiscriminate association is cruel, because it inflicts upon the sensitive mind of the venial offender punishment equal to torture, by inspiring the mind with the idea that he is irrecoverably consigned to the criminal class.’ Classification is one of the fundamental planks in the platform of Auburn imprisonment. One of the large State prisons in America maintains separation between the nearly equal divisions of the 1,200 convicts. Then there is within the yard wall an entire prison establishment, with its yard wall, workshops, &c., for about one hundred men; and, still further, the same establishment contains fifty separate cells on the Pennsylvania or separate plan. I have never experienced any difficulty in adapting any desired discriminating treatment to individual prisoners under the Auburn system. As well might it be said that the principle of classification for our graded schools is a bar to the discriminating education of the scholars, or that every lunatic in hospital or asylum should be treated in a separate apartment, or that the individual discipline and efficiency of the soldiers of an army could not be maintained by their ordinary classification, as to affirm the impossibility of discriminating individual treatment for prisoners by classification. As to the cruelty named in the foregoing declaration, I have only to say that I have never been so fortunate as to find a prisoner who had so retained his moral purity and high-toned sensitiveness as to suffer ‘torture’ because he was associated with other criminals.

The fifth allegation in favour of the separate system, one upon which much stress is laid, is that ‘the applying of remedial agencies in congregation is useless, because on the release from imprisonment incitements to associate with his former fellow-prisoners are met with, a crime-class is formed, and

society by this system thus has injured its own peace, security, and well-being, results next to impossible under the separate system.'

The released prisoners of the separate system must meet individuals of the criminal class, whose influence for evil they would be as likely to resist, after having resisted such while in prison, as though they had come from the hot-house atmosphere of solitude with no such experience. If the mutual friendships of bad men in prison are strong enough to be continued afterwards when they are liberated, dragging them back again into crime, how much more may the better friendship of the prisoners of a reformatory grade, who really make progress of improvement, be utilized for a *help* afterwards when discharged? Every discharged prisoner who is reformed will find employment and become a citizen of some place, in which case the fact of his former character must sooner or later transpire; the probabilities of exposure will increase in proportion to his usefulness and prominence as a citizen. No sure concealment can be had. Indeed, if he is really reformed he will not wish to conceal his true character and history from his employer and friends. The attempt to conceal it involves such duplicity as best disproves his pretended or supposed moral reformation. Of course, if he is not reformed, the more generally he is known the better it is. In either event nothing is gained by separate imprisonment towards obtaining or retaining respectable employment after the release. If criminals are released from prison unreformed, a crime-class will surely be formed, impairing thus the 'peace, security, and well-being of society.' This is true under any system, and it cannot be prevented by any such weak measure as that of prohibiting the formation of acquaintances while undergoing imprisonment. There is no preventive but the thorough reformation of prisoners, or the exercise of such personal restraint over them, both before and after release from prisons, as shall protect society from their crimes and their misfortunes.

It is believed that no system of imprisonment can produce reformed convicts regularly, so long as the present or any similar system of sentences obtain. Any predetermined graduation of time sentences for crimes must appear to those affected thereby as vindictive in spirit, destroying thus that

spirit of harmony between the law and the subject so essential to obedience. The attempt to retribute to a criminal what is proportionate to his offence, either by imprisonment or by imposing fines, as is frequently done in America, produces a pernicious effect, both upon him and upon all who are his interested observers, because the penalty must seem inadequate; either insufficient, in which case the effect is to encourage crime if it exerts any influence whatever, or it will seem exaggerated, tending to exasperation and depression; or, if by any possibility the penalty imposed should seem to be just, it is then esteemed as expiatory, and therefore, when endured, as absolutory. It will be readily seen how in either case such impressions are a hindrance to reformation. The present system of sentences unavoidably supplies the mind of prisoners with an object of thought so fascinating as to prevent the necessary process of reformation. I allude to the date of termination of their sentence, and the expectation of renewing again the experiences of their former life; and when against these odds, in any case, the mind is enlisted in the personal improvement, and a genuine growth is actually begun, the termination of the predetermined period of imprisonment arbitrarily interferes, and usually destroys the process; and generally before it has reached the point which insures a practical reformation of the outward conduct.

The true remedy for these difficulties is believed to be the substitution of the indeterminate or reformatory sentence plan for time sentences, as was unanimously recommended by the Cincinnati Congress of 1870, and now by numerous distinguished philanthropists in different parts of the world, including among them Mr. Matthew Davenport Hill, of England, in whose 'Repression of Crime' and other published writings, the subject has received a very full discussion. The experience had in Michigan, of the United States, with recent legislation embodying a partial application of the same principles, is altogether confirmatory of their soundness, and demonstrates beyond contradiction the practicability of their application. The change proposed (whose details would unduly burden this paper) tends to cultivate with criminals a kindly feeling for the law and its executors; it increases for society protection from criminals through their continued restraint or reformation, and is espe-

cially efficient in aiding the latter, by securing their own active co-operation in the efforts made for their improvement.

The principle of administering pain for the purpose of amendment is doubtless divinely ordered, but the law of its effects and the limit of its usefulness are not so well defined or easily seen. Any change of character wrought by this means comes by one of two methods—either intimidation or education. If by the former, then the change must be *for the worse* ultimately, for fear is at once the sign and the source of weakness, which is a subjective condition most suitable for crimes. The pains or penalties which restrain by intimidation to-day must soon be replaced by others more severe, for familiarity with them will destroy their deterrent force. Such an increase of penalties as would be required to maintain this force, involves such frequent crimes and punishments that the effects themselves would be disproved thereby. This accords with the statement of Beccaria, who says :—‘ The countries and the times most notorious for severity of punishments were always those in which the most bloody and inhuman actions, and the most atrocious crimes were committed ; for the hand of the legislator and the assassin were directed by the same spirit of ferocity, which on the throne dictated laws of iron to slaves and savages, and in private instigated the subject to sacrifice one tyrant to make room for another. In proportion as punishments become more cruel, the minds of men, as a fluid rises to the same height with that which surrounds it, grow hardened and insensible, and the force of the passions still continuing, in the space of an hundred years the wheel terrifies no more than formerly the prison.’

If this is the law of restraint by intimidation, then this motive is only capable of momentary use, which use must be succeeded by intensified difficulties. If, then, reformed conduct cannot be expected among criminals from the motives, appealing to their fears, of legal penalties, it must be had, if at all, through such enlightenment of the mind as is required to appreciate the beneficent design and friendly protection of law, as tends to supply better impulses, and to bring into authoritative control the mind’s legitimate sovereign—he who rules by Divine right—namely, the will. This process—the conversion of criminals to defenders of the law and promoters of the social

welfare, which must result from the skilful and continued application of various means—is, indeed, a great undertaking ; and since the public welfare is so jeopardised by crimes, and every iota of culture bestowed bears upon the probable *future* happiness of the subject of it as well, the work is worthy of the courage and care of the noblest and best in the world.

One of the primary lessons to be learned by the reformer in this department is, that the elements we seek to mould are essentially material. While nothing can be positively proved in the premises, it is nevertheless firmly held that there are physical causes for much of criminal development.

The educational effort in prisons, if made efficient for reformation, must be well and thoroughly organised. No slate-and-pencil arrangement, with the teacher at the cell-door occasionally, but a veritable school, congregated, graded, and divided into classes. The best school apparatus, books and teachers, should be supplied ; and I pray for the time when the Public School Board shall have control of the education of all the prisoners within their district, who shall be trained in all respects as thoroughly and as tenderly as other pupils are. Attendance upon the school and the committing of suitable lessons should be made obligatory, and be firmly enforced ; though little trouble in this direction need be anticipated, if my own experience with prison-schools is an indication. The instruction should be very largely of the oral type, made to embrace much of practical knowledge and the philosophy of common affairs. It may, and therefore should, be made interesting. The school should be carried on for the high and holy purpose of forming aright character. Everything must bend to this. No hour of amusement must be substituted for the school, nor should its life be crushed out by too much system or severity of discipline. Prisoners may be used for teachers to a limited extent, and a normal class of prisoners fitting themselves to teach will be found of much value. The higher branches of study should be introduced, and inducements offered to young, capable men to prepare themselves for particular spheres of activity, even the learned professions. The fine arts and *belles lettres* will be found to be a prolific source of suitable matter, which, when simplified and pleasantly presented in oral addresses, is useful

for special educational ends. I have also found writing and drawing an important aid. I have observed such a school system in prison for the past four years, with the following results now. The prisoners are actively interested; a very different and much improved moral atmosphere seems present throughout the whole institution. The prisoners are better workmen—better as relates to the discipline; and the subordinate officers seem toned up into a higher plane of thought and feeling. Strangers even observe the change wrought in the appearance of the prisoners—their cheerful, intelligent countenances, the manly bearing, the better taste, and attention to dress and the personal appearance. The skin seems clearer, the motions more supple; the soul seems to be gradually asserting its supremacy over the animal and material being.

The reformation of an individual cannot properly be called complete until his religious nature is also educated. But this comes last, and is never perfectly accomplished until the soul is severed from its earthly house and enters upon the new instruction under higher influences and in the better Presence. To this end should all the course we have considered be from the beginning concentrated. The good citizen is God-like in a degree; and for him who is not naturally so, or has fallen, some knowledge of God is necessary to his recovery. To know Him, and thus become partakers of the Divine life, necessitates a certain amount or standard of intelligence, which is impossible where the material man is insufficiently developed or deteriorated to an extreme degree. Therefore the physical and intellectual department of the reformatory work, as well as the purely religious, is all-sacred, for the Divine hand guides it all. His mind inspires it; and let us not call that secular or unclean which He has sanctified and inspired.

The effectual reformation of the prisoners of a State requires:

1. A graduated series of establishments, embracing a phase of the Pennsylvania, or separate system; the Auburn, or silent system; and also the congregate system.
2. Centralised control, with guardian care of discharged prisoners.
3. The indeterminate or reformatory sentence law.
4. In the administration mechanical employment and scholastical education, with suitable religious opportunities.
5. And, finally, a better public

sentiment on the whole question, and as relates to the labouring classes.

When the public sentiment will provide a suitable force for the suppression of every known sink of vice and crime in society, and will sustain the officers in a faithful discharge of their duty, refusing to license shame or sin for money, or to sell the public virtue and personal honour in the shambles of the political hustings; when the criminal is no longer hunted as a beast and punished for his fault pound for pound, but is seen to be a child of misfortune, and often of disease; when, with the same tenderness that society treats lunatics and imbeciles, the prisoner for crime is also placed under curative treatment, confined for this only, and until it is accomplished; when the cure of moral disease is deemed a natural process, in which all are helpers, and through which and whom the Almighty mind is the life and the force, then may prisoners be reformed by means society shall provide. When the world is wise enough to know what a few statesmen and philanthropists have found out, and what more are learning every day—that the only prevention of crimes is to come through the education and better pecuniary condition of the people; when selfishness and partisan schemes are lost sight of in benevolent endeavour, or are wisely made to subserve the welfare of the people; when we learn that education and wealth give society succeeding generations of improved citizens, and that this improvement shall tell throughout eternity, then there will be no difficulty in instituting suitable measures for repressing crimes and for reforming the criminal.

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### CUMULATIVE PUNISHMENTS.

By CLARKE ASPINALL, EDWARD LAWRENCE, AND S. GREY RATHBONE, LIVERPOOL  
MAGISTRACY.

BELIEVING that some resolutions unanimously passed at a meeting of the magistrates of this borough on January 17, 1872, express opinions very generally held by those persons interested in our criminal laws, we have the honour to submit them to the International Congress, in the hope that it may be induced to support by resolution the principles of the proposals.

The resolutions referred to are as follows:—

1st. That it is desirable that the cumulative principle be applied to the punishment of all classes of crime and offences.

2ndly. That it is further desirable that the visiting justices should be empowered, with the sanction of one of Her Majesty's principal Secretaries of State, to transfer well-conducted prisoners to homes for a short period prior to the termination of their sentences.

The above resolutions were adopted upon a report presented to the justices of the borough by a committee of magistrates, presided over by Mr. Raffles, the stipendiary magistrate, and we give the following extracts from it to explain more fully the objects of the resolutions, and the arguments by which they were supported. The report contained the following table, to show how greatly the number of prisoners in the prison was swollen by old offenders, some of whom spend a large part of their lives in it, under a succession of comparatively short sentences.

*Table showing the Number of Prisoners confined in the Liverpool Borough Prison during the First Six Months of the Official Year, viz., from the 1st October, 1870, to 31st March, 1871, who had been committed Fifteen times and oftener to the said Prison.*

15 times and under 20.	20 times and under 30.	30 times and under 40.	40 times and under 50.	50 times and under 70.	70 times and upwards.
Females . 93	121	61	14	14	
Males . 38	28	12	1	4	

The offences committed by these prisoners have been very various; 134 of the females and 47 of the males had been convicted twice or oftener for offences of a dishonest nature, or for associating with notorious thieves, and the offences of a large proportion have been of a nature to show that while they had avoided convictions for any offence sufficiently aggravated to entail a sentence of penal servitude, they had for years been leading dishonest as well as disorderly lives.

The report then proceeds to state that in the opinion of the committee the table points strongly to the conclusion that the cumulative principle of punishment should, with greater or less

severity, be consistently applied to all offences—that is to say, that the punishments should gradually be increased if offences are very often repeated by the same individual.

Long sentences are not only often feared by those who have become callous to short ones, and are therefore deterrent, but they aid persons who have found a criminal or disorderly life wretched, to abandon it. The long detention away from customary temptations gives them time to eradicate bad associations, while it also generally gives time for the bands of bad companions to which they may have belonged to break up and disperse, and often thus saves them from being led back into crime by old associates.

It is, however, impossible in the present state of the law to treat crime consistently upon the cumulative principle, and many anomalies occur for which magistrates are in no way responsible. Certain offences can be dealt with upon a cumulative principle under the Prevention of Crime Act, and certain other less heinous offences can be so dealt with under the Vagrant Act of 1824, but there are many offences quite as grave as any dealt with by the Vagrant Act, which cannot be punished on the cumulative principle at all. Among them may be instanced assaults and other breaches of the peace, and wilful damage to property. These and several other kinds of equally serious offences may be sent by the petty sessions to quarter sessions if the particular offence be an aggravated one; but convictions for these offences cannot be legally recorded and repeated offences proved in court as a ground for sending an offender to quarter sessions, or punishing him severely. There are thus several kinds of offence which seem to have slipped between the cumulative penalties, which can be inflicted under either the Prevention of Crime or Vagrant Acts. Again, the longest sentence which can be inflicted under the Vagrant Act is twelve months, no matter how often the same individual may offend against it. The Committee are therefore of opinion that it would be desirable that the magistrates should seek to obtain such amendments in the law as would permit of a more consistent application of the cumulative principle than is now possible.

In the first place, they consider it desirable to obtain such an amendment as would enable the justices in petty sessions to

send an offender for trial to quarter sessions for any offence other than simple drunkenness or some very trivial offence, provided that he or she had been guilty of a certain number of offences, and spent a certain aggregate time in prison for them, both these limitations to be strictly defined by the law. The quarter sessions to have power to sentence such offenders to a borough or county prison for any period not exceeding four years. It will at once be seen that the limitations above named might be so defined that the extended powers of punishment suggested should not come into force, except in reference to the cases of offenders who had been guilty of not only many previous offences, but of *several of an aggravated kind*. For instance, the conditions might be laid down that no offenders should be liable to punishment under the extended cumulative powers now proposed who had not been already fifteen times, and for an aggregate period of not less than three years in prison. Such a change in the law would only extend the application of principles recognised so long ago as 1824 in the Vagrant Act, and probably this Act might most conveniently be amended and its title enlarged, so as to secure all that is desired.

Although the Committee have in the preceding suggestions proposed that simple drunkenness, riotousness, and trivial offences, such as betoken rather negligence than deliberate lawlessness (many of which are punishable by small fines, with the alternative of imprisonment if not paid), should, under no circumstances, be included in the category of offences for which a prisoner should be sent to quarter sessions, the Committee think that within reasonable limits the justices should have power to go on increasing the penalties for even these offences, if often repeated by the same individual, and to give in such cases imprisonment, with or without hard labour, without the alternative of paying a fine.

The Committee have further to suggest, that if these amendments be made law, it is desirable that the visiting justices of each prison, with consent of the Home Secretary of State, should have power to transfer any prisoners who had undergone twelve months' detention, and two-thirds the time of their full sentence in a borough or county prison, to any home willing to receive the prisoners, and which might be under the manage-

ment of a certified Discharged Prisoners' Aid Society, and subject to Government inspection. The advantage of such an arrangement would be, that well-conducted prisoners could be selected and placed in such homes for a time prior to their discharge in a state intermediate between the stringent restraints of the prison and perfect liberty. In such a state they would have better opportunities than can be afforded in a prison of exercising and acquiring habits of self-control, and of earning such a character as would facilitate their obtaining an honest living when discharged. Several homes for adult discharged prisoners have been established, and, if successful, more would no doubt be opened by voluntary effort, and the expenses of adult prisoners would not be large if the homes were well managed and placed in situations favourable for the profitable carrying on of the industries in which their inmates were occupied. The prisoners, knowing that if they did not work hard, the managers of the homes would return them to the deprivations of a prison, would *have a potent stimulus to real industry*, for it would of course be one of the conditions of the transfer of a prisoner to a home, that if he or she became idle, disorderly, or discontented, the prisoner should be returned to prison for the remainder of the sentence. The Committee would not suggest that the homes should be largely, if at all, subsidized from public funds. Their utility will depend much on the labour in them being of the genuine kind which would render them to a great extent self-supporting, and all or most of the deficiency should be raised by the managers, as a guarantee that they are really interested in the work. It would be far better that the growth of such homes should be slow and gradual as the fruit of satisfactory experience, than that they should be prematurely forced into existence in large numbers by such liberal public grants as have been given to reformatories and industrial schools.

If the proposed amendments in the law were made, the Committee believe that the following results might be hoped for :—

1st. That the short sentences passed on young offenders would become *much more deterrent, because they would be known to lead up to the really long sentences, which are unquestionably much feared by nearly all the criminal classes.*

2nd. That under the influence of long detentions when they became necessary (particularly if part of the time were passed in well-regulated homes) a certain proportion of the offenders would be reformed.

3rd. That the residuum of reckless incorrigibles would be detained in prison under a succession of long sentences, instead of under a succession of short sentences; this class would, therefore, under the amended law have fewer opportunities of committing crimes and training up others in bad ways, while the expense of their detention would not be materially if at all increased, *as the labour of long-time prisoners can be made profitable to an extent quite impossible in the cases of short-time prisoners.*

4th. That the power of the police to enforce order and decency in the streets of our large towns could be supported by the justices far more efficiently than is possible under the present law, and to this point your Committee attach great importance. It is difficult to speak too strongly of the evils which arise from prostitutes, many of them diseased, and many of them plying their arts merely as a cover for thefts, being allowed to prowl about the streets, and force temptations to immorality on all passers-by. The effect, also, cannot be otherwise than most demoralising, of familiarising the children of our large towns prematurely with the knowledge of the existence of this vice, by allowing the evidences of it to meet them freely in public places. But under the present law, however often, however indecently and publicly a prostitute may violate it, the utmost penalty which can be inflicted is twelve months' detention. Your Committee submit, that if street-walking could be effectually stopped by longer detention of old offenders, the consequence would be that nearly all the prostitutes would have to move into brothels, and would thus at least be prevented lodging and moving about in the midst of the general population. The number would also be greatly reduced; for it does not admit of any question that the facilities for thefts given by the life of a prostitute attract many girls who would not otherwise embrace it, and that the number of women living as prostitutes could not be supported on the exclusive gains of simple prostitution. Now, if street-walking were put down, thefts would be much more difficult, as any brothel in which they were known to have occurred would at once be indicted.

## THE TREATMENT OF PRISONERS.

By THE RIGHT HON. SIR WALTER CROFTON, C.B.

THE decrease of transportation found us with very imperfect machinery for treating our criminals at home.

The consequence was that the Act of 1853 legalising the discharge of convicts under sentence of transportation on tickets of leave at home, resulted in a panic.

It was during the early period of this panic that I was appointed to preside over the convict department in Ireland. I had the experience gained as a magistrate in England to guide me, and I sympathised both with the public which refused to employ criminals who were ill-trained and untested, and with the well-disposed criminals who suffered in consequence.

The 'ticket of leave' became a 'ticket of immunity,' and was loathed throughout the country.

It was clear to me that the only remedy for such a state of things was to obtain the co-operation of the public, and that this could only be effected by making our prison tests and training as natural as possible, and to give a *reality* to the ticket-of-leave system.

In the consideration of this question, we are all, I apprehend, in accord as to the basis upon which we start, viz. that the end of punishment is twofold—*amendment* and *example*.

We must therefore so regulate our treatment of criminals as to attain this end. It will be quite apparent how difficult it is to embrace both these requirements of example and amendment; an ill-considered lenity introduced for the purpose of amending individuals might become the means of materially increasing crime.

When we are told, therefore, that in order to further the amendment of a criminal we must use every reasonable effort to obtain his employment by the community, and that in order to attain this object we must train him for it, both for the purpose of making him useful, and of satisfying the requirements of the



public with regard to him, we are at once brought face to face with our difficulties, for are we not bound to make punishment *exemplary*?

For instance, if we were to train criminals naturally from the commencement of their sentences, such as is done in the final or intermediate stage of the convict system in Ireland, we might in many cases amend individuals, and reconcile the public to their employment; but how would such treatment prove exemplary to others?

On the other hand, if we detain criminals in a strictly artificial state during the whole of their long sentences, is it probable that their employment on liberation could be furthered? or that the individuals themselves could be properly prepared for the battle of life which they will so soon have to fight?

Proof to the contrary has been afforded by the earlier experiments at Pentonville and their results.

It must not be supposed that these experiments were conducted with any want of care and watchfulness. Commissioners were appointed to exercise great vigilance, and no person who has read these reports can, I think, doubt that their duty was well performed. Yet the result was an abridgment of the periods of strictly artificial treatment.

In the course of much thinking upon this most grave subject, I was led to discard either of these plans as a system *per se*, for I felt that they would fail to attain the object in view, but that as component parts of one system, definite and distinct in their several arrangements, both plans might be beneficially utilised, and the one made so to lead up to the other as to give to the whole in the mind of the criminal the felt aspect of amendment.

But in order to attain amendment you must gain the co-operation of the criminals, to effect which they must realise that their punishment is not *merely retributive*, that it has an aim, and that this aim is to improve them.

Long experience enables me to state that if this point is made sufficiently clear to the mind of the criminal at the commencement of the sentence, it will not be in hostility to those placed over him even in the necessary penal and more stringent stages of his punishment, for he will 'look to the end,' and hope will be ever present with him.

The solution of this problem to my mind rested, then, in the institution of a classification which should lead by different stages from very great strictness and severe discipline to a state of semi-freedom, in which the good and industrious conduct of the criminal could be satisfactorily tested through the absence of the artificial restraints necessary in the earlier stages of detention.

It is, however, evident that if the various steps of improvement in classification were to depend on a mere formality such as 'lapse of time,' or upon the haphazard opinion of the officials, the end would be entirely defeated.

To give to these stages in classification a real and a beneficial value, it was necessary that self-control and self-denial should be developed in the process. To attain the object in view the idle and ill-disciplined should become industrious and orderly. No plan could so well effect this result as 'marks' (introduced into Ireland in 1854 by me), or numerical records of 'labour,' or rather *diligence* at 'labour,' for it would be manifestly unfair to reward mere *skill*.

The Mark System<sup>1</sup> is very ill understood, but those who have tried it with sufficient care will bear testimony to its value.

But without associating 'industry' in the minds of criminals with profit and pleasure, the 'marks' would not be gained, and the end in view would be lost. As a general rule it may be assumed that the criminal classes dislike 'labour.' But if 'industry'—and by that term I mean the ordinary employments of life—is made a *privilege to be earned*, by its absence in the very earliest stages of seclusion, and by its gradual introduction, coupled with other advantages, as classification advances, it will by degrees, *slowly perhaps at first, but surely*, supplant idleness in the breasts of the majority of criminals.

I can scarcely dwell too much on this point, because if you can by your training make the idler industrious, you have gone very far towards securing his reformation.

We are all creatures of habit, and a prisoner can scarcely experience the advantages of industry for a time without being attracted towards it.

I am not a mere theorist upon this point. I have watched

<sup>1</sup> The Mark System was subsequently introduced into the English convict prisons with great success in 1864.

the treatment of the same individuals under different systems. I have been told by criminals on entering gaols that they preferred being in their cells without employment; but I have invariably found the same persons begging for it before the expiration of a month.

Let it not be assumed that the public suffer in an economic sense by this absence of employment for a short period, for all experienced governors of prisons will bear out my assertion, that one month's willing industry with the active co-operation of the prisoner is worth many more of that which is forced.

It will be at once realised that this period of isolation from occupation affords special opportunities for the beneficial use of religious agency, the value of which cannot be over-estimated as the basis of all prison systems.

Those conversant with the plan of convict treatment introduced into Ireland by my colleagues and myself in 1854, will at once perceive that the principles of prison training which I have just sketched formed the basis of the system.

So far as the 'prison discipline' portion of the system is concerned, we have then

1st. The stage of penal and stringent discipline.

2nd. The stage of associated labour (with separate dormitories), in which by means of progressive classification governed by 'marks' the industrial improvement and self-control of the prisoner is both stimulated and tested, and in consideration of this point we must bear in mind the motive power which is at work, viz. the improvement in present position, and the means of obtaining earlier liberation. It will be at once realised that thus the criminal, within certain defined limits, becomes the arbiter of his own fate, and that thus the system is deprived of any aspect of vengeance, whilst it secures the co-operation of the prisoner in his own improvement. I need scarcely point out the self-drilling which is required under such a system, if the advantages held out by progressive classification are to be reaped.

When these two stages are satisfactorily passed, i. e., when the criminals have attained the required number of marks to entitle them to the privilege, they are removed to a stage of semi-freedom called the third or intermediate stage, which is a stage of probation in a more natural state before liberation.

It is too well known for me to do more here than state that this stage in its very nature prepares a criminal for his return to the ordinary avocations of free life, and reconciles the public to his employment.

As this stage has had the long test of fifteen or sixteen years' experience, and has more than fulfilled the results which were anticipated at its introduction, it cannot but be deemed a very great success.

The conduct and industry of the inmates during this long period have certainly quite equalled, I may well say exceeded, that of ordinary labourers in a similar position of temptation, and even independently of the conduct of the men after their liberation, it is, I submit, a bright and instructive feature in the system, and a testimony also to the value of the public works system of the United Kingdom, to be enabled to exhibit men of this class so conducting themselves in a position almost analogous to self-government.

I recollect that it was once asserted that without the admittedly strong stimulus of earlier liberation, the intermediate establishments would assuredly collapse. This, however, like many other prognostications, proved fallacious, for this stimulus, great as it is undoubtedly, was suddenly for a time withdrawn, yet the establishment remained in a very satisfactory condition. This was undeniably a great strain, but it was well to have the system so thoroughly tested.

Let me endeavour to profitably apply the result. It serves, I think, to show how much may be done by ordinary motive power with long-sentenced prisoners in our county and borough gaols; and in those countries in which the stimulus of earlier liberation cannot at present be used.

With regard to the effect after liberation upon men subjected to this special treatment, and on their employers, I had proof of its value at a time when the discharges were large, and when in one locality there were sometimes 150 or 160 at the same period.

As the gaols now are not half filled, the discharges are of course few, and there is not the same opportunity of judging. At all events, for several years past I have not been in a position to form an opinion, but the director in charge of the Lusk

Intermediate Establishment informs me that all goes on entirely to his satisfaction.

Now, in advocating these principles of progressive classification, which I submit can in some form, suitable to each locality, and to some extent, be applied anywhere and everywhere, I would point out for special attention how ill adapted was Ireland for any such experiment.

Spike Island, the place in which the second stage had to be carried out, was in the modern acceptation of the word not a prison at all.

It was, and is now, merely a barrack under the control of the War Department, a portion of which is given up for the location of prisoners in order that they may perform the public work required from them. The labour of the able-bodied prisoners at Spike Island defrays their cost.

It was not permitted to alter the form of the buildings, or to do more than provide moveable corrugated iron partitions between the prisoners, and at one time it was not allowable to do so much.

Work was required to be performed in a certain place by convict labour, and the system had to be carried on therefore independently of the advantages of prison construction, and this at a time when the number of prisoners in it exceeded 1,500.

I dare say that those who visit 'Spike Island' wonder that it has not been made more like the prisons of the present day; the reason is, that it was not permitted to alter the barrack.

But surely, as with the lesson taught by the intermediate establishments, through the temporary cessation of the privilege of earlier release, so should the results worked under such disadvantages as I have described at Spike Island, also teach us how much a well-considered classification, based on sound and intelligible principles, may do, independently of expensive prison construction.

I will venture to assert that in these days of heavy expenditure for prison buildings, it would be perfectly astounding to see how little has been the cost of locating prisoners at Spike Island and at Lusk during the last fifteen years.

I think this point will be worthy the consideration of those States which are now arranging their prison construction.

There is a feeling, in which I believe Count Sollohub shares, and I certainly do, that your prison construction should in a great measure be governed by the classification which upon consideration you think it best to adopt. It is, I believe, quite obvious that a very great saving could be effected by taking this course.

The same principles of progressive classification apply equally well to females as to males, merely substituting refuges for intermediate establishments in the final stage. The details of these plans also appear in Miss Carpenter's book, to which I have before referred.

I have now stated the arrangements, i. e., the prison training which in my opinion will be the best gradual preparation of a criminal for release, a training so simple in its principles, so applicable to every human being, that its very simplicity was at first its great stumbling-block in the minds of men.

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#### IN WHAT KINDS OF WORK SHOULD PRISONERS BE EMPLOYED, AND WHAT INDUCEMENT SHOULD BE OFFERED THEM FOR STEADY INDUSTRY?

BY FREDERIC HILL.

FROM the time that my attention was first specially drawn to the subject of prison discipline—that is, from my appointment (now nearly forty years ago) under the then new Act which first established Inspectors of Prisons in this country—I have ever held useful, industrial, and productive work as the very life of a good prison; and all my subsequent experience and the knowledge I have gained from the experience of others have confirmed me in this belief. And this not alone because such work is in accordance with the behests of our common humanity, but because, among other benefits, it affords one of the surest means of moral training.

How far these and other good results of productive prison labour are now actually reaped, and how far, indeed, such labour has been introduced, are questions on which I shall

presently enter ; but before doing so it may be well to consider, with moderate fullness, the chief facts and arguments for and against productive labour.

In its favour it may be stated—

1. That such employment is the natural arrangement, and such as would probably suggest itself, in the first instance, to every mind, young or old ; and that this being the case, the burden of proof rests with opponents.

2. That by means of productive labour much of the cost, to society, of the apprehension, trial, and imprisonment of offenders may be defrayed, and something, at least, done towards indemnifying the persons specially injured.

3. That such employment, being free from everything that is repulsive and degrading, becomes associated, in the prisoner's mind, with pleasurable thoughts, and tends to make him look upon work as deserving of respect.

4. That by this kind of work, a prisoner, besides making the payments mentioned under the second head, may help in the support of his family, and may provide a fund with which, at his liberation, to pay the cost of emigration, or to afford him the means of making a fresh start in his own country.

5. That the prisoners who during their confinement have been actively engaged in productive industry are, at their liberation, better prepared for earning an honest livelihood than those who have not been so engaged ; and that, in point of fact, fewer of them return to crime.

The first of these positions—namely, that productive industry is the natural arrangement—not seeming to require corroboration, I go on to the second ; to wit, that by such labour much of the expense caused by crime may be defrayed by the culprits themselves ; and falling back first on my own experience, I can state explicitly, that of the prisoners under my superintendence, the least expensive by far, as a rule, were those where active industrial employment was maintained. Especially was this observable in Scotland, where I held charge for an unbroken period of twelve years, and where industrial employment in prisons, more or less productive, in proportion, for the most part, to the length of the imprisonment, was made universal. It is recorded in one of my reports that all such prisoners at Glasgow as were in confinement for a term of not

less than six months were paying the cost of their imprisonment, including officers' salaries and all other expenses, rent only excepted.

Bringing matters up to the present time, it appears on the authority of Captain Du Cane, the able Director-General of convict prisons in England, that at Portland, Portsmouth, and Chatham, where most, if not all, of the work is productive, the inmates not only defray their cost, but even produce a surplus.

A considerable approach to self-support is made at the Irish prison of Spike Island, while the prison at Alipore, near Calcutta, is more than self-supporting ; and I am informed by Doctor Mouat, for many years Superintendent of Prisons in Lower Bengal, that in a large number of prisons that were under his charge every inmate who was employed in manufacturing repaid the whole of his cost.

Some of the prisons of our continental neighbours, also, are, I believe, nearly self-supporting.

But the greatest advance in this course has been effected in America ; especially during the last few years. By a 'memo-randum' just drawn up by Mr. Sanborn, a member of the Board of State Charities in Massachusetts, it appears that every one of the six State prisons in New England is now so much more than self-supporting, that these prisons last year yielded together a surplus of about 7,000*l.* ; while a surplus fully equal to this was produced by the single State prison of Ohio.

Nor is this cheering result wholly confined to State prisons. Mr. Sanborn mentions several county and district prisons which are self-supporting ; though the most striking case appears in the report, last year, of the Commission on Prison Labour appointed in New York ; by which it appears that at a House of Correction in Michigan, under the skilful direction of Mr. Brockway, though the average period of confinement is only 90 days, the prisoners, about 300 in number, earn, in addition to their cost, a surplus of between 3,000*l.* and 4,000*l.* a year.

In Mr. Sanborn's paper is the following interesting and instructive passage :—

'The distinction so common in European prisons between *penal* or "hard" labour and *industrial* labour is almost obliterated in the American prisons. The term "hard labour"

is still found in our laws; but almost all the work done under these sentences is industrial, and in many of our prisons pecuniarily profitable labour. The tread-mill, the crank, the shot-drill, and the various forms of penal labour have no place in the prisons of the United States; but there is scarcely any kind of industrial labour which does not find a place there. In Alabama and Texas the convicts build railroads, in Mississippi they raise cotton, in Tennessee and New York they work mines, in many of the States they cultivate gardens or do farm-work; but the prison employments are generally mechanical, and especially deal with work in wood, leather, and the metals, though stone-work is also done on a large scale where prisons are building. This was formerly so common an occupation for American convicts, that "hammering stone" became a cant term for imprisonment. Quarrying stone for sale or for making quicklime is much practised in the great prisons of Joliet (Illinois) and Sing Sing (New York), the largest in the country. At the Auburn prison agricultural tools are extensively manufactured; in the Ohio State prison many convicts are employed as saddlers, wheelwrights, and blacksmiths; in the cellular prison at Philadelphia (the Eastern Penitentiary), the employments being pursued in the cells, are mainly sedentary, such as shoe-making, weaving, and the lighter kinds of wood-work; in Massachusetts ornamental iron-work, brush-making, shoemaking, and sewing by means of the sewing-machine, are common prison employments. In the Maine State prison, the warden, being a carriage-maker, has introduced that branch of industry; in the prison of Northern New York, at Dannemora, a great iron mine furnishes ore, which is smelted, forged and wrought into nails by the convicts; in the Michigan State prison, at one time, tanning leather was largely practised; in the Detroit House of Correction chair-making has been the chief industry. In fact there is scarcely any mechanical occupation that has not been carried on in some of our prisons.

The general conclusion that I long ago arrived at on this point, an opinion which remains undisturbed, is, that if the sterile practice of short and repeated imprisonments were abandoned, and in lieu of it such periods were taken as would allow time for training in good habits and instruction in some branch of industry, every prison in the country might be made self-sup-

porting; and I am glad to see that Dr. Mouat, after an experience of fifteen years in India, is of the same opinion.

It is true that many prisoners are inferior to the common run of persons, not only in education and knowledge, but mentally and physically; but on the other hand they are for the most part at the best age in life for work; they can indulge (under good management) in no waste or extravagance, and so far as the cost of the prison is concerned, they have no persons to support except themselves.

The separate system is, no doubt, a great obstacle to productive labour; but separation, except for very moderate periods, is in my opinion objectionable on other grounds. Even with separation however, much, under energetic management, may be accomplished; as shown by the fact that it was under this system that the prisoners at Glasgow, already referred to, defrayed their cost.

A great means of establishing self-support is to select, as prison governors, men who are strongly impressed with its importance, and who have the ability successfully to direct industrial employments; an ability not necessarily requiring, except in small prisons, a practical knowledge of manufactures or agriculture, but demanding that administrative talent and power of directing others which are needful not only in this but in every other department of prison management. Many such, as we know, already hold office; but too frequently persons are appointed to this important and responsible office who have these requisites in only a slight degree, if at all.

One benefit arising from the labour in a prison being productive, as I found in Scotland, is, that where this is the case, untried prisoners, instead of passing their time in idleness, are willing to work.

Indemnification of the persons injured not being to this day, in criminal cases, a requirement of the law, it would be unreasonable to expect its frequent accomplishment; depending as it does on favourable influences and on the prisoner earning the requisite means; but scattered through my reports will be found instances of this kind. In particular, I would refer to a case in my seventh report of a blacksmith in the Aberdeen prison who had forged a bill for 25*l.*, every penny of which he, by overwork, repaid to the person whom he had defrauded.

I earnestly hope that the experience of others may be found to supply similar acts of restitution, since such cases surely afford one of the best possible proofs of moral amendment.

It is impossible better to conclude this part of my paper than in the words of the Apostle Paul: 'Let him that stole steal no more: but rather let him labour, working with his hands the thing which is good, that he may have to give to him that needeth.'<sup>1</sup>

As regards my third position—viz., that concerning the association of pleasure with work—it may be sufficient to recall to mind that idleness, with its accompanying aversion to steady work, is one great cause of crime. So fully alive was Mr. Brebner, for many years and up to his death the honoured and distinguished governor of the Glasgow prison, to the importance of pleasurable association with labour, that it was a common remark of his, that until a prisoner was cheerful at his work he had little hope of him.

Passing on to the fourth position—namely, that relating to surplus earnings—I again speak of facts which came within my own observation.

At the time that I held office in Scotland, it was the rule for every prisoner to have daily task allotted to him, on the principle of piece-work, sufficient to occupy him, with fair industry, for ten hours; with a provision that all that he might earn beyond, whether by unusual diligence or by working overtime, should be his own; though its disbursement, whether during his confinement or afterwards, was subject to the control of the governor.

Under this rule, it was a very common thing for a prisoner to raise a little fund for himself, and it was not uncommon for him to spare part of this fund, during his confinement, for the relief of his family; employing the residue, on his liberation, in supporting himself till he could get work, and in the purchase of clothing and tools. The following are a few instances.

The blacksmith at Aberdeen, already mentioned, besides earning the means of indemnifying the person whom he had wronged, was enabled to pay 3*l.* as house-rent for his wife and family during his imprisonment, and 3*l.* 10*s.* for fitting up his

<sup>1</sup> Ephesians iv. 28.

shop again at his liberation. The governor of the prison, moreover, at the time of my report, had paid him, in cash, 4*l.* 6*s.*, had given security for him to an ironmonger to the extent of 2*l.* 10*s.*, and still held, on his account, the sum of 5*l.* 10*s.*; the prisoner's total earnings for his own benefit having been nearly 44*l.*

In the same report in which this case is mentioned will be found an account of a boy in the Glasgow prison, who showed such remarkable industry as often to set to work by four o'clock in the morning, applying for leave to send 1*l.* out of his earnings to his mother, then ill and in distress. When it is considered that to earn this sum he must have done at least a hundred hours of extra labour, an idea may be formed of the amount of self-control he must have exercised, and of the improvement wrought in his feelings and habits during his confinement.

In my eighth report I speak of a poor woman in the Edinburgh prison, who, to get a little money by overwork, rose yet earlier; though to no better employment than the dull and monotonous occupation of oakum-picking, at which she could not, by her utmost exertions, get more than a penny a day; and who, nevertheless, earned for herself nearly five shillings.

The fifth and last of the positions I have taken, and that which if established would, I suppose, be regarded by all present as conclusive in favour of productive prison labour, is that prisoners who during their confinement have been so employed are, at their liberation, better prepared than others for earning an honest livelihood; and that fewer of them, in point of fact, return to crime.

Again adverting to my own experience, I can state that a large number of the inmates of my Scottish prisons were trained, during their confinement, to habits of industry; that, as far as practicable, every prisoner who had learnt a handicraft kept up his power by continued practice; that others, previously less fortunate, had a trade taught them, at least in all cases where the term of confinement was sufficiently long for the necessary training; and that, other things equal, the proportion of re-commitments among the productive labourers was comparatively small; finally, that with certain necessary allowances arising from difference in poor law and in amount of

transportation (all set forth in my tenth report), the proportion of re-committals in Scotland, where productive labour was the rule, was less than in England, where it was the exception.

The great success of our Reformatories—which, as we know, are but in effect prisons, though prisons of a high order, and one of whose chief characteristics is productive labour—is well known, both as respects the subsequent career of their inmates and their general effect in lessening juvenile crime. As regards the reformation of the inmates, the last report of their indefatigable inspector, the Rev. Sydney Turner, shows that of nearly 3,000 boys and more than 700 girls liberated during the previous three years, more than 1,900 boys and 500 girls were doing well; a number which, after allowing for deaths, is equal to about 68 per cent., or rather more than two-thirds.

At the Reformatory of Mettray, in France, under the auspices of its devoted, benevolent, and admirable Superintendent, M. De Metz, even greater success has been attained. At the prison of Munich, visited a few years ago by my brother, the late Recorder of Birmingham—where also, under its distinguished Governor, Herr Obermaier, the labour is very productive—my brother learned that the average of reformed prisoners, though not so great as at Mettray, was, nevertheless, between 70 and 80 per cent.; and at the prison at Berne, once visited by myself, I found results equally satisfactory.

Speaking of the Irish Convict Prisons when they were under his superintendence, Sir Walter Crofton states that of more than 6,000 convicts who, up to the year 1861, had been discharged in the seven years that his system had been in operation, but little more than 600, or ten per cent., were known to have returned to any of these prisons; notwithstanding the care taken to ascertain all such cases by the use of registration, photography, and supervision after liberation. And Dr. Mouat informs me, in relation to the prisons in Lower Bengal, that although there are not at present any trustworthy statistics on the subject, it has, for several years past, been well known to the authorities of the Indian Industrial Prisons that no good workman ever returns to gaol.

Although it is my belief that the American prisons, which are distinguished for their amount of productive labour, are also distinguished for success, as shown by the proportion of cases

of reformation, I have not much positive information on this point. Two cases, however, I subjoin. The Governor of the State prison of Massachusetts reports as follows: 'Every man capable of it is taught a good trade in this prison; one at which he can work, when discharged, and earn good wages. In regard to reformation—that is, the preventing men from again committing crime—the latter has more influence than all other agencies united.' And Mr. Rice, Governor of the State prison of Maine, in one of his annual reports says, 'Since I have been in charge, now over five years, I have discharged 200 convicts, only seven of whom have returned to prison. . . . If convicts were allowed to remain in this prison at least two and a half or three years, all that have any capacity would go out with a trade; and in my opinion not over two per cent. would ever return to this or enter any other prison as convicts.'<sup>1</sup>

Like every one who has examined the subject, I am aware that the term 're-commitment' has to be taken with much caution; since returns on that subject, besides being liable of course to be vitiated by lack of care in making them, may be falsified, in effect, through inattention to the comparative size of the various prisons in question; since in large prisons the chance of any particular offender returning must (other things equal) be proportionately greater than in small ones. Further, it is important to know whether (as at many if not all Reformatories, that at Mettray particularly) the only quite trustworthy course be taken of tracing and recording the subsequent career of those who have been under discipline. But, with all due allowance for error, I think enough has been said to show that the proportion of relapses into crime in the case of prisoners who have been employed in productive labour is much less than in that of prisoners who have not been so employed; the average of re-commitments in the ordinary English prisons, where, generally, there is but little productive work, being (according to returns made, for the most part, in the imperfect manner that has been glanced at) as high as 30 per cent.

Perhaps I may be allowed to end this portion of my subject

<sup>1</sup> 'Report on Prison Labour by the State Commission in New York,' page 41.



by a quotation from my book on crime, written nearly twenty years ago, but no word of which do I see reason for changing:

‘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. Their minds and feelings may have been acted upon by kind admonition, by the fullest explanation of their temporal interests, or by the powerful influences of religion; or, on the other hand, with a view to make them dread imprisonment, they may have been subjected to everything that is irksome, humiliating, and painful, by means of tread-mills, labour-machines, and the whip; and a desire and real intention may have been created in their minds never again to fall into crime; but unless a prisoner acquire the knowledge of some handicraft, and habits of steady industry—unless, in a word, he obtain the *power*, as well as the wish, to live honestly—it is all in vain; and sooner or later to crime he will return.’

Having now briefly, though I hope clearly, stated the principal facts and reasons in favour of useful and productive labour in prisons, I come to the case on the other side, to which I need scarcely say it will be my aim to do impartial justice.

The chief arguments against such labour, and in favour of work which is penal only, so far as I am aware, are the following:—

First, That useful and productive labour renders imprisonment less irksome than it ought to be; in other words, less penal, and consequently less deterrent, if not in some cases positively attractive; evils more than counterbalancing the pecuniary gain. Secondly, That there is great difficulty in procuring, for a prison, such kinds of work as will really be remunerative. Thirdly, that however suitable for long terms of imprisonment, productive labour is not applicable to short periods. And, fourthly, that productive labour in prisons tends to lower the wages of persons occupied in the same kind of employment out of prison, and thereby to inflict a wrong upon them.

As respects the third head, viz. the inapplicability of productive labour to short periods of imprisonment, I would remark,

in the first place, that when such punishments, as is frequently the case, are but repetitions, often twenty or thirty times in succession, of the same penalty, the remedy really called for is not to render the system of discipline suitable to so absurd a practice, but by a change in the law, and by the employment, in its administration, of those only who can be entrusted with adequate power to get rid of the practice; secondly, that even in cases of short imprisonments my experience in Scotland showed, as already mentioned, that labour, in at least some degree productive, can always be provided; thirdly, that employment on the treadmill or crank, however short the time, must tend to disgust a prisoner with work; and, lastly, that to impose more irksome toil on prisoners committed for short periods, is to run the risk of visiting small offences with a heavier punishment than large ones.

With respect to the first of these positions, there can be no doubt that useful and productive work does render imprisonment less irksome; and that if the success of prison discipline, both as regards the inmates and the outer world, depended exclusively on the amount of irksomeness to be inflicted, tread-mills and crank labour ought everywhere to be provided, to the exclusion of all other kinds of work; but surely irksomeness is far indeed from being the be-all and the end-all of prison discipline. It neither prepares the prisoner for a life of honest, thrifty industry on his own part nor eradicates motives to corrupt others; neither is it likely that its deterrent effect, whatever that may be, is at all commensurate with the evils it engenders—the resentment, obstinacy, selfishness and hardness which it unquestionably tends to produce. I submit, further, that without any artificial arrangement much irksomeness necessarily accompanies the loss of liberty and the other privations essential to a process of reformation and to the enforcement of that economy upon which the State has a right to insist.

The best and, indeed, the only way readily to determine whether, in relation to work, diet, or anything else, a prison has become attractive, is to throw its doors open to all comers; not demanding, as now, a qualification by crime. But although, during a considerable part of my administration in Scotland, free entrance was really given, and notwithstanding

that there was no legal provision for the support of able-bodied poor, and though, as already stated, all prisoners were required to work, the proportion to compulsory prisoners there was seldom more than one to fifty.

Many of the voluntary prisoners (the whole number being generally about 40)—in fact, the chief portion, consisted of persons whose confinement had till then been compulsory, and who were only awaiting employment.

The small proportion of relapses into crime among the inmates of our Reformatories, of which I have already spoken, and the large diminution, concurrently with the establishment and development of these Reformatories, which we have witnessed in the number of young delinquents in this country, are recent and strong facts opposed to any idea that such work tends to beget instead of to extirpate crime.

With regard to the second position, namely, that concerning an alleged difficulty in procuring remunerative labour for prisoners, I may state that when I first undertook the superintendence of the prisons in Scotland I was met by such asseverations on all sides; but that I found that the chief difficulty really consisted in unwillingness or incapacity for the special duty on the part of the prison governors, and their subordinates; disqualifications often joined with others of a more general character, so grave as of themselves to demand a removal from office; and such removal, I may add, was resolutely made. Where, however, there was better stuff to work upon, the good end was generally obtained through the example of other prisons.

In addition to this obstacle, there were the difficulties arising from ill-chosen sites, bad construction of prisons, and the want of a power for removing prisoners to places, whether manufacturing or agricultural, where, according to their various capacities, they could be best employed; and, lastly, the difficulty caused by the foolish and mischievous practice of sentencing offenders to periods of confinement utterly inadequate to train the ignorant among them to any employment, except of the very simplest kind (such as the mere picking of oakum), or indeed to produce a lasting effect of any sort. But defective law and bad administration are evils in themselves,

and require speedy and effective remedies, whatever kind of labour may prevail.

In dealing with the fourth position, namely, that concerning the effect of prison labour on the interests of free artisans, I feel bound to apologise to my audience for troubling them with the discussion of a question which it might seem that a rudimentary knowledge of political economy would suffice to decide. So long, however, as the adverse position is maintained in respectable quarters, argument cannot be deemed superfluous.

That temporary injury might, indeed, be done to persons employed in any particular trade, especially if their numbers be small, by a sudden influx into the market of a large supply of the articles which they themselves manufacture, is, no doubt, just as true as where the same effect is produced by the introduction of a new machine, or the uprise of new competitors. But these are casualties to which, in the nature of things, all trades are liable; there is no peculiarity in the matter. Indeed, from the care likely to be exercised by a public department to avoid any precipitate action, and through its freedom from temptation to grasp at custom by selling at prices below the market value—a thing too often done by private enterprisers at the cost of those who trust them—the danger of injury to the ordinary trader is, I venture to think, less in the case of prison labour than in that of labour elsewhere. Again, it is maintained, that as the capital of a prison is not held by private persons or public companies, but by the municipality or the State, the competition is unfair. Wherein consists the unfairness? All of us, including even the complainants, are members of some municipality and State; and what is such municipality or State but large co-operative societies, engaged in pursuing the common good and bound to turn every penny at their command to the greatest advantage? And surely it is an advantage that an article which would otherwise be dear is made cheap.

Even, therefore, if prison manufactures had any measurable effect on the permanent prices of articles (which from the smallness of the amount cannot be), I should hold, in common with the writer of a recent leading article in the '*Times*' newspaper, that such effect, instead of being an evil, is a good.

As a tax payer, every person, whatever may be his craft, has

to make an additional payment out of his earnings for every shilling which a prisoner costs beyond what is necessary; and every shilling saved from waste forms an addition to that fund from which alone wages and all other kinds of earning can be paid.

As I remarked in one of my reports, if it be wise to maintain prisoners in a state of idleness or non-production, it must be equally wise similarly to maintain any other section of the community, as, for example, those whose name begins with a certain letter; a *reductio ad absurdum*.

At the head of the list of authorities in favour of productive labour in prisons, it is with pleasure that I point to the name of that illustrious philanthropist, the pride of all that speak the English language, on whose life and deeds we have had an eloquent and admirable paper by one of our Transatlantic colleagues, the Rev. Dr. Bellows. I need scarcely say that I refer to John Howard, one of the very first of prison reformers, and with whom it was an aphorism, 'make men diligent and they will be honest.' I have also a lively satisfaction in enumerating among the advocates of such labour the great Jeremy Bentham, and his distinguished brother, Sir Samuel Bentham, Livingston, Mrs. Fry, the Rev. John Clay, Mr. Brebner, Captain Maconochie, Sir John Burgoyne, Ex-Governor Seymour, General Pillsbury, Mr. Haynes, Mr. Brockway; my brother the late Mr. Commissioner Hill, Recorder of Birmingham; the Rev. Dr. Wines, Monsieur De Metz, Baron von Holtzendorff, Herr Obermaier, Count Sollohub, Señor Montesinos, Sir Walter Crofton, Captain Du Cane, Mr. Shepherd, and Dr. Mouat. Nor must I omit that a committee of the Social Science Association has declared its belief that productive labour is an essential part of every good system of prison discipline; and that, without it, reformation is, in most cases, hopeless. That the value of the work done in prisons adds to the fund from which the wages of all workmen must be paid. That there is no more reason for excluding the work of prisoners from general competition, than for excluding the work of foreigners; the objections to both being resolvable into the errors which lead to a demand for 'protection.'

It is true that two or three of those whose names I have given recommend a short preliminary stage of entirely penal

and unproductive labour; partly for the purpose of rendering productive work more acceptable. Experience, however, warrants me in regarding such preliminary as unnecessary; and it seems a pity to begin with a treatment which, on the hypothesis is, in its general character, injurious. Seeing that you have to win the prisoner's good will, it must be of very doubtful policy to open with an offence to his feelings.

The following is a summary of the views taken in this paper:

1. That for labour to be made useful and productive in prison, just as out of prison, is in accordance with nature; that to strip it of these qualifications is, if not absolutely unnatural, at least artificial; a course demanding justification and proof of its propriety; a proof not given.

2. That with moderate care in the construction of a prison and in the choice of its locality, combined with a due selection of officers, there is no insuperable difficulty in procuring tolerably suitable work for prisoners; and that, other things equal, prison labour is more productive when the periods of imprisonment are of proper length; such, namely, as is essential to any hope of producing reformation.

3. That by means of useful and productive labour much of the cost to society of the apprehension, trial, and imprisonment of criminals may be repaid, and something at least done towards indemnifying the persons wronged.

4. That such employment, being free from everything that is repulsive and degrading, becomes associated in the prisoner's mind with pleasurable thoughts, and tends to make him look upon work as deserving of respect.

5. That by this kind of work, a prisoner, besides making the payments mentioned under the third head, may help to support his family, and may provide a fund with which, at the end of his confinement, either to pay the cost of emigration or to have the means of making a fresh and honest start in his own country.

6. That productive labour in prisons does not tend to lower the wages of persons occupied in the same kind of work out of prison or otherwise to injure them.

7. That prisoners who have been employed in useful and productive work, are, at their liberation, much better armed against relapse into crime, as well as much better prepared to

obtain an honest living than those whose labour has been merely penal; and that, in fact, the proportion subsequently doing well is much larger.

8. That the pains and privations necessarily attendant on the process of moral reformation are so great as to make it unnecessary, for the maintenance of the principle of deterrence, to superadd artificial pains and privations.

9. That as a means of affording timely notice, if such a case should arise, of a prison ceasing to be repulsive and becoming attractive (whether through an insufficient exaction of labour, or through a too abundant and luxurious diet, or through any other abuse)—and in accordance with the general principle that whatever is awarded as a punishment for guilt, ought at least to be accessible to the innocent—the door should be open to all such as may desire to subject themselves, for a period, to prison discipline, without demand, as now, for qualification by crime.

In conclusion, I hope I may be allowed respectfully but earnestly to submit for the consideration of all Governments, the expediency of at least giving the principle I have advocated a fair trial, by selecting, for instance, one or more pairs of prisons, as much like each other as practicable in structure, situation, ability of managers, and other circumstances, and introducing productive labour into the one while retaining penal labour in the other; so as to afford the means of trustworthy comparison at once in direct expense, and in the subsequent career of their respective prisoners, and, generally speaking, in their respective influence on the amount of crime.

Every one sincerely wishful of arriving at the truth, however strong his conviction on the one side or the other, must desire such trials, must court such comparisons, and will be prepared to abide by ascertained results. Surely, where interests are so great and promise so fair, experiment should be neither slighted nor delayed.

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## PRISON LABOUR.

BY C. ASPINAL E. LAWRENCE AND S. G. RATHBONE, MAGISTRATES OF LIVERPOOL.

As we understand that one of the most interesting subjects discussed at the International Congress for the Prevention of Crime will be the question, 'How far all prison labour can and should be made remunerative,' we venture to offer some remarks upon it.

We do not believe, in the first place, that all prison labour can be made remunerative, because if all prisoners, including the naturally unskilful and all in prison for short periods, were put to industrial labour, the expense of instruction, supervision, repairing tools, and waste of materials would more than eat up the profits. We do not believe, in the second place, that it is desirable to employ all prisoners on remunerative kinds of labour, because industrial labour cannot be proportioned with sufficient accuracy to the various amounts of skill possessed by different prisoners to secure the energies of the majority being tasked to an irksome or disagreeable point.

If, therefore, hard labour is to be maintained (as we think it ought to be) as a penal element in our prison discipline, it must be labour which is hard from being disagreeable and monotonous in its nature. If any person doubts this proposition, the way to test the truth would be to ascertain the average daily tasks performed by prisoners who have been long enough in prison to acquire abundant skill, and then to compare these tasks with the amount of work done in the same kind of industry performed by those who have to gain their living by it. We venture to assert that it will be found that hard industrial labour in a prison means one-half to two-thirds of the amount of work performed by innocent persons who have to make their living by it. We are further of opinion that if penal forms of labour are combined with industrial labour under a proper system, the effect is to stimulate industrious habits in the prisoners. In the prison of this borough, and we believe in many others, the able-bodied female prisoners are employed in oakum-picking, and the able-bodied male prisoners in treadmill

labour, combined with the industrial labour, during the whole of a short sentence and the early part of a long sentence. If the long-term prisoners perform the allotted tasks in oakum-picking or industrial work they get good marks; by the accumulation of these, they work themselves into the higher classes, in which they perform no penal labour, and become entitled to certain privileges. On the other hand, if prisoners do not perform their tasks, they get bad marks, and do not rise; and if prisoners who have by industry worked themselves into a higher class relax their efforts, and accumulate bad marks, they are put back, and are a second time subjected to the penal labour and other privations. The desire to escape from or avoid a return to penal labour is thus made the means of stimulating the industry of the prisoners in the performance of industrial task-work during the whole of their imprisonment. The results of the combined penal and industrial labours under the marking system, in reducing the number of punishments for idleness and neglect of work, have been very satisfactory, as the following figures will show, the marking system having been introduced into the prison in October 1866, and the treadmill labour in July 1868.

Return of punishments for prison offences for the official years ending September 30:—1865, number punished, 5,120; 1866, 5,402; 1867, 7,160; 1868, 5,243; 1869, 2,738; 1870, 2,569; 1871, 1,935.

The severer character imparted in this country to the conditions of prison life in late years has formed only one part of a general and consistent policy in the treatment of criminals, the tendency of which has been to make the consequences of a career of crime more and more intolerable, while, by the establishment of discharged prisoners' aid societies, greater facilities have been given to discharged prisoners to return to orderly lives.

The results of this combined policy were not immediate, but are now fulfilling the most sanguine expectations of those who have advocated it. It has been followed by a great decrease in the last few years in crime in this country, as the police statistics show, and in this town the decrease has been very remarkable.

The following are particulars of the offences against property, with or without violence, reported to the police—namely, in

1865, 12,213; in 1866, 12,209; in 1867, 12,124; in 1868, 12,074; in 1869, 10,584; in 1870, 10,695; in 1871, 9,692.

The following figures show the decrease in the apprehensions for the more serious classes of crime in the town:—

Indictable offences and assaults:—In 1865, 5,473; in 1866, 5,106; in 1867, 5,198; in 1868, 4,957; in 1869, 4,882; in 1870, 4,470; in 1871, 3,805.

The following are particulars of the male adults sentenced to hard labour:—In 1867, 2,511; in 1868, 2,507; in 1869, 2,418; in 1870, 2,383; in 1871, 1,855; first months of present year, 813.

We are sorry we cannot give the figures for a longer period, as the necessary particulars were not kept before 1867, but they are very significant for the period they include.

Some persons argue from the slight increase there has lately been in the proportion of prisoners who have been previously convicted that our present system is a failure, but this increase can be otherwise explained.

The police supervision to which prisoners are now subjected on discharge increases the danger which old offenders incur of detection if they relapse into crime, while the increased pains now taken to trace their past history, by photography and other means, results in previous convictions being more regularly proved and recorded against them. We further maintain that the question of whether a system of prison discipline is or is not reformatory on the prisoners directly subjected to it is a very subordinate question to the question of what is its indirect influence on that large class of weak or ill-disposed persons who are hovering on the verge of crime. The number of persons brought under the direct influence of prison discipline is extremely small compared to the number who must be indirectly influenced by the accounts they receive of it from discharged prisoners, and by the general impressions those accounts convey to the public mind of the character of prison life.

It would in truth be most satisfactory if it should hereafter appear that an increasing proportion of the diminishing number of crimes committed in this country is committed by old offenders, as it would show that the present treatment of criminals is restricting the area of crime, and would warrant

the confident hope that as the present class of incorrigibles die out, a still more marked decrease might become apparent in the number of prisoners.

In conclusion, we will only add that as regards the various forms of penal labour, we believe oakum-picking and treadmill labour to be on the whole the best. Treadmill power, if regulated by proper machinery, as in the prison of this borough, can be applied to manufacturing processes with great advantage; it is the form of labour in which we believe old offenders have the least advantage over persons inexperienced in it, because a very little practice and skill reduce the requisite exertion to a minimum point; it is, therefore, a form of labour which can be apportioned to the various powers of different prisoners with a nearer approach to equalness than any other kind of work, and it is the opinion of the surgeons of the prison that, under proper supervision, it is not attended with more danger to health than any other really hard bodily work performed by ordinary labourers.

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#### MISCELLANEOUS ON CRIMINAL TREATMENT.

MR. CROLL, late High Sheriff of London and Middlesex, contributed a paper on the Natural System of Criminal Treatment. His personal experience as a magistrate, and in the visitation of many prisons in Great Britain and on the Continent of Europe, has deeply impressed him with a conviction that the treatment of criminals should be rendered much more reformatory and self-supporting than is at present the case, especially in this country. He invites attention to these inquiries: Whether the cost of prisoners is not far too excessive; whether it is just to the community that they should have to support prisoners; or whether it is advantageous to the criminal himself. Mr. Croll follows up these inquiries by adducing a number of arguments and practical illustrations, showing that the principles for which he contends are not merely theoretical, but have been, in greater or less degree, approximated to in certain establishments, chiefly in other countries, for the reformation of criminals and vagrants. He refers to the Dutch vagrant 'colonies' at Fredericksoord and Williamsoord, to some of the self-

supporting prisons in the United States, and to the Irish prison-farm at Lusk, near Dublin, as furnishing examples of the manner in which offenders may be disciplined under conditions much more reformatory to themselves and economical to the ratepayers than in ordinary English gaols. The better-behaved and more industrious class of criminals might also (as in one or two foreign countries) be induced to aid their families by extra prison labour. Mr. Croll is opposed to the teaching of skilled trades to adult prisoners (as distinguished from neglected juveniles), believing that this only makes them indifferent tradesmen, and affords them the opportunity of competing with the honest ratepayers, at whose expense they would receive such instruction. He would, however, employ these adults to the fullest extent at any trades already acquired by them, or otherwise at unskilled labour. Mr. Croll also recommends that the worst criminals should be wholly separated from other classes of offenders and put under more penal conditions. The principles enunciated in this paper should claim wide and serious consideration.

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M. EMILIE BRUSA contributed a paper on recidivists. The principles enunciated in this paper may be summarised as follows: 1. It is a social duty to maintain the law; but this does not exclude the reformation of the criminal, but rather demands it for its complete defence. 2. The maintenance of the law and the reformation of the criminal should be in perfect harmony; yet the latter must be subordinate to the former. 3. A place must be assigned where this amendment may be effected. 4. In any complete system of punishment relapse should be an anomaly. The recidivist must be studied individually, so that both his punishment and correction may be just and suitable. The judicial sentence must not, however, be modified by any subsequent judgment of the prison director as to the subjective amendment of the criminal: the first duty is to protect society and guarantee tranquillity. Yet this jealous maintenance of the law does not exclude commutation of punishment by the Sovereign or Government on the recommendation of the prison directors.

The Hon. J. R. CHANDLER (Pennsylvania) contributed a paper 'On the separate and congregate system of imprisonment.'<sup>1</sup>

To the question by what system may the reformation of criminals be most efficiently accomplished, Mr. Chandler answers 'by complete and entire separation.' He is careful, however, to discriminate between the solitary and the separate system, of the first of which—nowhere now practised in the United States—he utterly disapproves. He defends the separate system as employed in Pennsylvania from the charge that it leads to insanity, and points out that because a man is insane in prison it does not follow that the discipline of the prison has made him insane. Statistics show that the number of the insane is not greater in such separate than in congregate prisons. Each prisoner in separate confinement feels the advantage of proper conduct, of conformity to the rules of the place, and attention to the advice of visitors, and finds in the end that his own condition arising out of a separation from other prisoners is more desirable than that of the convict, who, with whatever intention of improvement, is compelled to make acquaintances in prison which he must recognise beyond the walls, and who, after legal discharge from the restraints of the penitentiary, must live in continual fear that some companion of his imprisonment will invade his new home, and expose his disgraceful antecedents.

The Board of Public Charities of Pennsylvania contributed through its president, G. L. Harrison, testimony to the same effect in favour of the separate system. The Board has declared that 'Prevention of intercourse between convicted criminals from first to last, we esteem indispensable to successful effort for their reform. Let them have stated, and, as far as may be, diversified occupations; let them have carefully selected books for entertainment and instruction; let them receive visits from judicious friends and counsellors seeking their good; but keep them away, while in the custody of the State, from inter-

<sup>1</sup> The Editor has omitted most of this valuable paper, in consequence of the complete way in which this question has been already considered. See Part I., under 'Belgium,' and other heads; the admirable summary of the relative advantages of the two systems, from the Belgian point of view, in Part II., under M. Bournat's report; the memorandum in Part III. from the Belgian committee, and Mr. Brockway's paper.

course with each other;' and the warden of the Eastern State Penitentiary of Pennsylvania, after twenty-five years' experience of the separate system and a thorough knowledge of the congregate system, is equally emphatic in his preference for the former.

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The Rev. J. W. SULLIVAN, chaplain of the Indiana State Prison (south), United States, contributed a paper on 'The Essential Basis of a Reformatory Prison Discipline.' He asks first, what is the essential basis of such a discipline? and second, what are the special agencies to be employed in the work of reformation? In reply to the first he maintains that the following fundamental principles should underlie every such system:—First, it must work with nature. Thus we must develop the prisoner's sociability as one of the vital forces of a free society. The writer quotes Captain Maconochie, Mr. F. Hill, and other writers of acknowledged authority, to show that without association it is impossible that the prisoner can be fitted for the outside world in which he will have to take his place. We must also allow hope ever to be present. We should, as far as possible, allow this to play by placing the fate of the prisoner in his own hands. Then, again, such a system ought to gain the will of the convict. The man must work out his own salvation. In reply to the second question, the agencies to be employed are—a hearty desire on the part of prison officials to co-operate in the prisoners' improvement. This, above all, was requisite, and could only exist with a conviction on their part that prisoners were capable of improvement. A progressive system of classification was also necessary, together with religion, education, the formation of habits of industry, the knowledge of a trade, an improved system of sentences, and complete separation between politics and prisons. Above all, the paper attaches importance towards securing prison officials of purity, energy, intelligence, benevolence, industry, high moral principle, and, lastly, religion.



## AID TO DISCHARGED PRISONERS.

T. L. MURRAY BROWNE.

IT is obvious that a prisoner just released from gaol and seeking work is placed in a position of peculiar difficulty, yet it is of the highest importance that the man should be able to obtain employment. The most perfect prison system—the most elaborate combination of deterrent and reformatory influences—must in a vast number of cases fail in its effect if, on the discharge of the criminal from gaol, he finds it impossible, or at least highly difficult, to obtain bread except by stealing. In truth the penal and police system of a thickly populated country cannot be said to be complete until it includes some agency whose function shall be to help discharged prisoners (in proper cases) to get work, and to support them until they do so.

It is of course assumed that the prisoners so to be befriended need such assistance and that they appear to deserve it, so far at least as their prison conduct enables a judgment to be formed of them.

This work may be performed in more ways than one. It may be done by regularly appointed Government officials. Under the Irish convict system, as worked by Sir Walter Crofton, it was so performed, and with marked success. It is obvious, however, that in this case the officials employed must be men selected with great care, and men of much zeal and energy, having their hearts thoroughly in their work. Such men are not always to be met with.

In England, the work in question has been chiefly discharged by Prisoners' Aid Societies. There are, I believe, thirty-four such societies in England and Scotland; covering all the principal counties and largest towns in those kingdoms, but leaving a full half of the entire area of the country still unoccupied. From twenty-seven of these societies I have received recent reports. There remain seven societies from which no report has been

received. Several of these, however, work upon a very small scale, so that in round numbers we may estimate the total number of persons befriended by Prisoners' Aid Societies during the year 1871 at 5,500 at the least.

How, then, are these societies constituted, and whence do they draw their funds?

In the first place, they are all VOLUNTARY associations of benevolent persons, formed for the purpose in question. Some societies have no official character whatever. The majority, however, possess a semi-official character, the precise nature of which I have not time to describe in detail: nor is it material to do so. It is sufficient to say that, either by arrangement with the directors of the Government convict prisons, or under the provisions of an Act of Parliament (25 & 26 Vict. c. 44), an official recognition is given to the societies in question, and their funds are, to some extent, augmented from public sources. This aid takes the shape of small sums placed in the hands of the societies to be applied for the benefit of particular prisoners. These sums often consist of a very few shillings; and in no case is more than 2*l.* or 3*l.* so placed to the account of a single prisoner.

The additional moneys required for the assistance of the prisoners and the necessary working expenses of the societies are raised by voluntary contributions. The managers of the societies are in all cases volunteers; for although it very commonly happens that the governor or chaplain of a gaol takes a principal part in the superintendence of the work, yet he does so not in his official capacity, but as a private individual.

These institutions may be divided into two classes: those which assist males and those which assist females. For although many societies do as a matter of fact extend their operations to both sexes, yet in such cases their work divides itself into two parts, constituting separate branches separately carried out.

I propose to deal, in the first place, with societies assisting male prisoners. These, again, may be subdivided into two classes—viz., those which maintain Homes or Refuges for discharged prisoners and those which do not. The first class, those which maintain Refuges, will be dealt with in the first place.

So far as I am aware, only two societies in England maintain Homes for adult male discharged prisoners. Of these by very much the largest is the Wakefield Industrial Home. Here the discharged prisoners are maintained as inmates of the Home, and are kept at industrial work, often for a considerable time, until employment can be found for them elsewhere. The system has its advantages. It furnishes a test of the sincerity of a man's good resolutions before he is sent forth into the world; and it has been worked successfully at Wakefield, which town affords special advantages to such an institution. But although several such Homes have at different times been established in the South of England, all have, from various causes, failed, and the great majority of Prisoners' Aid Societies prefer a different course of action. In so doing they are influenced partly by a desire to avoid the expense and trouble occasioned by the maintenance of a Home, partly by a doubt as to the expediency of maintaining a number of discharged prisoners together in association without the stringent discipline which a legal authority can alone render practicable; and partly by a conviction that, after all, the best thing they can do is to thrust the discharged prisoner into the labour market, and obtain work for him at the earliest possible time.

My own impression is that, for the reasons I have stated, it is in general better *not* to maintain Refuges for adult male prisoners. It is otherwise as to societies dealing with *women*.

I pass on to the second class of societies aiding male prisoners, *i.e.* societies who do not employ Homes. Their object is to support the prisoner until he gets work; to help him to get it as soon as possible; and further, to give him such general advice and assistance as they may have opportunity. The first thing to be done is to provide for the prisoner's maintenance until he obtains work. This, however, is a comparatively easy task. It may be done either at his own home (if he has one) or in temporary lodgings. But to find work is a more difficult matter. For this purpose a paid agent is usually employed, generally an old police-officer. His duty is to receive the prisoner on his discharge, to watch over him, and to exert himself to obtain work for him. Here—namely, in obtaining work—is of course the master difficulty which has to be overcome; but experience happily proves that it can be overcome,

though not without judgment and perseverance. To provide a man with necessary tools, clothes, and stock in trade according to his calling in life, will do somewhat. The personal knowledge, experience, and exertions of such an agent as I have described, will do much, the good will and energy of the discharged prisoner himself will do most of all. It is found in England that as a general rule a man's best chance of getting work lies in returning to the district in which he formerly dwelt, and to his former trade or occupation. Trades learned in prison are seldom of much use; moreover, it is not often that a prisoner is found who has not at some period of his life exercised some occupation to which he may return. Emigration is employed only to a very small and trifling extent, mainly on account of its expense. Many lads are sent to sea in the merchant service. The rest are absorbed, sooner or later, by the home labour market, generally in the neighbourhood of their old homes and in their former trades.

The reluctance of employers to give work to men who have been convicted, has, I think, been somewhat exaggerated; indeed I have sometimes been astonished at the apparent carelessness with which former masters will take a discharged prisoner again into their employ, even with the fullest knowledge of his guilt. I am now speaking, however, of positions which do not involve any great amount of trust. There are some classes of persons who are fitted only for situations involving trust, such as clerks and others, and when these become convicted very great difficulty is found in assisting them.

The society with which I am myself connected—the Metropolitan Discharged Prisoners' Relief Committee, in connection with the Reformatory and Refuge Union—has during eight years assisted upwards of 4,000 persons, or an average of 500 a year; yet in no case has it been found necessary to turn a man adrift who was able and willing to work because no work could be found for him. The experience of others does not vary very greatly from our own.

It further appears, from the records of the same society, that so far as is known, after careful inquiry, not more than 5 per cent. of those who have been assisted to obtain employment have been reconvicted. Other societies can show results equally satisfactory.

I now pass on to the second great division of Prisoners' Aid Societies, *i.e.* those aiding WOMEN.

These institutions have in many respects a harder task to fulfil than what I may call the men's societies. With the exception of a certain number of first convictions, almost all convicted women in England are prostitutes as well as thieves. They require, therefore, a double discipline, suited to fallen women as well as to criminals. Again, unless the female prisoner has friends able and willing to receive her upon her discharge, almost the only field for her labour in this country is domestic service; and it is unreasonable to ask mistresses of households to take servants straight from the prison doors. Experience seems to show that it is generally indispensable that female prisoners should pass for a time, before they go out into the world, into some species of probationary institution, where the sincerity of their good resolutions may be tested, and where they may be trained, in all senses of the word, to better things.

Accordingly all female Prisoners' Aid Societies, so far as I am aware, employ Homes of some sort or other. The best examples of these are to be found in the Homes for *convict* women, technically so called, *i.e.* women who have received a sentence of not less than five years' penal servitude. These are three in number: the Carlisle Memorial Home, established mainly through the exertions of Sir Walter Crofton, and two others. These Homes possess a definite official character, somewhat resembling the intermediate prisons of the Irish, or Crofton, convict system. No prisoner is allowed to enter them until, by good conduct and industry, she has gained a certain number of marks in prison, and has also served a fixed proportion of her sentence. *She then receives a ticket of leave*, and at her own request enters the Home. Here, though no longer in prison, she is subjected to a strict discipline, and is liable in case of misconduct to be sent back to prison again. Meanwhile she is employed in industrial work; while every influence and agency for good is brought to bear upon her moral being. The Homes are supported partly by voluntary contributions, partly by a Government subvention. The women generally remain in the Home for periods averaging from six months to a year. When they leave, the managers of the Home

find employment for all those who require it; usually in domestic service. The results are of the most satisfactory description.

I have spoken of the Homes receiving *convict* women. Other societies aiding female discharged prisoners work somewhat in the same way, but owing to the state of the law their system is less complete. The managers use their own discretion as to women they receive into their Homes. They have no legal control over them, nor do they receive any considerable assistance from State funds. They usually get their *protégées* into domestic service when they leave the Home.

If I may be allowed to comment upon the existing state of things, I would make two suggestions by way of improvement.

Firstly, that more liberal assistance should be given from public funds to Prisoners' Aid Societies, which are at present much pressed by want of means. This course is dictated as much by economy as by charity. The pecuniary saving occasioned by the reformation even of a few prisoners will pay the whole expense of a Prisoners' Aid Society over and over again.

Secondly, that the system should be made complete, so as to extend over the whole land. One half of the entire area of the country is still unprovided with these agencies. It is true that the governors and chaplains of many gaols occasionally afford help to the prisoners discharged from their superintendence. But such aid is irregular and unsystematic; and is incomplete, both in quality and quantity, from want both of the necessary machinery and of the necessary funds. No gaol should be without a regularly constituted Prisoners' Aid Society. I earnestly entreat all who hear me, more especially the English, to do their utmost to supply this want. Any information or assistance which I can give in this respect will be most willingly rendered.

For further information I may refer inquirers to the Reports of the several Societies, to the 'Proceedings of the Conference of Prisoners' Aid Societies, London, 1871,' published by the Reformatory and Refuge Union, 24 New Street, Spring Gardens, and to a paper by myself, entitled 'Suggestions on the Formation of Prisoners' Aid Societies,' also published by the Reformatory and Refuge Union.

Mrs. MEREDITH contributed a paper on Discharged Female Prisoners' Aid. She urged that a woman after imprison-

ment is placed in peculiar circumstances, to which the life of a man has no parallel. It is, therefore, claimed for her that she should pass a little in review before those who desire to relieve persons of her unhappy class. In this country, at least, it is remarkable that the entire dilapidation of the life of a woman is the inevitable result of the infliction of the penalty of imprisonment. In fact, whether her incarceration be long or short, it cuts the cords that bind her to virtuous society, and she drops into an abyss, where she steadily gravitates. Whose duty is it to rescue her? Surely it is the object of this Congress to seek the answer to this question? Year by year, our volume of judicial statistics, published by State authority, contains the statement that: 'The higher proportionate number of females frequently recommitted is, as usual, remarkable.' Year by year, we who work for the aid of women discharged from prisons, are eye-witnesses of the fact; the recommitments of women resist our efforts, and stifle our charity. Mrs. Meredith urged especially that it was impossible to carry out this work efficiently except by the aid of women.

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The Rev. E. ROBIN, Honorary Secretary of the Paris Protestant Discharged Prisoners' Aid Society, presented a report on the patronage of discharged adult prisoners. He contends that patronage is needful; that the two chief causes of the relapse of prisoners are, first, their moral condition; second, the distrust felt towards them. The aim of patronage should be to overcome this distrust. With this object society should be reminded that it is its interest not to repress, but to encourage the amendment of the discharged prisoner. To show this the paper calls attention to the fact that in the late Communal troubles twenty-five per cent. of those who threw society into peril were liberated prisoners. The patronage extended by the Paris Society commences by making a selection of the prisoners. This is done by visiting the prisons. Means are employed to bring the prisoners under the influence of religion. They are supplied with the Bible and other religious books. At the time of leaving the prison the *détenu* receives a card. From this time the patronage begins. In the first stage he receives relief of food and clothing for one or

two days. When he obtains work, often through the aid of the society, he enters the second stage. The society does not give money. The prisoner, however, is watched over, and has to record every change of residence. Many facts are given to show the value of such patronage. In conclusion, the paper suggests various amendments in the penal legislation of France. These are that a portion—say half—of the prisoner's earnings during his imprisonment should be given him on discharge; that an extended remission of sentence should be granted to the deserving; that discharged prisoners should be allowed to change their residence on making a simple declaration to the police; that additional facilities should be offered for the civil rehabilitation of discharged prisoners; and, lastly, that departmental commissioners should be reconstituted with the function of patronage.

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A report on the Protestant agricultural colony of St. Foy (Gironde) was contributed by Pastor T. A. DELILLE. This gave an account of the colony. Most of the inmates are employed in farm-work. Its principal source of income is its agricultural produce. Since 1844, 679 children have been admitted. Most of these do well and become useful citizens.

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An account of the work of the Patronage Committee of Protestant ladies at Montpellier was presented. This committee was founded in May 1839, under the guidance of Pastor Lissignol, after a visit from Mrs. Elizabeth Fry. Its aim is the moral and spiritual raising up again of Protestant female prisoners; its method of action, religious instruction on Sundays and holydays, and visits in the infirmary and the parlour. The number of visiting ladies is at present sixteen. Pastor Recoli is the president-secretary of the committee and its intermediary with the Administration. Every Sunday, at 8 A.M., the pastors of the Reformed Church, in turn, perform service in the Protestant chapel of the House. The visiting ladies give religious instruction at 1 P.M. on Sundays, holydays, and several times in the week during Lent, and each evening in the month of May—the month dedicated to the Virgin among the Roman Catholics.

The religious instruction of the prisoners is not the sole end aimed at by the committee; it endeavours, as far as circumstances allow, to watch over the penitents when they leave the House, to place out suitably those who are fit to return to their families; and exercises over them an affectionate and Christian influence, whether they be far or near. It is difficult to judge of all the results obtained, but it can be affirmed that they are of a nature to gratify all friends of the Gospel and of their fellow-creatures. Several of the detained women are positively reclaimed—some on their death-beds, or, when restored to society, giving evident signs of a real conversion. A certain number of these unfortunate creatures who have been seduced in early life get married, and conduct themselves respectably afterwards. They rarely relapse into evil ways, a certain number of the thieves excepted. The ladies who form part of the committee are chosen among the most pious of the Protestants, without distinction of denomination, and are mature in years. The directors of the House have often rendered homage to the intelligence and zeal with which they accomplish their delicate mission.

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A paper was contributed on the 'Reforming Labour of the Deaconess Establishment of Paris.' 'The foundation of the Paris Deaconess Institution took place in 1841, when the first deaconess and the first penitent entered Pastor Vermeil, the founder's, own house, which was thus the first seat of the establishment, which so rapidly increased in number. It soon undertook, besides the "Penitentiary," the care of the sick and that of children; but the raising up again of penitents ever remained its work. In 1843 a reformatory for vicious children or little vagabonds, and, in 1844, a house of correction for girls under age condemned by the tribunals, or confided to our care by their parents, were added. How many were really reclaimed? will be asked. We wish to maintain the distinction between a real conversion and an outwardly moral life. To say that half of our unfortunates are reclaimed is to be within reality in positive facts. These satisfactory results have often gained for us the approbation of our civil authorities. An asylum for servants out of place, presided over by one of our deaconesses, is

of great resource to us. We correspond with those who have left us; and if their conduct remain correct, in case of illness we willingly admit them anew, to attend on them. We are obliged to contend against that sort of instinct that prompts them to turn to us in all their difficulties, instead of reckoning only on themselves; but we find in this a touching proof of the good they have received; and last year, during the Communal terror, we had of this such a wonderful testimony, that it deserves to be recorded in concluding. During the night of April 13 to 14 the delegates of the then existing authority entered the establishment with a warrant of arrest for some of our sisters, and with the intention of seizing on the first pretext to arrest them and to abolish our institution. Our deaconesses were all prisoners for some hours, during which, in an adjoining room, the delegates questioned separately each of our penitents, promising them liberty on that very evening, if, by testifying to their ill-treatment, they (the delegates) were furnished with a plea to act in accordance with their designs. God alone kept watch over our young girls at that fearful moment. Not one of them relented; they were unanimous to exclaim that they preferred their present condition in the establishment to liberty in vice; and one of them, a girl of sixteen, went so far as to call "a coward" the very man who was offering her instantaneous liberty. The ruffians, foiled in their plans, and feeling, perhaps, that the hand of God was resting upon us, retired without uttering another word.'

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Mr. B. K. PEIRCE (United States) contributed a paper on Nautical Reform Schools. He insists strongly upon the necessity of not sending boys to such schools unless they show a liking for a seafaring life. For want mainly of attention to this principle, the first experiment made in the United States with a nautical reform school has not proved a success. During the ten years of its existence it had done much good, but its original object had failed. Various causes had contributed to this result—the falling off of American shipping during the war, the substitution of steam for sailing ships, the fact that the lads were sent to the ship without reference either to their liking for or their physical ability to endure the sea, in conse-

quence of which they often deserted ; that the numbers were continually recruited from the worst classes of criminal boys, and that this required a rigour of discipline which was not likely to develope moral affections ; that the ship was made a spectacle of, and its regular working thus interfered with. The writer suggests that such a ship should be engaged in actual service, and should carry freight to other shores.

## THE PREVENTION OF JUVENILE CRIME IN LARGE CITIES.

By C. L. BRACE (NEW YORK).

THE greatest danger threatening both the property and the good order of large towns is from the class of ignorant, neglected, and outcast youth. These furnish the petty thieves, young beggars, and vagrants, the prostitutes, rowdies, burglars, and a large part of the masses in every great city who have no interest in the preservation of property, or in public virtue, or in the observance of the law, but are hostile to all the best interests of the community. Under democratic institutions these form a most dangerous element, because they have the immense power of the suffrage, and become the implement of those pests of free communities, the professional politicians. Under monarchical or imperial institutions they are the class at the basis of society always ready for outbreak and revolution. They are the natural enemies of property and government.

Can their growth and increase be checked ? Can the evils they occasion to society be prevented ? There is, no doubt, too general a feeling in all large towns that there are some social evils and dangers that cannot be cured or warded off. This feeling is peculiarly strong in regard to the neglected and criminal children and youth of a city. The impression among the wise and good about them is, that they have always existed, and always will continue to exist ; that their crimes and the cases of suffering among them will always maintain a certain average to the population, and that it is nearly as useless to struggle against juvenile crime as against prostitution or vagrancy. It is of the utmost importance that all labouring in the field of human welfare should be convinced that much can

be accomplished practically to check the fearful growth of juvenile crime, and to change these ' dangerous classes ' into classes safe and useful to society, and able to assist it in its progress.

The foundation difficulty in all large cities has been the want of combination and a comprehensive organization against these evils and dangers. There has been a plenty of scattered efforts, of individual benevolence, of societies working on each other's field, of charities directed to this or that particular evil resulting from the condition of the neglected youth ; but, so far as we are aware, in no city of America or Europe, except New York, has there been a combined, carefully-constructed, and wide-reaching organization, which should devote itself alone to the elevating, purifying, and reforming of the class of outcast, homeless, or destitute children and youth. Organization and combination give a scope and power to such reforming and preventive efforts which no scattered efforts can attain. The ' charity fund ' of the community is directed carefully to one great end ; less machinery is needed ; there is less interference of charitable efforts with one another, and less of the attempting by one association what is being accomplished by another ; the best talent and ingenuity, too, are more likely to be attracted to an enterprise on so wide a scale.

1. The first influence needed in a successful effort against juvenile crime in cities is sympathy. The great proportion of the outcast and lowest classes cannot believe that anyone cares for them. They seem outside of human sympathy. They have been forced to cut their own way with the utmost selfishness and hardness ; every man's hand has been against them ; no look or word of kindness, perhaps, has reached them from those higher than they, and they can hardly imagine that any person takes any interest in them. This solitude in a great city, especially in the case of a girl, is what especially drives her to despair and ruin. And both boys and girls feel the restraining effect continually of the sympathy or personal interest of those superior to them. Any sort of human connection between the two extremes of society will serve to dispel those prejudices and bitter feelings which form so readily in the hearts of the poor against the fortunate. The rich, too, are benefited, and brought nearer in brotherhood to those who share the same nature. When an inferior and semi-criminal

class begins to feel that those who enjoy the blessings of life have a sincere and earnest feeling of sympathy for them, half of the danger from them passes away; they are open to reforming influences, and less exposed to temptations, to outbreak and criminality.

2. It need hardly be said that school education is indispensable to the work of prevention of juvenile crime. Education in itself is not necessarily and of course a preventive in each individual case, but in broad, school-training gives the habits of steady labour, punctuality, and exactness, the taste for knowledge, and the capacity, which enable the youth to earn money in various branches, while all tend to elevate the young above criminal temptations and great poverty.

Where there is even moderate school-education there will always be a greater readiness for emigration, and the willingness and ability to change locality with a working-class is often the best means of securing them against excessive competition, and thus preserving their children from great destitution and temptation.

The statistics of education among criminals in this view are important.

The experience in the United States is, that our public schools system, to which we owe so many of our blessings, does not fully prevent the evils arising from juvenile ignorance in the cities. Owing to foreign immigration and increasing inequality of fortunes, there has come to be a class of children too dirty in habits, too ragged, too much dependent on street-trades, too irregular (from necessity) in attendance, and too vagrant or semi-criminal in mode of life, to attend the neat, orderly, punctual, and regular schools. The parents are, in fact, so poor as to need the assistance of their children a portion of the day, and the little ones depend for their daily bread on their own 'jobs' in the street or on the proceeds of their begging. No public arrangement can fully meet this difficulty, as the children are not legally vagrants or paupers, and therefore cannot be arrested. Nor could any wise public school system be founded with eleemosynary features; they would be liable to the greatest perversion, and might tend to degrade the whole organization. Still another large class are not fully covered by our public school system—the children employed in

factories and shops. Here, however, law can have an effect—by compelling 'half-time schools,' and enforcing school-attendance a portion of the day.

To meet the evils from a class of uneducated children there will be a necessity for the preventive measures I shall hereafter describe, along with a law making education compulsory, gratuitous, and secular.

So strong is the feeling in the United States that the interests of the whole community require the education of all, that we would rather pay the poor to be educated than not have them educated at all. Gratuitousness has not prevented the masses from appreciating the value of it; and the public has been remunerated over and over again for its taxes paid for schools by the improvement in the lower classes. Entire freedom from cost does also attract the lower members of the working-classes, and aids the very valuable impression that education belongs to all, and is, like suffrage, both a privilege and a duty.

3. Along with school-training will naturally come *discipline*, as a necessary means of improving this unfortunate class. It hardly matters what discipline, so that these young wanderers of the street are trained to control themselves and submit to order and law. All the exact virtues they are peculiarly deficient in; they are unpunctual, slatternly, careless, and averse to obey. But in teaching them discipline it is of great importance that some of their good qualities should not be checked; their capacity of self-help and their independence should be cherished.

4. One great cause of crime in this class is want of employment and the want of any industrial skill. If labour can be supplied them, or they can be taught any branch which will enable them afterwards to earn anything, they are in so far above certain temptations. In the United States the branches which will always demand workers, and which offer the best chances to the young, are garden and farm-work. With girls a short training on the sewing-machine gives the labourers good wages and constant employment. Our experience in the United States is, that it is not generally desirable to attempt self-supporting industrial movements among these children, but rather to fit them for any occupation by teaching habits of industry.



5. No work can be vital among the youthful poorer classes which does not include *religion* among its forces of influence. Nothing else can strengthen these children, exposed to every temptation, against the tide of evil influences which is bearing them down. They are peculiarly open both to superstition and religious influences. With the faith in a Divine friend, requiring purity and honour and kindness from them in daily life, feeling for them in all their troubles, and who shall one day be their judge, they can resist the worst temptations peculiar to their class and their low condition.

Though indispensable to moral reform, religion will often have to be excluded from a national system of instruction, on account of the jarring and conflicts of opposing sects. That is, national schools without nominal religion are better than no schools at all. The theory in America is that intelligence prepares best for religion, and that instruction in this may be safely left to the different sects, or to home influences.

6. The final and best practical agency in efforts in large towns for this class is the plan of 'placing out,' or emigration to country districts. This breaks up all the worst associations about these unfortunate youths, takes them from the companions and haunts of vice, puts them where others will respect them if they respect themselves, gives them the best of all labours for 'minds diseased'—labour in the soil—opens to them a chance of success and competency, and places them in the most useful class in every country—the tillers of the ground.

With unfortunate and deserted children, their transfer to the country can often be effected with but little preliminary training. New circumstances will at once call out the better tendencies, and the most hopeful feature in man—his improvability—will show itself at once in these children of misfortune in their new homes.

This method, of course, is the cheapest possible plan of reform. The expenses of 'placing-out' are a bagatelle, compared with those of a public institution—an asylum or almshouse or reformatory. It relieves the community of paupers and future criminals, and turns them into industrious producers. It destroys hereditary pauperism. It breaks up the influence of the vicious poor upon one another. It is not unjust to the children of the industrious poor, because the last thing the

poor ever desire is to be separated from their children. And, so far from encouraging the idle poor to beget children whom others shall care for, our experience in America is that what the idle poor most of all dread is lest their children in almshouses should be 'placed-out' beyond their reach.

The extended charity, known as the Children's Aid Society of New York, was founded by a few gentlemen, of whom the writer was one, in 1853 in New York. It was caused especially by the sense of the fearful evils threatening the city from its homeless, destitute, and neglected children, mainly the offspring of a poor foreign immigration.

Its first circular embraced all the features which have since been filled out in its work. It proposed to cure and prevent these evils: 1st, by opening industrial schools for children too poor or irregular in attendance for the public schools; 2nd, by employing missionaries or agents to go among and aid the destitute youth; 3rd, by opening free reading rooms for boys and young men; 4th, by founding lodging-houses for homeless children; and 5th, finally, by 'placing-out' destitute street-wanderers and homeless children in carefully selected country homes.

The association was incorporated in 1855, and for some ten years depending entirely for its means on voluntary contributions. The first year the writer, an office-boy, and one visitor were the sole executive agents. Its income that year was 4,732 dollars. Slowly and by incessant labour it was built up, until, in 1871, it had over fifty teachers and some twenty-five other *employés*, and received an income of about 200,000 dollars, of which nearly one-half came from taxation, and the other half from private gifts or bequests. It has founded twenty industrial schools, with twelve night schools for the poorest children having parents. Here the little ones have a simple meal, and earn garments or shoes by good conduct, punctuality, and industry. Here they are taught sewing, the use of the sewing-machine, and some simple trade; and, as fast as they are improved, are sent to the public schools, or are placed out in families, or enter shops or factories.

The aggregate attendance at these industrial schools the past year was 9,429, though the average was only 2,847, owing to their occupation in street trades or similar work.

One of these schools was exclusively for poor Italians, with some 300 in attendance; another for poor Germans, with 500 scholars; another for coloured (though coloured children are admitted in all the schools), with about 100. The majority are poor Irish. Very few of these children—not more than *three out of a thousand*—ever become chargeable on the authorities or commit criminal offences, though they come from the very lowest of the city. These schools supplement the public schools. They have had a wonderful effect in connection with our other operations in reducing juvenile crime in New York. If, from any cause, our association was compelled to suspend them, the public in its own defence would be obliged to open new ones of a similar character. The slight assistance given in the industrial schools, the practical work taught, and the moral influence of visitors and lady volunteer teachers, enable and attract thousands of very poor children to attend, who would otherwise be roaming the streets or growing up in entire ignorance. A system of charity schools could not with any safety be carried on by the public authorities.

These schools are, however, under the supervision of and subject to examination by the school Board of the city. Half their support is derived from a tax, collected by this Board, allowed on the average attendance of the schools. The religious instruction is substantially the same with that of the public schools, though more latitude is allowed for moral teachings. Much time is given to industrial training, and great use is made of singing as a moral agency. The object method is very generally employed in these schools as a mode of instruction.

The opening of lodging houses for street children was dictated by compassion for the great number of homeless children in our city. The first was that for news boys, opened in 1855. We have now four for boys and one for girls, sheltering together some 400 children nightly, and about 12,000 different children annually.

They are managed differently from any similar charities in other cities. Each child is expected if possible to pay for its lodging and meals, usually at the rate of five cents for each. This rule cultivates the feeling of independence with these little vagrants, and is of great assistance to our charity. In our news boys' lodging-house we receive from this source about

5,000 dollars per annum. In another house, which has been presented to us, and where, accordingly, we have no rent to pay, we carry on the whole establishment, paying the salaries, wages, and board of superintendent, matron, three children, two servants, watchman, and office-boy, with the food and charge of eighty boys nightly, at a net cost to the public of only a hundred dollars per annum. The great object of these establishments is to improve the children, and then to continually forward them to places. We do not desire the houses to be homes, but only places of temporary shelter and instruction.

Each house has, as appliances of reform, bath-room, a library, savings bank and loan fund, gymnasium, night school, and Sunday meeting attached. Each one drains into it all the floating and houseless children of the quarter. Each becomes a kind of 'moral disinfectant' of the district. If a child is entirely without means, and suffering, the superintendent lends him money to start him in a street trade, lodges and feeds him for a time, and soon starts him for a place in the rural districts, through the central office, shortly to be mentioned. About seventeen per cent. are thus lodged gratuitously.

The girls' lodging-house has attached a training school for servants, and a sewing-machine school, where last year over a thousand girls were trained in the use of the machine at a trifling expense, and went forth to support themselves. Since the news boys' house was established, over 50,000 different boys have passed through it, and 32,308 dollars were contributed by the boys towards its expenses. While they are in these houses, these children are taught lessons of order, cleanliness, and discipline. Some learn to labour, and others are trained in school lessons, and all are brought under moral influences. Through them petty thieves and vagrants become honest boys, and street wandering little girls are transformed into industrious young workers. Working under one organization, they all combine to produce one effect. They are, in fact, temporary nurseries and schools for vagrant children, to prepare them for our great remedy, of which I shall speak. So strong is our sense of the value of this remedy, that we do not encourage street trades any further than as a temporary means

of support. We have, accordingly, never sought to found even a 'boot black brigade.'

'Améliorer l'homme par la terre, et la terre par l'homme'—  
'To improve man by the soil, and the soil by man'—is our motto, as it is of the great agricultural colony of Mettray.

The grand object of our visiting agents among the poor, of our lodging-houses, meetings, and schools, is to induce the lowest poor to send forth their children to the West, and to persuade the entirely homeless and orphan children to go forth themselves, and take situations with farmers or tillers of the ground.

For this purpose we have a regular machinery, which has been in constant operation during nearly the past twenty years. A resident Western agent travels through the Western States, and arranges for parties of children, wherever they are needed; he also looks after the interests of those who have been previously sent. When he discovers a village where forty or fifty children are needed by the farmers, he arranges for a public meeting on a given day, and then communicates with our Western agent in New York. This agent collects his children at the central office from the various lodging-houses and schools, or by means of the visitors, or by conference with the poor people themselves. When he has his little party arranged, of forty or fifty, he sets forth, taking the ordinary passenger-cars (in which we are allowed reduced rates), and reaches the village in time for the announced meeting. Here a large assembly is gathered in some public building, and a local committee is chosen to decide on the applications for children, and to report afterwards on their welfare. The children, who are of all ages from babyhood up to sixteen, are then placed with the farmers, *without indenture*, but with agreement to send them to school a portion of the year. Often in half a day a whole company will thus be placed in the best homes of the West. Sometimes our companies have been as large as *one hundred*. For a single party we have paid as high as two thousand dollars for fares and expenses for a journey nearly two thousand miles. A portion of the expense is, however, returned by the contributions of the farmers, so that at the end of the year, with over 2,500 children thus sent

out, they will not average us, including salaries and all expenses, more than fifteen dollars per head.

In any almshouse, or public institution, they would have averaged ten times as much, and wandering abroad and preying on the community, they would have soon caused twenty times that expense.

We have thus placed out, since we began, about 22,000 children. So far as we can learn, not more than five per cent. commit offences or become chargeable on the public. Great numbers have received property from their employers or have earned it, and are now men of means. Others are in professions, others are mechanics, or honest farmers, or are in various productive branches. Many have contributed to the support of the charity that befriended them, or have bequeathed their property to it on their death.

The experiment of 'placing-out' in the United States has been an unmingled blessing, and the most economical charity ever devised.

The children and youth who would have been petty thieves, vagrants, prostitutes, sharpers, burglars, and criminals, have been made by it honest and industrious producers. Hereditary pauperism and criminality have been broken up.

And all this at an average expense to society of fifteen dollars for each child. So far from this assistance encouraging pauperism, the one thing the ignorant poor most of all dread is the removal of their children to places in the country. And this not from any reasonable ground, but from ignorant fear and anxiety. Hardly a case in twenty years has occurred of ill-treatment of any child thus sent forth. And so carefully has the enterprise been managed, that up to this year, but one suit has ever been instituted by poor parents to recover a runaway child. Comparatively few of the children drift back to the city. Organization and combination would enable any European city to accomplish a similar work. The expense from Liverpool to Montreal is scarcely greater than from New York to Kansas.

## ENGLISH REFORMATORY AND CERTIFIED INDUSTRIAL SCHOOLS: THEIR PRINCIPLES AND RESULTS.

BY MARY CARPENTER, MANAGER AND REPRESENTATIVE OF THE PROTESTANT GIRLS' REFORMATORY SCHOOL AT RED LODGE, BRISTOL

IT is important at the outset of our inquiry distinctly to define a fundamental difference between any system or institution intended for *adults*, and others intended for *juveniles*.

The adult must be placed under reformatory *prison* discipline; but the child is to be *educated* in a *home* for the sphere of life in which Providence has placed him, and which he should be prepared to enter on free from any stigma arising from antecedents for which he is not responsible. Except, then, in the adoption of some principles of universal application in all reformatory work, we shall here entirely leave the thought of prisons, which, however excellent, are totally unfit for the reception of erring children, and consider only reformatory schools for those who have broken the law, and certified industrial schools for young persons who may be regarded as having acted *sans discernement*, that is, without a knowledge of right and wrong.

The reformatory movement in Great Britain may be regarded as commencing with the Conference which assembled in Birmingham in December 1851, and which was repeated in 1853. A Parliamentary Committee followed the Conference.

The Act of Parliament which gave reformatories a status in the country became law in August 1854.

The first Reformatory Act of 1854 was succeeded by others which were consolidated in 1866.

The first Act was permissive and experimental; it gave power to all magistrates, recorders, and judges to sentence to these reformatory schools children who had committed any act punishable with not less than fourteen days of previous imprisonment, but did not require them to do so. It leaves the establishment of these schools to voluntary benevolence; they are to be inspected by some person appointed by the Secretary

of State, and, on being certified by him as fit and proper for the purpose, children may be sentenced to them by magistrates or judges for a certain number of years.

The school remains under the sole direction of the voluntary managers; but the Secretary of State may examine it by his inspector at any time he pleases; if the state of the school is not satisfactory he may withdraw the certificate, and the school then ceases to be a reformatory school under the meaning of the Act. The Secretary of State thus acts *in loco parentis* to the child, and when placing him in a school satisfies himself that it is well suited to his training. The Secretary of State makes a grant for a fixed sum per head for each child sentenced to the school as long as he is in it. In addition to this, counties or boroughs may, if they think fit, raise a county-rate, and make an agreement with the managers of any school to contribute towards its support. The Secretary of State has the power of discharging the child at any time; this is frequently done when the managers make application on the score of good conduct. The manager of the school may grant a licence to any inmate, half of whose time of detention has expired, to be at large on trial under the responsibility of the school.

The parents of the children are compelled to pay whatever may be ordered by the magistrates towards the expense of the school while in the school, and this contribution relieves the treasury.

The general provisions of the Certified Industrial Schools Act are the same as those for reformatories. The difference lies in the fact that these are intended for young persons in a state of *proclivity* to crime, who have not yet been in prison. Children under twelve may be sent to these for any offence whatever, and none ever admitted above fourteen, or retained when past sixteen. A smaller allowance is made for these schools, a less expensive staff being required.

Considerable variety may be expected in the general management of reformatory institutions, since there is free scope given to managers provided the necessary conditions are complied with, and the results of their management are satisfactory. Practically, however, the general state of the reformatories and certified industrial schools indicates that certain principles of

management have been generally adopted in Protestant institutions. They may be summarised as follows:—

First, that the inmates shall be placed, as far as possible, in a natural condition, and that a home feeling shall be inspired into them. Hence it is desirable that the institutions should not be too large to admit of this, and that there should be various schools adapted to receive fifty or sixty inmates in different parts of the country, rather than large central ones. When, as at Redhill Reformatory, some hundreds are under one management, the inmates are divided into separate houses, as at Mettray in France, and a home influence is thus kept up. This system has not only had the effect of giving the scholars a personal interest in their institutions, but has excited in the managers considerable sympathy with the children confided to their care, and much benevolent voluntary effort to promote their welfare. It has thus inspired confidence in society at large, and enabled the young persons so brought up to enter on their future life with a fair opportunity of filling their part in it satisfactorily.

In the general training in reformatory institutions, industrial work, and, if possible, out-door employment occupies a very prominent part. This prepares the inmates to gain an honest livelihood, and is also an important means of developing the faculties, both physical and intellectual. In the case of girls, all such occupations are taught as will prepare them for domestic life: at least three hours a day are devoted to religious instruction and the ordinary branches of education. Sufficient time is allowed for recreation and occasional innocent gratification. The food, clothing, and surroundings in reformatories are such as are adapted to working boys and girls, and conduce to their health and civilisation, without giving them undue indulgence.

After twenty years of earnest work a new principle has thus been established in the country. It is now generally accepted that equally for the true welfare of society, and for the good of the individual, the erring child is to be reclaimed and educated instead of being punished in gaol, and thus enabled to begin his career in life without a stigma upon him. The verdict of society has been given in favour of the system, and the Secretary of State has recently stated in the House of

Commons that a considerable diminution of juvenile crime has been the result of it.

We may, however, desire to know more definitely what have been the actual results of the establishment of reformatory institutions. These can be very inadequately shown by statistics, however carefully collected. A young person who may appear in the returns annually made to the inspector of reformatories as a failure, may afterwards show the fruits of the seed sown, and become a respectable character. Again, temporary causes may affect the returns from some schools at particular times, and lower the average without affecting the real general results. As a specimen of the returns which are annually made, it may, however, be stated that in the four years, 1862, '63, '64, and '65 inclusive, 70 girls were discharged from the reformatory of which I have the management. Of these only one was reconvicted during that period, nine others were doubtful or unknown, and sixty were maintaining themselves respectably, six of them having been well married. When we reflect that the greater number of these girls would have been necessarily degraded, and probably lost to virtue, if they had not been thus rescued, such a fact alone, which is far from being an isolated one, speaks for itself. But without referring to any such individual facts or to any averages or statistics, we may state a few important and striking results.

In the first place, juvenile crime as it existed twenty years ago has been *absolutely annihilated*. At that time there were regularly organized gangs of young thieves; there was professional training for them, and they were taught a special language. One woman whom I knew boasted that she had trained fifty, and her own daughters showed themselves apt scholars. In large cities there were well-known receivers of stolen goods, who gave a lodging to any unfortunate young persons whom they could lure into their wiles. The homes of forty young thieves, selected at random in Liverpool gaol for visitation, presented a history which would be incredible to those unacquainted with that portion of the population. The convict class was regularly recruited from the ranks of frequently convicted young thieves, who had had their training in the gaol. The individual careers of many such boys and girls, which are recorded in my works, 'Reformatory Schools' and 'Juvenile Delinquents,' as

selected from the reports of the Rev. J. Clay, the Rev. T. Carter, and many others, now have the air of romances, and are happily at present matter of history. Besides the direct moral and physical injury done to society by precocious young thieves, no one can calculate the indirect damage every one of them has caused within the sphere of his influence. At the commencement of our reformatory work we had often to deal with young persons who had been in prison six or eight times! Now such would be searched for in vain through the length and breadth of the land, and cases of even two convictions are now not common.

Secondly, the public has been awakened to the duty and to the practical utility of endeavouring to reform juvenile delinquents, and many benevolent persons have been roused to personal efforts on their behalf. Formerly a despairing apathy rested on the heart of the nation, and its conscience was blunted by the assurances of political economists, that every attempt to cure moral disease was a premium on crime, and would thus increase the evil. Now it is well understood that in this matter, at least, sound political economy and true Christianity are not really at variance, and the heart and conscience of the nation have been opened to bestow money and effort, as well as love and sympathy, to save these young ones.

Thirdly, the results of our reformatory work have for many years been so satisfactory that the public has become convinced of its reality. Our children are even sought for in preference to others, as being better prepared for work than ordinary children. We have thus indicated the way in which young children of the labouring classes may be prepared for their station in life. The objects we had in view have thus been accomplished.

## CRIMINAL CAPITALISTS.

By EDWIN HILL.

I HAVE been requested to open the discussion of the question, 'In what way can the receivers of stolen goods, or persons who knowingly give house-room to thieves, or who otherwise act as Criminal Capitalists, be effectually dealt with, so as to destroy the organization of crime on a large scale?'

That the numerous bodies of criminals infesting our large towns, and subsisting mainly by plundering their neighbours, taken with those who, although not actively engaged in the work of robbery, do nevertheless knowingly profit—directly or indirectly—by affording essential aid and support to the more prominent members of the predatory class; that these taken collectively form a virtual organization, the several parts of which are incapable of operating with success except in combination with each other, is a proposition that, however firmly established in the minds of those who have carefully investigated the subject, appears as yet scarcely to have been even entertained by the public mind, much less to have become so impressed thereupon as to have taken its place as 'an established and influential truth.'

This, so far as regards the general public, is not to be wondered at, seeing that when subjected to the hostile operations of the burglar, the garotter, or the pickpocket, our minds are so occupied by resentment against the immediate perpetrators, that we seldom give a thought to those unseen virtual accomplices, but for whose aid the plunderers would not have been in a position to inflict such injuries upon us. These are:

1st. The providers of homes for the predatory class—i.e. dens for the thieves—every shilling of rent obtained for them being got by the pillage of their neighbours.

2ndly. The flash-housekeepers, who provide the places wherein the dishonest may find sympathy and fellowship, and wherein they may give and receive information and assistance in concocting plots for despoiling their neighbours.

3rdly. The booty-mongers—viz., those who make it their business to cash the booty of the thieves—whether by purchasing or by advancing money upon it—regardless of the means by which it must have been obtained.

4thly. The inventors and constructors of instruments adapted to the purposes of the burglars, and especially to the breaking open of iron safes; such instruments sometimes showing much (perverted) ingenuity in their construction, and being of elaborate workmanship.

Upon reflection, it is clear that each of these purposes requires for its accomplishment the possession of capital, more or less; and the men who so employ their capital, wholly or partially, are truly the capitalists of the criminal organization.

Now, few economical propositions are better understood than that no organized industrial operation whatever—be it good and useful, or evil and pernicious—can possibly be carried on without the aid of capital. With reference to the question before us, let us consider the case of a town—and such there are to my knowledge—wherein the owners of house property are united in the determination absolutely to refuse tenancy to all persons of bad character. Now suppose an active member of the predatory class—his own home having become too hot to hold him—should some day happen to find himself in this particular town, and seeing the wealth of the place, and that from the immunity previously enjoyed but little care was taken to guard it from depredation, to carefully consider the chance of this place proving an eligible field for his future operations. He would soon discover—1st. That his inability to produce a satisfactory character would be an absolute bar to his obtaining a residence. 2ndly. That there was no flash-house where he could look for the assistance and the sympathy of others pursuing the like objects with himself. 3rdly. That no booty, excepting money, would be of any service to him, for want of a market for its disposal; and lastly—That should his pursuits require the aid of peculiar instruments, none such were there to be had. His inevitable conclusion, therefore, would be, that he had better move off at once to some place wherein the wholesome rule, ‘No honesty no house,’ was less sternly carried out.

Now if the absolute withholding of capital from criminal

pursuits—for this is what the circumstances detailed really imply—would produce, and in known cases actually does produce, an effect so wonderfully preventive of crime, we may surely assume that its total withdrawal in places wherein its use in the support of criminality has not hitherto been prevented, would be just as effectual in extinguishing the criminal organizations there in existence, and of which it forms the life-blood. I ask leave here to particularise two of the most distressing evils of the existing state of the criminal population, and which in such case could not fail to be suppressed—viz., 1st, the birth and rearing of children in the midst of criminality;—in short, so environed by crime, that their escape from utter contamination would require an interposition but little short of a miracle; the waste of life among the criminal population of this country being estimated to require to make it good the birth of seven infants per day. And 2ndly, the corruption of the children of honest and industrious parents, partly by the bad company from which now it is next to impossible to keep them wholly separate, and partly by the temptations to pilfering offered on all sides by the facilities for the disposal of pilferings afforded by unscrupulous dealers and money-lenders.

I will assume, therefore, that whenever the criminal capitalists can be driven or scared from the field, the predatory classes, deprived of the support of capital, must soon fall into extinction. But it may be said, in like manner, that, could the mere operative thieves be all driven from the field, organized criminality must equally cease to exist. Granted,—and society has, apparently without giving the matter much thought, adopted this last mode of proceeding almost exclusively. It has made vast efforts and incurred enormous expenses in its long-continued attempt to put down the army of thieves by attacking them individually; but with what success? Is it not notorious that the hostile force still keeps the field, scarcely, if at all, diminished in numbers; following their vocation of outraging and plundering their neighbours with undiminished strength and audacity?

Surely it is time that we turned our earnest thoughts to the other plan, viz., that of attacking the capitalists of crime, instead of confining our attention, as hitherto, almost exclusively to the mere operatives. Indeed, seeing that the capitalists are but few,



whilst the operatives are many; that the capitalists must be men of fixed position comparatively, whilst the operatives may be almost likened to the birds of the air; that the capitalists, having property at stake, and some position in the world to lose, cannot but be greatly more sensitive to the terrors of the law than the others;—it would appear that, had our criminal legislation been based upon well-directed and exhaustive inquiry, instead of being mostly hand-to-mouth law, the vastly superior efficiency of an attack upon the capital embarked in criminal pursuits, in comparison with an attack upon the mere journey-men thieves whom it virtually employs, would have been recognized as a matter all but self-evident, and would, of consequence, have been adopted as a guiding principle in our preventive legislation.

In considering the means of curing a given evil—in this case, the means by which we can secure the permanent withdrawal of capital from the support of crime—we ought first to think whether we do or do not possess a sufficient knowledge of all the circumstances of the case. In the present instance it may be difficult to imagine what further information the most searching inquiry could bring out, but seeing what unexpected facts have been brought to light on former occasions by authoritative inquiry,—to go no further back than to the case of the Sheffield outrages,—I think it most important that such an inquiry should be instituted as respects the subject before us. In the meantime, however, we have to make the best use we can of the information already acquired.

In the first place, as to the harbouring of thieves. The Legislature has twice had this subject before it, but in each case it has manifested a (to me) most unaccountable reluctance to do anything more than to adopt a few feeble palliatives. What was wanted was, First, to empower the owners and managers of houses to get rid of bad tenants upon discovering that they had such. Secondly, to make it absolutely unsafe to the said owners and managers to knowingly suffer such tenants to continue in their houses. Thirdly, to make it the duty of the police to give formal notice to such owners and managers, whenever they (the police) should have good reason to believe their tenants to be members of, or in any way linked to, the predatory class. Fourthly, to require that in all important

police establishments a few men of superior ability should be charged with the duty of discovering and reporting all places wherein either thieves were harboured, or stolen property dealt in, or instruments and other aids supplied to the plunderers. Fifthly, that the courts should be empowered (under suitable regulations) to attach and deal with any house (or other premises), upon proof of its being persistently used for unlawful purposes; reckoning as such the housing of persons living by plunder.

In illustration of the necessity for such a power, I will mention, 1st, that from the chaplain of the Borough gaol at Birmingham, I learnt some time ago, that no less than thirty-five prisoners had come in succession from a single house in that town; 2ndly, that thinking it probable that the sale of obscene publications—to suppress which such strenuous efforts have been made by the Society for the Suppression of Vice—was mostly confined to certain houses, I recently made inquiry at the office of the Society, and was informed that such was really the case; it having become known to the officers of the Society that several houses wherein this pernicious trade has long been carried on are owned by a single individual, the men successively prosecuted by the Society being merely his instruments. And in answer to my further inquiry, a strong opinion was expressed that had the courts been empowered to deal with these houses as herein suggested, this abominable nuisance, which has proved so tenacious of life, would in all probability have been suppressed at once.

It is well known that in London and elsewhere there are houses that have been specially adapted for the reception of thieves and their booty, having duplicate staircases and different outlets for escape, and being provided with bell-wire communication with adjacent houses, by which to receive notice of an impending visit from the officers of justice. In the great State of New York the devotion of house property to the aid of criminality appears to be carried on to a greater extent even than it is in this country; for in the Report of the New York Prison Association, it is stated that in numerous towns upon the great lines of railways and canals, 'there are established rendezvous for professional criminals, that are as well known to them as Astor House and Delavan House are

known to business travellers.' In short, it would appear that in the State of New York, as in England, there is no law whatever to prevent any one from building and fitting up a house or houses expressly adapted for carrying on the business of robbery. Indeed, the House of Commons did actually strike out of the Habitual Criminals Bill the provision therein inserted for bringing guilty proprietors to justice; thus virtually authorising them to make their houses dens of thieves if so minded. I presume that if a piratical ship were captured, and it was made clear that its owner well knew the purpose for which his ship was employed, the plea 'may not a man do what he will with his own?' would scarcely save his ship from condemnation, or even save him himself from being sharply taught by a criminal prosecution that 'property has its duties as well as its rights.' Why should not a piratical house be as obnoxious to the law as a piratical ship?

In the second place, as to the criminal capitalists who employ their means in cashing the booty for the operative thieves, the English law fully recognizes their guilt, and threatens them with condign punishment *upon detection*. But when the occasion arises for carrying these threats into effect, the law suffers itself to be defeated ignominiously by futile technicalities totally opposed to its spirit; so thoroughly defeated, indeed, that, as respects London, it is highly probable that for one case of receiving stolen goods brought to punishment there are four or five thousand that escape. This paralysis of the law is easily explained, and might easily be cured. You stop a thief carrying off your plate-basket; you demand to know what he was about to do with it, and find that he was taking it to Mr. —, not far off, whom he had dealt with before. You reflect that your plate can never be safe so long as there is a scoundrelly dealer near at hand, who will buy it for melting down, whoever may bring it, and however plainly it may show that it bears your crest or cipher. Hence you determine to detect and punish this encourager of thieves; and for this purpose you allow and encourage the thief to carry the plate to him as he had intended. This he does; the plate is bought and paid for (perchance for half its value as mere silver), but you pounce upon the dealer before he can either deface or conceal it, and you feel sure that you have secured his conviction. But no; the law spies the circumstance that by stopping the thief you had momentarily

recovered the control of the plate, and rules that hence the character as stolen property no longer attached to it, and that consequently the dealer is entitled to be treated as a pure and upright man, a faithful member of society, with whose proceedings it would be an act of tyranny to interfere! Now it is at least a supposable case that you and your thief messenger might be stopped and overpowered on your road by roughs, some of whom might effect your detention whilst the others sold the plate to the dealer, who, if perchance caught in the fact, could not in such case escape conviction and punishment. But what casuist, I ask, could discover a particle of difference in the guilt of the dealer in the two cases supposed? Or who would maintain that the circumstances of the first case did not as effectually prove him to be a dangerous enemy to society, which it must put down in its own defence, as it would be proved in the last case?

When a man is clearly proved to have fully intended a crime, and also to have done what in him lay to carry out such criminal intention, it is surely most unwise in society to suffer him to escape correction, either because of the frustration of his attempt by some chance circumstance, or from some subtle but childish-absurd distinction being held to take his offence out of the strict letter of the law. In the matter before us, if the law were made to define the offence to be the reception of goods *presumably* stolen, or *presumably* obtained by unlawful means, the whole difficulty of detection would vanish; as no doubt the police would well know how to obtain the assistance of some of the thieves—repentant or otherwise—in effecting the detection of the receivers; and so soon as it should become clear that no receiver of stolen goods, more especially no tempter of children, was safe from the operations of the detective police, I think we may conclude that the booty traffic would be for the most part abandoned, as being more dangerous than profitable.

In conclusion, the suggestions I have made for breaking up the existing organization of crime, and preventing its future re-organization, may be concisely re-stated as follows:

1st. That a searching inquiry be made by a duly-authorised commission into the circumstances under which criminality ordinarily has its first beginnings; and those also which stimu-

late and foster its development, having special regard to the lamentable circumstances under which numerous children are now brought into the world and reared, so surrounded by evil that to rescue them from the wretched fate of growing up to be confirmed criminals would require an interposition little less than miraculous. Further, to complete our knowledge of the circumstances of criminal life it should be ascertained as to certain typical mature criminals, how they are housed, whether they marry, or live with women without marriage, how their children are treated, how and where they associate with other men, and whether any and what peculiar division of labour exists among them, whether or not they have received instruction in thieving, what means they have of concealment and escape, how their booty is disposed of, &c.

2ndly. To so carry out by law the principle that 'property has its duties as well as its rights,' that all who have the control of house property shall be effectually deterred from suffering their property to become refuges for those who live by breaking the law.

3rdly. In order to deter persons from employing capital in the booty traffic, so to alter the law upon that subject as to enable the courts to carry it out in its spirit, unhampered by the puerile technicalities which now render its action almost wholly abortive.

N.B.—Were the slight alteration that I have just suggested made in the wording of the law, the detection of an habitual receiver of stolen goods—which is now but rarely possible—would become so easy, that a failure to bring such a one to justice would cast grave discredit upon the police wherever it should occur, and might be made the subject of disciplinary punishment within the force itself.

Lastly. It is so obviously just that if any man, or body of men, wilfully support and assist in the perpetuation of a given evil, they should, so far as it may be practicable, be made to bear the expense necessary to its suppression, that I see no reason why those who shall be found guilty of employing their capital, directly or indirectly, in aiding the operations of the depredators upon society, should not, as part of their punishment, be compelled to contribute largely towards the very heavy expenses of police, prisons, &c.

June 1872.

The Rev. A. S. FISKE (Rochester, U.S.) contributed a paper on the 'Relations of Education to Crime.' He maintained that prevention should be the aim in all philanthropic considerations of crime. In order to obtain useful studies in prevention we must come at the conditions of the development of criminal character and activity. This we can do by looking to *à priori* argument as to the physical and mental conditions of crimes against property and against the person. Here we should have to look at poverty, idleness, ignorance of trades and skilled labour, migration, ignorance of letters, use of intoxicating drinks. And all these resolvable into 'ignorant poverty.'

The facts of crime fully sustain these estimates of probability:—Eighty per cent. of crimes in the United States are committed by the really uneducated; eighty per cent. of crimes in the United States are committed by unskilled day labourers; seventy per cent. of the same crimes are committed by persons of foreign parentage; from eighty to ninety per cent. of the same crimes are directly connected with the use of intoxicating drinks; ninety-five per cent. of juvenile criminals come from ignorant, vicious, or drunken homes. These are all educational facts. These facts prove that ignorance is responsible for nine-tenths of our crime; that efficient secular education would effectively prevent the great mass of crime; and that wise statesmanship requires universal and compulsory education.

#### CRIMES OF PASSION AND CRIMES OF REFLECTION, WITH REFERENCE TO THEIR PROPER LEGISLATIVE AND PENAL TREATMENT.—(ABSTRACT.)

By J. B. BITTINGER, D.D., SEWICKLEY, PENNSYLVANIA, U.S.

SIN is the primal cause of lawlessness, but is not amenable to human legislation until it passes into the overt state. The two factors of crime are passion and reflection. Passion differs in degree and in kind—*malign* and *non-malign*; reflection only in degree. Crime is punishable by society, because of its hurtfulness. The injuriousness of crime to society must determine the nature of our penal legislation; and the possibility of the

diminution of crime, and of the reformation of the criminal, must determine our penal treatment. The enormity of crimes is further measured by their nearness to, or remoteness from, the person of the victim. Murder, rape, mayhem, malicious mischief, arson, robbery, &c. Jealousy of our personality lies at the foundation of all social order, and all political freedom. But another distinction to be made is between crimes of passion themselves—as between crimes of malign passion, as murder; and crimes of non-malign passion, as rape. Crimes springing from malign feelings are always criminal, while those springing from the non-malign passions are criminal only in their excess or exorbitancy. The malign passions are in their nature objective. Hence it follows that they always aim at the *person*—viz., *murder, mayhem, malicious mischief*. The non-malign are subjective. Their aim is self-gratification, and not another's harm. The former are personal, the latter impersonal. Punishment of crimes of passion is aimed against the *quality* of the passion, as malign or non-malign; punishment of crimes of reflection is aimed at the *degree* of reflection, as involving more or less of intelligence and purpose. Personality, as that which tends most to excite reflection, is the measure of the offence—larceny of detached property, pocket-picking, burglary, robbery, rape. The nearer we get to the person the darker the crime, and the severer the penalty should be.

Tabulating the statistics of eleven different penal institutions for a period of nine years, the following results are obtained:—Out of a total of 18,509 offences, 17,932 were against property, and 577 against persons, or as 32 to 1. If we compare in this number the crimes of passion with the crimes of reflection, the numbers are 653 crimes of passion, 17,756 crimes of reflection, or 1 crime of passion to 27 crimes of reflection. If, still further, we compare crimes of malign passion with crimes of non-malign, the figures are 359 malign, against 17,573 non-malign, or about 1 in 50. Crimes of passion are directed mainly against persons, but their number is very small.

From which of these two classes of criminals do our recidivists come?

Taking our figures from New York, Ohio, Pennsylvania, and Liverpool, the results are as follows:—First commitments, seventy per cent.; second commitments, twelve per cent.; third

commitments, four per cent. The more accurate tables of the Penitentiary of Western Pennsylvania give the following percentages:—87, 8, and 1·67. This rapidly decreasing percentage shows how precipitately criminals fall off.

What class of criminals return most frequently to our prisons? Taking the statistics of the Penitentiary of Western Pennsylvania for three years, the commitments stand in the following order:—Larceny, 39 per cent.; burglary, 5·5 per cent.; robbery, 5 per cent.; forgery, 2·4 per cent.; rape, 3·7 per cent.; murder, 5 per cent.; arson, 2·6 per cent.; counterfeiting, 2·6 per cent. The *recommitments* were in the following order:—Felonious assault, 27 per cent.; larceny, 21 per cent.; burglary, 20 per cent.; robbery, 15 per cent.; rape, 10 per cent. Recommitments for murder were for murder in the second degree.

The most inveterate crimes of reflection are the following, and in this order:—Horse-stealing, burglary, robbery, forgery. Of crimes of passion, this is the order:—Felonious assault, rape, murder. Quatelet's order is—Theft, rape, assault with violence, murder, manslaughter, poisoning, frauds. The most important distinction to be made here is, first, the order of crimes as to their number; second, the order as to their being repeated by the same person. Statistics show that grave crimes of passion do not tend to repetition, while crimes of reflection tend strongly to repetition. Hence it follows that crimes of passion are few, of reflection many. Criminals of passion are the exception, criminals of reflection the rule.

For crimes of reflection, preventive legislation is the remedy (a) in ameliorating the condition of the poor and degraded by work, education, and moral instruction; (b), in protecting all classes by sumptuary laws against prostitution, gambling, drunkenness. Crimes of reflection demand deterrent legislation; a vigilant and sufficient police, swift and certain punishment, and time sentences.

The penal treatment as to these two classes should be framed on justice as opposed to vindictiveness or brutality. Criminals have rights which justice must respect. The moral character of the gaoler is of prime importance. The gaoler and the judge are *equally* ministers of justice. Whether life or liberty be made the highest standard of punishment, the prisoner's sense

of justice is the only ground of deterring or reforming him. In dealing with professed criminals, severity is the proper side of justice; in crimes of passion, there should always be a leaning towards mercy. The victim of passion is to be pitied; the criminal of reflection is to be punished. The criminal of passion is a hopeful case; cooler moments turn him against himself; the criminal of reflection is a hopeless case, because coolness is the essence of his crime. The one falls into crime, the other chooses it. Criminals of passion have no accomplices, but nearly always witnesses; the criminals of reflection have accomplices, but seldom witnesses. The former are always individuals unorganized; the latter are a community, and organized for crime.

These characteristic differences between the two classes of criminals demand a characteristic difference in our criminal legislation towards them, and in our penal treatment of them.

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Dr. P. DESPINE contributed a paper on the 'Anomalous Moral State of Criminals.' The paper contended that to treat criminals rightly we must know them, and examine into the physical condition which leads them to commit crime. The criminal is not sick in body; his intellectual faculties are not decayed like those of an insane man, and yet undoubtedly his moral faculties are diseased. All have remarked in criminals a *perversity*, all human vices being, as it were, strongly accentuated.

These psychical anomalies, the absence of moral faculties, or moral faculties of extreme feebleness, are transmitted often by ancestors. No one can doubt this after noting the examples cited by Dr. Bruce Thompson, of Perth. The cases where the children of insane people become ordinary criminals are too numerous for us not to assign the cause of this fact to hereditary organic influence.

That criminals are without moral sense may be easily demonstrated. They feel no shock or repulsion in the presence of criminal desires, and after their acts they feel no true remorse. A writer in the 'Edinburgh Review' for April 1870, says:—'Our own experience, as well as the testimony of

directors, chaplains, and warders, enables us to affirm that in 1,000 thieves by profession, we do not meet one case of remorse.' It is notorious that in those prisons where *punishment* is the only aim, the prisoners exhibit no feeling of regret for their crime. They have not, in most cases, even prudential sentiments. Fear of punishment does not subdue their violent passions. Hatred, envy, jealousy, imprudence, disregard of their real interests, must characterise the majority of criminals, for they are always wholly absorbed in present desires. A thought of the future seems entirely absent from their minds.

The paper concludes that any system of imprisonment which only aims at mere punishment, is equally dangerous to society and the criminal himself. Such imprisonment produces from forty to forty-five per cent. of recidivists. The welfare of society demands a system whose special object is the moral reformation of the criminal himself.

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M. VAUCHER CREMIEUX, representative of the Swiss Confederation, contributed a paper on the 'Architecture, Construction, and Selection of the Site of Prisons.' The classification he adopted was that prescribed by the law—of the arrested, the accused, and those sentenced to long or short imprisonments.

Howard and the skilful director Aubanel, who for thirty years managed the first improved prison erected on the Continent, were convinced that the success they attained was due to the radiating or panoptical system of construction. This arrangement enables the director from his room to exercise central and unperceived surveillance over the workshops, the galleries of cells, and courts. It is the main and indispensable principle on which all prisons should be built.

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## PREVENTIVE POLICE ORGANIZATION.

BY EDWIN CHADWICK, C.B.

*(Commissioner of Police Enquiry, &c.; Corresponding Member of the Institute of France.)*

ONE great object of a compulsory system of relief by the state, for the destitute, is to disarm the mendicant of his plea, that unless alms be given him he must perish. Juvenile mendicancy leads to juvenile delinquency, which arises from indiscriminate almsgiving. Our prisons were, at one time, filled chiefly with delinquents' orphans reared in mendicancy, who from begging advanced to stealing. Juvenile vagrancy, wandering at large, form conditions of mendicancy in this country, the great seed-plot of adult habitual criminality. The majority of the great class who rise in the morning, and go at large to steal for the day's subsistence, have mainly entered their careers as juvenile vagrants or mendicants. After having completed a report on the administration of a compulsory system of relief to the poor, with the preparation of which I was charged, with the aid of able coadjutors, and after having obtained some experience in executive administration of those laws, it became evident that for the attainment of the object of the law in respect to the great evil of vagrancy and mendicancy as well as for other purposes, the concurrent action of a police was necessary. But beyond the metropolis there was really no force deserving the name of a police force in existence, nothing that was not subject to popular ridicule and contempt for its inefficiency. It was a duty to represent, as I did, the expediency of instituting an enquiry into the subject. Upon that representation, and by the advice of the then Secretary of State for the Home Department, Lord John Russell, a royal commission of enquiry was directed to Colonel Rowan, the chief commissioner of the newly-formed metropolitan police, to Mr. John Shaw Lefevre, a member of Parliament conversant with rural affairs, who was taken as representing 'the country

gentleman,' and who afterwards became Speaker of the House of Commons, and myself. The special experience of my colleague, Colonel Rowan, and I may add, my own, and from the special attention I had given to the subject, having written upon it as a branch of penal administration previously to the formation of the new police, enabled us to direct enquiry early, and I think I may add very completely, to the first topics with which we were charged on the general state of crime, and on the principles for the organization of a preventive police, and also for its preventive action when organized. I submit the leading results of this enquiry for the information of the Congress.

In the first place, as respects habitual criminals, their gains as a rule greatly exceeded those obtainable by honest industry by the wage classes. The wages of a common day labourer were, in London, about three shillings a day; but the gains of a common pickpocket were on the average double that, and so with other classes of habitual depredators.

In the next place, their careers were of years' duration. In London, at the time of our enquiry, the chances of a common thief's career were about five years' duration, with few interruptions before long removal, by punishment and imprisonment. Recently, the estimates of large classes of habitual delinquents in prison were that they would be one third of their time in prison and two thirds of their lives at large, living by depredation.

The duration of these careers, or the chances of escape, were chiefly owing, first to adroitness in escaping detection; and secondly when detected, to the party robbed allowing escape on recovery of the property, where no violence was committed to excite passion.

Instances of the reform of regular habitual thieves by punishment of any sort, were unknown and disbelieved by the police. But proof was given, that careers of habitual depredation had been discontinued by the occurrence or the interposition of difficulties which reduced the chances of escape and rendered it less productive to the depredator than honest industry. Thus, robbery by mounted and armed horsemen, highwaymen, has ceased, not on account of public executions, and gibbetings, nor by the attainment of anything approaching

to complete certainty of detection; because such a depredator might now mount his horse, and in the suburban districts stop carriages and rob the passengers, possibly for weeks, if they changed their districts, but not for months, and by the pursuit excited the careers would be so soon cut short as to render such a course ineligible as a career. Evidence was given of former housebreakers, who, since the institution of the police, had returned to honest occupations as they arrived, because, from the hindrances imposed in the way of escape by additional watchings, the chances of immunity had been so far narrowed that the work of depredation no longer paid. If the suburban roads were less well lighted and watched, if the mounted and the foot police were removed, if the chances of impunity were lengthened from months to years, there can be little doubt that the foot and horse robbers would reappear, notwithstanding that the severest punishments of our old penal administration for the termination of the career, the gallows and the gibbet, reappeared too.

To leave the chances widely open, and the careers long, and the profits larger than of regular industry and direct effort, to rely primarily on punishments and imprisonments, on the construction and administration of prisons and reformatories, it is to be submitted is a one-sided course, very much like founding hospitals for the cure of marsh diseases, or directing effort to the cure or the alleviation of marsh diseases, whilst leaving the marshes whence the diseases originate undrained.

It was proved that the whole mass of habitual depredation, by the class in question exists by the defects of legislation, and primarily of organized and properly systematised pursuit by a police force.

But police force depends for its action on public co-operation by information; and the evidence from the prisons, as to the duration of the outside careers of the prisoners, their answers as to how it was they escaped so long, were generally, that by adroitness they escaped detection in a large proportion of cases; and that if they were detected, and gave back the property, the parties robbed would, unless passion were excited, in the great proportion of cases, sometimes after giving them a beating, let them go.

The efficient action of a police is dependent on the com-

pleteness of its information. It appeared then, and it is very evident now, that the police are very incompletely informed of the number of depredations committed. This we found was owing in some degree to a low morality and to carelessness, but to a very large extent to a dread of trouble and vexation arising from our penal procedure, and to the absence of systematic public prosecution, and to the charges of prosecution thence upon private parties in addition to the losses and the annoyance sustained by the depredation. It was a common declaration of parties who had prosecuted once that they would sustain any future depredation rather than prosecute again. Hence it follows that for the efficient action of a police and close pursuit, a considerable reform of penal administration, and a careful attention to public support is necessary.

The chief objective points of a police are to render it difficult and laborious to get at property; to render it difficult and laborious to convert it, and reduce the profits of its conversion; and to render it difficult, and narrow the chances of the escape of the depredator, and to augment the labour and reduce the profits of the career below regular honest industry: for when this end is obtained, the predatory career is abandoned. To this end prison administration may be made contributory by requiring the prisoner to work to make restitution, and to pay, and pay well, all the public expenses of his capture, prosecution and detention. Crime for profit subsisted then, and does now, by the defects or by the absence of systematic organization.

It appeared, from a special investigation of the habits of the classes of habitual depredators, that a large proportion of them were migratory, and that they migrated from town to town, and that from the towns where they harboured and where there were distinct houses maintained for their accommodation, they issued forth and committed depredations upon the people of the surrounding rural districts, the metropolis where they harboured being the chief centre from which they migrated. Offenders having committed extensive depredations in one district had recourse to another, the people in which having received no warning took no precautions; and until detected and pursued by some private individual, usually at their own private costs, the depredators proceeded without interruption by any public officers from district to district. To meet these



conditions we proposed the institution of an organized police; and as crime was centralised in its action, it followed that the police should be so too, and this was necessary on other grounds, for efficiency and economy. Any less local centre than that of a whole county we did not consider would comprehend a sufficiently wide basis for efficiency in economy, either regarded separately or in its general relations with the rest of the kingdom. In our view, after the criminal population, or the criminal habits had been repressed, a less amount of force would suffice for penal purposes. At the same time, experience has shown that the services of a police force in guarding against calamities of fire or flood, in giving succour to individuals in case of accidents, in maintaining order in the public thoroughfares, in executing sanitary laws, and in the exercise of various beneficent functions, are so far required that much the same amount of force would be needed, even if there were entire suppression of predatory populations and habits.

The ignorance of the general public on the subject, and the greed of local dominion, especially on the part of the representatives of boroughs, was too strong, and prevailed against the adoption of our plan, and only a permissive measure was adopted in the first instance. This failed, and subsequently a measure of a compulsory character was adopted, as respects the counties or the rural districts, with a large subvention towards the expenses paid from imperial funds. But still the boroughs are allowed to retain the control of their independent police forces, which frequently fall under the influence of publicans and others who are properly subject to their regulations. Moreover, the proper and efficient action of a police must centre in the urban districts where bad characters shelter, and from whence they issue to commit depredations on the rural districts. All such independent forces are comparatively weak forces, and at the same time more expensive forces. As an example it may be mentioned that the Lord Mayor and Aldermen, and the Corporation of the City of London, which comprehends only one twentieth the area, and about a seventh of the property of the metropolis, are indulged with the appointment and independent control of the police force within their own jurisdiction. The indulgence in this local greed for small dominion and position by the local rate expenders, is at

the expense of inferior protection and greatly augmented expense to the ratepayers.

In this instance, the extra expense would suffice to pay for the teaching and training power required for all the children at large within the district, uneducated, and untrained, the future population of the prisons. This separation and isolation of the county forces from each other, and from the borough forces within each county, is obstructive of information and pursuit, and destructive to the efficiency and the economy of combined action, which is essential to the effectual preventive action of a police force. It is very much as a military force would be, consisting only of companies, of varying and mostly inferior organizations, each acting independently of the other, without concert, or the gradations of command, or cohesion in any considerable parts or in the whole. The cry which was apt to be raised against a systematised force—not by the people, but by the local authorities having the direction of the local forces, many of them owners of liquor shops, and premises with which police *ont affaire*, was, that an independent force would be dangerous to political liberty. It so happens, that, in the metropolis at least, the extreme politicians who have in late times held mass meetings of a character which, within memory, were dispersed, as at Manchester, by military force, and with bloodshed, have very much complained if they had not had that which they considered themselves entitled to—the attendance of a sufficient police force to protect them against hostile demonstrations, to keep their lines of processions, to protect them from thieves and maintain order, whilst they denounced the Parliament and the Government of the country. A well-constituted police is necessary for the maintenance of political liberty against physical violence. It is proved that a parochial force, mostly unpaid, is not a cheap force; and that in results the borough forces are dear forces. In fact, it has been demonstrated that the country might have a compact force of 27,000 men for nothing extra, or for no greater expense, than the existing fragmentary forces. Whilst we are opposed to the military action of police forces on ordinary occasions, that is to say, to mortal action with gun or sword, or to any other action if possible against personal violence than the baton, yet, with the training necessary for

collective action, and with the gradations of commands for its direction, it may and ought to be applied, as a superior military force, of which it may be made the means of a very large independent economy.

In respect to its action against the criminal class, it is to be observed, that in individual cases which excite public alarm and pursuit, how rare are the instances of escape, even under existing conditions. By a well-organized and well-directed police force, kept well-informed, the like energy of pursuit may be directed against each of numbers of individuals or sections of the habitual criminal class, and cut short their careers effectually. Science, in the electric telegraph, gives a means of doubling the efficiency of the action of a police force for these purposes. The habitual criminal class exist only by default of legislative attention, and it may be added of representative intelligence and integrity.

Crimes of unrestrained and ill-regulated passion, domestic crimes, frauds within the house, are of other categories, against which the agency of the school-teacher and trainer, and the religious teacher, should be in great part responsible. Of the efficiency of these agencies, properly organized and directed, we have great examples to present. Under the old system of parochial administration of relief to orphan destitute children, and under a new one in which by a grievous administrative error children were reared in small numbers and with inferior teaching and training-power amidst depraved adult paupers, and were sent out with inferior physical training and aptitudes for honest labour, not above one out of three was got into productive industry. Full 60 per cent. went to the bad on the streets as mendicants or thieves—the girls as prostitutes—and furnished one of the largest contingents to the population of the prisons. But now, in separate institutions, with a higher order of teaching and training power, including military drill and industrial occupations, such aptitudes for service are imparted that a demand for them is created, and the known moral failures of the same classes do not exceed 3 per cent. In one view the service of a police is to clear the streets of the children of the mendicant class, and to convey them into such well-appointed institutions as these, where the vicious succession of depravity is broken, and the conversion into honest, self-sup-

porting courses is effectually and permanently completed. These institutions may be commended to the study of all foreigners who are interested in the subject of penal administration.

Our first report was directed to the elaboration of the principles of the organization of a *preventive* police force, and has served very much as a text-book for some of the imperfect organizations which exist. We had in preparation the material for a second report on the *preventive action* of a police when organized. In this we had proposed to define, as nearly as might be, what may be done by a police, and what must be done by the people themselves or by other agencies, as by the schoolmaster and trainer, and by the religious teacher. But we were delayed in this report by the fact that we failed at that time in obtaining the primary organization of force we deemed necessary. Since then some advances have been made in local organizations. As a matter of administrative science the exposition might be serviceable, but hitherto due support has not been obtained for it, though as a question of economy it involves the eventual reduction of a considerable proportion of two millions of annual expenditure on a very ineffective penal repression, besides the burdens of preventible depredations by hordes of habitual depredators, and the tax of alms to habitual mendicants and vagrants. It is just to add that our labour, which was considerable, was entirely voluntary, unpaid, and unrequited in any way.

## A DESCRIPTION OF THE CELLULAR PRISON AT BRUCHSAL (BADEN).

BY HERR G. EKERT, GOVERNOR OF THE PRISON, AND REPRESENTATIVE OF SAXONY  
AND OF THE GERMAN EMPIRE AT THE CONGRESS.

THE Cellular Prison of the Grand Duchy of Baden was built in the years 1841-1848 by the late Mr. Breisacher, at that time architect, afterwards inspector of the buildings of the district, according to a plan of the late Mr. Huesch, chief-director of buildings. It was opened on October 10, 1848. It is situated at the north-east of the town of Bruchsal, by the side of the highway to Heidelberg, in a pleasant part of the country, enjoying a mild and healthy situation. The back stands against a row of hills, whilst in the front the plain of the Rhine, with its rich fields and wealthy villages, is to be seen.

Immediately by the roadside there are two larger and two smaller buildings, containing official abodes for the superior and lower officers of the penitentiary.

The main building, a stately edifice, but in keeping with the design, is situate about seventy paces towards the hills, on an elevated site; the whole being surrounded by a wall. This wall, of considerable thickness and height, a regular octagon, is flanked by turrets at the angles, which serve above as sentry-boxes for the military posts, and below as dark cells. The soldiers who are to guard the penitentiary walk about on the wall. This wall encircling the whole, is 400 feet long on the longest side, and about 100 feet on the shorter one, enclosing a plot of ground of more than seven acres.

The prisoners of the Cellular Prison are of two classes, those sentenced to a criminal and more disgraceful punishment—and second, those sentenced to civil punishment. Only male convicts undergo punishment in this penitentiary.

The treatment of both sorts of prisoners is the same, the only difference consisting in the prison garments; the prisoners of the first class wearing gray linen clothes, and those of the second blue. The prisoners of the second class also receive

more food (soup and vegetables), and alleviations can be granted to them more easily. They are not to be punished by chains.

Every new prisoner is conducted to a 'receiving cell,' where he undergoes a medical examination, is dressed in a suit of prison garments, and his hair and beard having been cut, he is taken to a cell, where he is acquainted with the rules of the house. At the next meeting of the officers in conference, he is desired by them to conform to the rules, and assigned to an occupation.

The prisoners are not allowed to leave their cells, except on going to church, to school, or to the yard. They are day and night closely watched, as well out of their cells as in them, when at work or at meals; they are constantly to be kept separate, and must not try to communicate or to get acquainted with their fellow-prisoners, either by words, signs, or gestures, upon pain of punishment. In order to keep up a thorough system of separation, the prisoners wear, when out of cell, a cap with openings for the eyes. Besides, the prisoners are to walk fifteen steps one from another.

Constant separation ceases, when the prisoner is seventy years of age, or when he has served six years in separation, and does not himself particularly wish to remain so any longer; or if he cannot be kept in seclusion on account of bodily or mental sufferings; or if he be put together with other prisoners in an infirmary on account of peculiar circumstances. In these cases he is moved to the 'Auxiliary Establishment,' which is arranged specially for this purpose.

On week-days the prisoners rise at half-past four, on Sundays at half-past five. Every prisoner has to wash, and to make his bed, which is reared against the wall. In winter the gas is lighted; on week-days work begins at five. From half-past six to seven, the prisoners clean their cells and have their breakfast. From twelve to one is their dinner hour. At half-past seven in the evening supper is given out; at eight the lights are extinguished and the prisoners go to bed. But these are not the only interruptions of the work and seclusion of the prisoner, who is not intended to be insulated, but who is for his own benefit prevented from associating with other prisoners. Every prisoner is to be visited at least six times a day. In the

morning he is supplied with fresh water, and the materials for work. Some time afterwards, before breakfast, his portion of bread is handed to him. The prisoner has to take exercise in the yard. He goes to church and to school. During the day, work-masters and warders come to the prisoner, to show him his work, to bring the necessary things, or to take away the waste materials. Besides, the prisoners are regularly visited in their cells by the director, the administrator, the physician, the chaplains, the book-keeper, the teachers, the chief-warders, the surgeon, and from time to time by members of the Ministry of Justice; or of some of the Board of Inspectors, or by other civil officers, or by such persons as have special permission to do so, but not against the prisoner's will. When visited by the officers, the prisoner has the opportunity to confer with them, to put questions or make requests, or complaints. On account of these visits, the eleven hours of work put down in the rules are reduced to ten, during which the prisoner has to apply himself constantly and industriously to his work.

The employments of the convicts in the Cellular Prison are various. Some are employed at joiner's work, others at chair-making, turning, varnishing, shoe-making, weaving of cotton and linen, with the occupations belonging thereto, as spooling, reeling, warping, putting on the beam, twining, etc.; others at knitting, coopering, locksmith's work, tinker's work, platting of straw and willows, tailor's work, list-platting, saddler's work, book-binding. Others have different occupations in the house, the kitchen, the corridors and the grounds. Sometimes a prisoner is occupied in his cell at writing.

Every prisoner is assigned to one of these occupations, according to his bodily constitution, his mental capacity, length of punishment, his former professional acquirements, with regard, to some extent, to his wishes, but especially regarding the possibility of supporting himself at his discharge. In case the convict does not know any occupation, he is taught one.

Every prisoner receives each day one pound and a half of good house bread; in the morning and evening, soup; for dinner, soup and vegetables; every other day, one-eighth pound of beef without bones, the broth of which is used for the soup for dinner. The quantity is according to the sort of punishment and the occupation.

The warders bring the food from the kitchen in large tin vessels, serve it into the prisoners' dishes, and hand it in to them through the wicket in the door. The prisoner can have water, besides his portion in the morning, as often as necessary during daytime. The food is prepared in the house itself. It is wholesome and nutritious. There are special regulations as to its quantity and quality. Twice a day, in the morning and in the afternoon, the prisoner is to take exercise for half an hour at once, in the yards before mentioned.

Each prisoner has two suits of clothes, consisting of a jacket, trousers, and waistcoat; one suit for every-day wear, the other for Sundays and feast days; both suits made of strong linen cloth. Moreover, he is provided with a shirt, with cotton stockings, in winter worsted ones, a pair of leather shoes, a neck-cloth, the cap above-mentioned, and for winter, woollen under-garments. The body linen and the towel are changed every week, the bed-clothes when necessary.

It is the prisoner's duty to keep the strictest order and cleanliness.

Each prisoner has a foot-bath every month, and every third month a bath; every prisoner on being received is taken to a bath-cell and cleaned; once a week the prisoner is shaved, and every third month his hair is cut.

Whenever a prisoner is taken ill, he has special food and nursing; in case he should be laid up for a length of time, or if he should be dangerously ill, or if other circumstances should require it, he may be removed from his cell to a room in the infirmary, or to the 'Auxiliary Establishment,' where he is in association with other prisoners.

Those prisoners who are not sufficiently instructed, and who are not older than thirty-five years, or such as possess, even in more advanced age, the power of cultivation, are instructed by the teachers, as well in the school (which has six classes), as on visiting the cells. Every class has three lessons each week, and one singing-lesson for practising hymns.

All due care is taken for the spiritual improvement of the prisoners. The chaplains visit the prisoners in their cells. On all Sundays and saints' days there is divine service twice a day. On Wednesday there is one service, and two lessons of religious instruction. The church service takes place quite in

the same way as out of prison, the prisoners singing hymns, accompanied by the organ. At proper times, opportunity is given the prisoners of receiving the Lord's Supper, but there is no constraint about it.

All Sundays and saints' days are free from work, and these days and other leisure hours are to be filled up by the prisoner in religious and moral contemplation, in preparing his lessons for school, in reading books of religious, instructive, or entertaining character, which are distributed to the prisoners every week or fortnight; in drawing or in other useful occupations.

The Jews keep likewise their Sabbath and their highest feast days, whilst they do quiet work on Sundays and Christian saint days.

Violations of the rules of the institution are punished accordingly by the director. The punishments consist in rebuke, in stopping allowances, deprivation of bed, or of part of the meals, low diet (three soups a day), dark cell, chains, and the strapping-chair.

The encouragements and rewards which the prisoner enjoys, besides those already named, are: For each day's work, from one to four krs., which are entered monthly to his credit. The money gained thereby he can, with the permission of the director, employ for the support of his relatives, or for the indemnification of those injured by his crime; or for himself in buying useful books, tools and implements—as well as for some lawful enjoyments, such as bread, milk, butter, potatoes, fruit, and other fresh vegetables; snuff. The rest is laid by for the time of his discharge. This spare money of the prisoners cannot be forfeited.

Prisoners whose state of health seems to require it are generally occupied out of cell. If more than these are required, those prisoners are selected whose characters and conduct is trustworthy. Some prisoners are required to assist the warders in various occupations, to clean the buildings, to help in the kitchen, to assist in heating, to help in the garden.

For special attention and successful application in school, the prisoners receive rewards at the examination, which takes place once a year. They consist in books, copies for drawing, implements for their future profession, etc.

The prisoners are allowed to see relations and honest friends,

generally once a month, in a room assigned for this purpose, in the presence of an overseer. They are allowed to receive as well as to write letters one or two a month, the contents being controlled by the director and the chaplain. Upon his discharge, every prisoner is provided with sufficient clothing, as well as money for paying his travelling expenses. The money due to him is sent to the minister of his native place, to be handed over to him.

The chaplain writes to this minister in order that the discharged prisoner may be assisted and watched over. Sometimes a society for discharged prisoners takes care of him.

For the Cellular Prison the following officers are appointed: The administration consists of the director, the administrator, the book-keeper, and three clerks. There is a Protestant as well as a Roman Catholic chaplain; the physician of the institution, an assistant physician, two teachers (the Rabbi of the district looks to the Jews), two chief overseers, and thirty-seven warders. Among the latter, there are some for work, others for police, for the kitchen, gate-keepers, and for superintending the buildings, etc. A Board of Inspectors is appointed, consisting of a judicial officer as president, who is at the same time inspector of the penitentiary; the director, the administrator, the physician, both the chaplains, and three civil members, nominated by the Ministry of Justice. The book-keeper is secretary of the Board. Meetings are held monthly.

The director has to look to the general management of the institution, and to care especially that punishment is executed according to the penal law, with all possible regard to the moral improvement of the prisoners, educating them for a reformed life upon their return to liberty. It is therefore necessary that he should confer with the other officers, regarding the character and capacities of the prisoners; he has to correspond with their native magistrate, as well as with the Court of Inquiry; he is to read the acts of inquiry, as well as to give them, if required, to the other officers, especially to the chaplains. The director exercises the police of the institution, regarding the functionaries and prisoners. The administrator superintends the industrial and domestic department, as well as the concern of receipt and expenditure. The chaplains superintend the

schools. The teachers instruct the prisoners as well in school as in the cells; they direct the singing in church, and distribute the books to the prisoners.

The superior officers meet every day in conference at the director's, in order to converse about their observations, and to take counsel together.

## SKETCH OF THE FUNDAMENTAL PRINCIPLES OF PRISON REFORM IN RUSSIA.

BY COUNT SOLOHUB.

The appended table which has just been drawn up, sufficiently explains the urgency of the reform of the Penal Code and of legislation on the Prisons in Russia.

The Commission over which I have the honour to preside has just finished on this subject a preparatory work which is about to be revised, but which embracing the whole of a system provided, cannot be without interest for the eminent professional gentlemen now assembled in London.

Having regard to this happy coincidence I have given myself the pleasure of submitting to the judgment of my honourable colleagues this work which has been principally based on the necessities of my native country.

### I.

#### *Classification of the places of imprisonment in the empire.*

1. All the places of imprisonment are divided into
  - a. Preventive.
  - b. Executive.
2. The places of preventive imprisonment are used for the detention of
  - a. Individuals subject to legal proceedings and to sentence.
  - b. Individuals condemned till they undergo the sentence pronounced against them.
  - c. Individuals arrested for police supervision.

3. The places of executive imprisonment are used for the incarceration of individuals condemned by judicial sentence.

4. The places of preventive imprisonment are subdivided into

a. Police Stations.

b. Halls or Courts of Justice.

5. The places of executive imprisonment are subdivided according to the duration of the sentence into

a. Places for short terms.

b. Places for moderate terms.

c. Places for long terms.

6. The places of executive imprisonment for short terms are

1. Houses of Detention.

2. Reformatory Houses.

7. The places of executive imprisonment for terms of moderate durations are

Houses of Correction.

8. The places of executive imprisonment for long terms are

Convict Establishments.

They constitute the highest degree of criminal punishment.

9. All prisons are divided according to their localities into

a. Provincial.

b. Central.

10. The provincial prisons are

a. Police Stations.

b. Courts of Justice.

c. Gaols (les arrêts).

d. Reformatory Houses.

11. The central prisons are

a. Houses of Correction.

b. Convict Establishments.

12. As regards produce or revenue the provincial prisons are considered as unproductive.

13. As regards revenue the central prisons are deemed productive.

14. Independently of the prisons above mentioned there will be established in the empire Houses of Refuge and Penitentiary Establishments for young prisoners.

## II.

*Organization of the places of imprisonment.*

15. Reform and organization of prisons in the empire take place gradually; but all the forms and gradations are established simultaneously in many provinces.

16. The imprisonments made by the police take place in the districts near the communal administration, in the cities near the police stations and their sections.

*Observation.*—The places of imprisonment serve also for persons arrested by the Government.

17. Judicial preventive prisons are established in the cities of the provinces and of the districts, and in other localities if it is necessary.

18. Judicial preventive prisons, so far as possible, are established in connection with edifices set apart for other judicial acts.

19. Preventive and executive prisons cannot be established in the same edifice.

20. Places where persons may undergo sentence or arrest (for infraction of law) are found in all the towns and in other localities if it is necessary.

21. The Reformatory Houses are established in all the towns of the provinces, and in the towns of the districts when they are necessary.

22. Houses of Correction are established only in the places which give a guarantee for the order of manufactured articles.

23. Convict Establishments are fixed in the neighbourhood of coal beds, stone quarries, salt mines, and other localities fit for the suffering of long terms of compulsory and productive labour. The punishment of hard compulsory labour is not enforced exclusively in countries without European Russia (Siberia).

24. In the central prisons the establishment of hospitals is compulsory. In other places of imprisonment, hospital treatment is provided for as far as possible.

25. Baths and, if it is possible, hospitals, for the prisoners, are established within the boundary wall of the prisons, but separate from the main buildings.

26. Prisons attached to Judicial Courts and Reformatory Houses require two courts; one for the officers, the other for the prisoners.

27. A third court for the workshops will be provided in the central prisons.

28. Stores of wood, sheds for tools and instruments of husbandry, cellars, stables, are placed without the boundary-wall of the prison in the court devoted to household management.

29. Prisons attached to Judicial Courts and Reformatory Houses will have placed near them small gardens in which the prisoners can walk.

30. Near the central prisons there will be spaces of ground devoted to cultivation. For Houses of Correction not less than two deyatines for each 100 prisoners; for Convict Establishments, not less than ten deyatines for every 100 prisoners. The deyatine is about 3500 toits square. In Russia there is no want of space.

31. All the persons employed in prisons attached to Judicial Courts, Reformatory Houses, and central prisons, with the exception of the governor of the prison and of the chief gaoler, are lodged in the court devoted to household management.

32. There will be a space of ground not less than ten sajenes for a circular road around the central prisons. This principle is not obligatory for the other prisons.

## III.

*Discipline of the Prisons.*

## A. GENERAL PRINCIPLES.

33. The discipline of all the prisons shall have for its base the three following principles:

Justice.

Guardianship.

Nationality.

34. The system of discipline in all the prisons shall aim at

1. For the prisoners under preventive discipline.

a. The complete separation of the prisoners from one another, in order to prevent all connivance.

b. The prevention of the mixture of morals.



c. The enjoyment of all rights which do not interfere with the course of justice.

2. For the condemned.

a. The just retaliation on guilt judicially recognised.

b. The exercise of a guardianship, which has regard to the destiny of the condemned after liberation.

Hence arise the essential demands, and the distinct aims of the system.

a. For those arrested, admonition.

b. For those in reformatory houses, intimidation.

c. For those in Houses of Correction, punishment combined with education, with reasonable labour, and with preparation of the prisoners for their return into society.

d. For those in convict establishments, chastisement with compulsory labour, and a regard to the ultimate formation of the condemned into a colony.

35. Churches will be compulsorily established in all the central prisons. In the prisons falling under the other categories chapels only will be required. Images will be placed in all the rooms appropriated to the prisoners.

36. There will be some special rules for each category of prisoners. These rules will form a general code.

*Observation.*—There will be given, by a competent authority, an individual instruction to every prison governor.

37. Every prisoner will be placed in the category of prisons, named by the sentence of the tribunal.

38. The provincial prisons are permitted to lodge in the same edifice the two sexes under the same administration, but the wings of the building apportioned to each sex ought to be strictly separated.

39. The central prisons must be distinct for each sex.

40. The system of keeping the prisoners by rooms (and of beds on planks) is abolished. For the Courts of Justice and the Reformatory Houses there will be the system of complete separation between the prisoners. For the central prisons the system of separation at night in the dormitories.

41. In preventive prisons, and during the period of arrest, labour is not compulsory. It is so for all the other kinds of prisons.

42. The disciplinary distribution or division of the day is made in all the executive prisons by the ringing of a bell.

43. There shall be in all the executive prisons modes of encouragement, which shall involve privileges and rewards in favour of the prisoners.

44. There shall be in all Houses of Detention a system of disciplinary punishment. Corporal punishment shall be admitted only in convict establishments. For all other prisons there shall be permitted only incarceration more or less rigorous.

45. The duration of imprisonment is fixed :

a. For those arrested, 3 months.

b. For Reformatory Houses, 1 year, 7 months.

c. For Houses of Correction, 1 year to 4 years.

d. For Convict Establishments, 6 years to perpetuity.

46. In the cellular Reformatory Houses the duration of imprisonment shall be reduced by one-third.<sup>1</sup>

47. The mode of transference of the prisoners shall be provided by a special regulation.

## B. SPECIAL REGULATIONS.

### 1. *For those arrested by the Police.*

48. The Detention Houses in the communes and police districts have for their end only to secure that persons should be brought before the examining magistrates.

49. Every individual having been the cause of a judicial prosecution, shall in all cases be isolated where this is possible.

50. The preventive arrests of the police shall be conformed to the existing laws.

### 2. *For those detained in Prisons attached to Courts of Justice.*

51. Everywhere, when possible, the conveyance to Courts of Justice shall take place in cellular carriages.

In cases where the prisoners are taken on foot (have to walk) they shall have the right to wear a hood on their head.

52. Individuals imprisoned in the houses attached to Courts

<sup>1</sup> Some members of the commission have voted with the president for a reduction of two-thirds.

shall be placed at first in the admission cells, whence they shall be taken by rotation, to go through the formalities at the Chancellor's office, for medical inspection, and the examinations prescribed.

53. The prisoners have the right to keep their clothing unless it is worn out, or very dirty. In this case they will be furnished with the dress of the establishment. These clothes will differ in cut and colour from those worn by the condemned.

54. A photograph of the prisoners will be taken if it is considered necessary.

55. Every article found on the prisoner (with the exception of his coat, his trousers, and his linen), together with his baptismal cross and marriage ring, will be taken from him and kept in a place appropriated to this purpose. A receipt will be given to the prisoner of the money and effects placed in this repository.

56. The cell of the prisoner should in dimension be not less than fifteen archines square, and should contain not less than three cubic sajenes of air. Particular care shall be given to the purity and ventilation of the cell.

57. The prisoners are permitted to have their beds, their furniture, books, and writing materials.

58. The prisoners who show a desire to work shall be encouraged in it. Three quarters of their wages, the expense of the material being deducted, form the property of the prisoner. The other fourth part shall be deemed as the revenue of the establishment, for the purchase of instruments, materials, &c.

59. The prisoners shall be fed according to the regulations of the prison, and shall receive half a pound of meat per day; but they have the right to better diet, if they can pay for it.

60. The prisoners have the right of smoking, but this privilege is withdrawn from those who use fire carelessly.

61. The prisoners shall have the right to take exercise, but their head must be covered with a hood, and they must walk five paces from one another.

62. The interviews with relatives and visitors will only be tolerated with the sanction of the solicitor, who will arrange the conditions of these interviews.

63. The chaplain of the prison is bound to visit each prisoner

at least twice a week, and more frequently, if it is thought necessary.

64. The counsellor of the prisoner shall be admitted to him at all times.

65. Individuals condemned by the tribunal shall await the issue of their appeal, in reversal of judgment, in the cells where they were already confined, but they shall be deprived of all the privileges which they previously enjoyed.

### 3. *For the Gaols (les arrêts).*

66. The punishment of the gaols shall be undergone, in accordance with the Imperial Decree of July 4, 1866.

### 4. *For the Reformatory Houses.*

67. Sections 51, 52, and 62 respecting prisons for those undergoing judicial sentence shall be applied to the reformatory houses.

68. The prisoners shall serve out their prescribed term.

69. The prisoners shall neither be allowed to smoke nor to make use of their money.

70. The prisoners will be compelled to work eight hours per day in their cells, at task work. Two-thirds of their wages will form the revenue of the establishment; one-third will be placed to the credit of the prisoner, but he will only be able to make use of it after his liberation.

71. All the prisoners will have the same food.

72. The dimension of the cells shall not be less than fifteen arch. square.

73. The interviews with persons without the prison shall not exceed one per month; the visits of the chaplain, the doctor, the officials, members of philanthropic societies, are not subject to this regulation.

74. The prisoners shall be allowed to work over and above their task and beyond the hours prescribed. The amount of this additional work shall be placed to their credit.

75. Prisoners who shall have served their terms shall be immediately liberated.

### 5. *For Houses of Correction.*

76. The time of confinement is from one year (the minimum) to four years (the maximum), without intermission.

77. The prisoner confined in a House of Correction shall be previously submitted to imprisonment in a cell, the duration of which shall be fixed by the tribunal: if this duration is not mentioned in the sentence, the prisoner shall be isolated only during the legal term. In both cases the administration has the right to reduce the period of complete isolation to the minimum determined by the law.<sup>1</sup>

78. The strict system for Houses of Correction shall be, work in common during the day, and separation at night.

79. Every person confined in a House of Correction ought to be compelled to work for nothing during ten hours per day. This work has regard to the household management, the lavatories, and the farm: the produce of this labour is applied to the support of the house.

80. The duration of this work may be diminished to four hours a day, if the prisoner expresses a desire to occupy himself during the other six hours in mechanical work which requires a special knowledge. This work is called 'grey' work. The third of the money produced is reserved for the workman, the two remaining thirds are applied to the profit of the prison.

81. Those who do not desire to work ten hours per day at 'black' work, and are occupied in accordance with the rules of 'grey' work, are allowed to learn any trade whatever, which necessitates an effort of will and sustained study. This work is called 'white' work. Those who are learning a trade are not paid, and besides the eight hours devoted to study have also two hours of compulsory work.

82. Any of the prisoners who are indicated by the name 'Master' will receive two-thirds of the whole sum of money gained; one-third is applied to the profit of the prison.

83. He who already knows a trade on his arrival at the House of Correction, receives the half of the sum realised by his work. The other half is devoted to the profit of the prison.

84. The masters and the learners of each trade separately form the sections.

85. The persons who are engaged in supplying the continual orders to the sections are denominated the 'enrateurs' of sections.

<sup>1</sup> This paragraph has been sharply debated. However, the opinion that the previous isolation is not necessary did not obtain a majority of votes.

*Observation.*—The director or committee of the house can have work executed in exceptional cases conformably to the regulations above mentioned.

86. The rights and duties of the guardians of the sections are regulated by law.

87. The 'enrateurs' of the sections settle weekly their accounts with the manager of the house in ready money, and the part which returns to the masters for their work is enclosed in the pocket-book or portfolio of each section separately. These portfolios are kept in a special case, which is itself shut up in the strong box of the Government.

88. The key of the case which contains the money of the masters is kept by the cashier chosen by the sections. The cashier is compelled to assist in the accounts between the 'enrateurs' of sections and the masters.

89. No master has the right to keep the money to himself, nor to exact under any pretext what is given to him under the name of profit. He receives only a small book in which is kept the account of the product of his work for each week.

90. As an exceptional encouragement to work and to good conduct on the part of the prisoners, quarter discount is allowed to the sections to purchase, by the mediation or agency of an inspector, tea or some other authorised article.

91. Each section chooses its officer, who is responsible for the order of the section.

92. The section is responsible for the flight of the master, and in this case it loses its profit.

93. The master, the inspector of the prison, and the 'enrateur,' are responsible for the order of each section during work.

94. The change of place of the prisoners takes place by couples, in military order, in accordance with the order and hours mentioned.

95. A school shall be established in each House of Correction.

96. The time passed at school is reckoned as 'black' work.

97. Sundays and holidays after mass the chaplain and the professors attached to the house shall talk with the prisoners: their conversation should be on religious subjects, sacred biography, geography, and technical subjects.

98. During the night the prisoners are confined in separate

cells, whence no one can depart without the governor of the prison. Silence is compulsory during the night. The inspector has the duty of surveillance. The dormitories are lighted.

99. Interviews with relatives and foreigners are permitted at the times indicated by the regulations.

100. When the duration of the imprisonment ends, they give from the cash-box to those liberated the money gained by them, and afterwards no interview is permitted them under any pretext with their former companions.

#### 6. *For the Convict Establishments.*

101. The Convict Establishments are established for the imprisonment of all persons condemned for crime.

102. The convict who shall have merited by his diligence and his conduct an alleviation of his fate, can obtain it on the order of the managing authority in the prison, but not before having undergone two-thirds of his punishment.

103. The prisoners who have not deserved an alleviation shall undergo in the prison the entire punishment to which they have been condemned.

104. Those prisoners who undergo their entire punishment are called 'convicts,' those who have deserved an alleviation of their punishment are named the 'reclaimed' or 'reformed.'

105. For the transfer from the class of 'convicts' to that of the 'reclaimed,' the prisoner must, in addition to his good conduct, have gained a sum fixed by the regulation.

106. In case of culpable conduct and of negligence at work, the prisoner reclaimed is placed again in the class of convicts.

107. The prisoner on his admission to the convict prison is isolated during fifteen days per month, according to the decision of the committee of management.

108. The families of the prisoners are not admitted into the convict prisons.

109. The convict prisons are adapted for hard labour.

110. The work is subdivided into 'hard or compulsory labour' and prison work.

111. The hard labour is done by the convicts in chains; these chains are made according to a decreed model: the prison work is done without chains.

*Observation.*—The chains can be removed even during the

execution of the work by permission of the governor as a proof of his confidence. The chains are re-imposed on those who show themselves unworthy of the favour.

112. Convict prisons should be established in those localities which offer guarantees for convict labour, constantly necessary and independent of accidents. Such labour forms the punishment of the convicts.

113. Convict prisons should be established exclusively in places provided with ready means of communication, or offering the means of sale of the commodities on the spot.

114. The works for which convict labour is adapted constitute the property of the Government, or of a company, or of a private person, provided these last-mentioned can give the requisite guarantees.

115. The managing authority of the prison does not interfere with the commercial accounts of the works.

116. The convicts form the only motive force of the works.

*Observation.*—The payment of the workmen takes place at times fixed by the contract, and in ready money.

117. The places where the convict works are established ought not to be more than five leagues from the prison.

118. No convict can remain during the night outside the boundary of the prison.

119. The duration of convict labour is fixed at twelve hours per day in summer, and ten in winter.

120. The managing authority in the prison reserves in rotation a certain number of those imprisoned for field labour, trades, and interior work, conformably to a special regulation.

121. The produce of convict labour may be of two kinds:

1. From the time fixed.

2. Voluntary.

122. The produce from the labour done in the time fixed is the revenue of the prison.

123. The produce of the voluntary labour is personal income, and is reserved to set them up in business.

124. The prisoners cannot engage in voluntary labour till they have finished their daily task of hard or prison labour.

125. The managing authority of the prison in conjunction with the managers of the works allot the appointed tasks of convict labour.

126. The tasks allotted are done by order of the managing authority of the prison.

127. The governor or managing authority of the prison sees that the prisoners do the precise quantity of work allotted.

128. The prisoner can engage in voluntary labour under the direction of the manager of the works, or as tradesman at his own will.

129. Those imprisoned for a short term have a higher scale of wages than those condemned to a long term.

130. During the duration of convict labour the prisoners are superintended by the officers of the prison and by the 'enrateurs' elected by the prisoners themselves. The work is done under the direction of persons appointed by the managers of the works.

131. According to the nature of the work, the convicts can divide into sections under a general safeguard against disorder.

132. The regulations for sections in the Houses of Correction can be adapted to convict prisons.

133. We discount a quarter of the personal profits of the convicts for the assistance of their families.

134. Between the imprisonment in a convict prison and the definite establishment in business of the liberated convict in a country named by the Government, the convicts pass into an establishment instituted temporarily under the name of a Penitentiary Colony.

135. The penitentiary colonies are established in countries selected and designed to be definitely peopled by liberated convicts.

136. The criminals who have passed to the class of the 'reclaimed' raise themselves to the penitentiary colony of the Government, if they have gained the sum necessary for colonisation. Those who have not gained the requisite sum remain in prison till they have; without, however, exceeding the time they have to serve in accordance with their sentence.

137. The convicts sent into the penitentiary colonies of the Government remain there till the time named by the sentence of the judge. The time of condemnation can, however, be reduced by a year by the governor of the colony. The criminals who have undergone their entire sentence in the convict prison must still pass one year in the colony of the Government.

138. The labour in the penitentiary colonies is compulsory. This labour is done in accordance with the order and under the direction determined by the governor of the colony.

139. The person liberated from the penitentiary colony can select at his pleasure his definite dwelling-place, but not, however, beyond the frontier of the same country.

140. The prisoners sent to the colonies can be followed by their families.

141. The laws or regulations for the colonies will be stated in a special decree.

142. The financial operations respecting prisons and prison reform have for their end to preserve the interests of the nation without overcharging the treasury.

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#### PROPOSITIONS SUBMITTED TO THE CONGRESS BY THE AMERICAN DELEGATION.

1. The treatment of criminals by society is for the protection of society. But since such treatment is directed rather to the criminal than to the crime, its great object should be his moral regeneration. Hence it should be made a primary aim of prison discipline to reform the criminal, and not simply to inflict upon him a certain amount of vindictive suffering. The best guaranty of the public security against a repetition of his crime is the re-establishment of moral harmony in the soul of the criminal himself—his new birth to a respect for the laws.

2. In the moral regeneration of the criminal, hope is a more powerful agent than fear; it should, therefore, be made an ever-present force in the minds of prisoners by a well-devised and skilfully applied system of rewards for good conduct, industry, and attention to learning. Such rewards may be a diminution of sentence, a participation in earnings, a gradual withdrawal of restraint, and a constant enlargement of privilege, as these shall be severally earned by meritorious conduct. Rewards, more than punishments, are essential to every good penitentiary system.

3. The progressive classification of prisoners, based on merit and not on any mere arbitrary principle—as crime, age, &c.—should be established in all prisons designed for the treatment

of convicted criminals. In this way, the prisoner's destiny during his incarceration should be placed, measurably, in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his condition. A regulated self-interest must be brought into play. In the prison, as in free society, there must be the stimulus of some personal advantage accruing from the prisoner's efforts. Giving prisoners an interest in their industry and good conduct tends to give them beneficial thoughts and habits, and what no severity of punishment will enforce a moderate personal interest will readily obtain.

4. In criminal treatment, moral forces should be relied on with as little admixture of physical force as may be; organized persuasion to the utmost extent possible should be made to take the place of coercive restraint, the object being to make upright and industrious *freemen*, rather than orderly and obedient *prisoners*. Brute force may make good prisoners, moral training alone will make good citizens. To the latter of these ends the living soul must be won; to the former, only the inert and obedient body. To compass the reformation of criminals, the military type in prison management must be abandoned, and a discipline by moral forces substituted in its place. The objects of military discipline and prison discipline, being directly opposed to each other, cannot be pursued by the same road. The one is meant to train men to act together, the other to prepare them to act separately. The one relies upon force, which never yet created virtue; the other on motives, which are the sole agency for attaining moral ends. The special object of the one is to suppress individual character and reduce all to component parts of a compact machine; that of the other is to develop and strengthen individual character, and, by instilling right principles, to encourage and enable it to act on these independently.

5. Nevertheless, unsuitable indulgence is as pernicious as unsuitable severity, the true principle being to place the prisoner in a position of stern adversity, from which he must work his way out by his own exertions—that is, by diligent labour and a constant course of voluntary self-command and self-denial. As a rule, reformation can be attained only through a stern and severe training. It is in a benevolent adversity, whether

in the freedom of ordinary life or the servitude of the prison, that all the manly virtues are born and nurtured. It is easy enough for a bad man to put up with a little more degradation, a little more contumely, a few more blows or harsh restrictions; but to set his shoulder to the wheel, to command his temper, his appetites, his self-indulgent propensities, to struggle steadily out of his position—and all voluntarily, all from an inward impulse, stimulated by a moral necessity—this is a harder task, a far heavier imposition. Yet it is just this training that a right prison discipline must exact.

6. It is essential to a reformatory prison treatment that the self-respect of the prisoner should be cultivated to the utmost, and that every effort be made to give back to him his manhood. Hence all disciplinary punishments that inflict unnecessary pain or humiliation should be abolished as of evil influence; and instead, the penalty of prison offences should be the forfeiture of some privilege, or of a part of the progress already made towards liberation, with or without diminished food, or a period of stricter confinement. There is no greater mistake in the whole compass of penal discipline, than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is trampling where we ought to raise, and is therefore as unchristian in principle as it is unwise in policy. On the other hand, no imposition would be so improving, none so favourable to the cultivation of the prisoner's self-respect, self-command, and recovery of manhood as the making of every deviation from the line of right bear on present privilege or ultimate release. Such punishments would be as the drop of water that wears away the granite rock, and would, without needless pain or wanton cruelty, and especially without further injury to their manhood, subdue at length even the most refractory.

7. A system of prison discipline, to be truly reformatory, must gain the will of the convict. He is to be amended, but this is impossible with his mind in a state of hostility. No system can hope to succeed which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. But to this end the officer must really

choose the good of the prisoner, and the prisoner must remain in his choice long enough for virtue to become a habit. This consent of wills is an essential condition of reformation, for a bad man can never be made good against his will. Nowhere can reformation become the rule instead of the exception, where this choice of the same things by prison keepers and prison inmates has not been attained.

8. No prison can become a school of reform till there is, on the part of the officers, a hearty desire and intention to accomplish this object. Where there is no prevalent aim to this effect, there can be no general results in this direction. Such a purpose, however universally entertained by prison officers, would revolutionise prison discipline by changing its whole spirit; and fit reformatory processes would follow such change as naturally as the harvest follows the sowing. It is not so much any specific apparatus that is needed, as it is the introduction of a really benevolent spirit into our prison management. Once let it become the heartfelt desire and purpose of prison officers to reform the criminals under their care, and they will speedily become inventive of the methods adapted to the work.

9. In order to the reformation of imprisoned criminals, there must also be in the minds of prison officers a serious conviction that they are capable of being reformed, since no man can heartily pursue an object at war with his inward beliefs; no man can earnestly strive to accomplish what in his heart he despairs of accomplishing. Doubt is the prelude of failure; confidence a guaranty of success. Nothing so weakens moral forces as unbelief; nothing imparts to them such vigour as faith. 'Be it unto thee according to thy faith,' is the statement of a fundamental principle of success in all human enterprises, especially when our work lies within the realm of mind and morals.

10. The task of changing bad men into good ones is not one to be confided to the first comers. It is a serious charge, demanding thorough preparation, entire self-devotion, a calm and cautious judgment, great firmness of purpose and steadiness of action, a keen insight into the springs of human conduct, large experience, a true sympathy, and morality above suspicion. Prison officers, therefore, need a special education for

their work, as men do for the other great callings of society. Prison administration should be raised to the dignity of a profession. Prison officers should be organized in a gradation of rank, responsibility, and emolument; so that persons entering the prison service in early life, and forming a class or profession by themselves, may be thoroughly trained in all their duties, serving in successive positions till, according to their merits, tested chiefly by the small proportion of re-convictions, they reach the position of governors of the largest prisons. Thus alone can the multiplied details of prison discipline be perfected, and uniformity in its application be attained. For only when the administration of public punishment is made a profession will it become scientific, uniform, and successful in the highest degree.

11. Work, education, and religion (including in this latter moral instruction) are the three great forces to be employed in the reformation of criminals. (a) Industrial training should have a broader and higher development in prisons than is now commonly the case. Work is no less an auxiliary to virtue than it is a means of support. Steady, active, useful labour is the basis of all reformatory discipline. (b) Education is a vital force in the reformation of the fallen. Its tendency is to quicken thought, inspire self-respect, incite to higher aims, open new fields of exertion, and supply a healthful substitute for low and vicious amusements. (c) Of all reformatory agencies, religion is first in importance, because most powerful in its action upon the human heart and life. In vain are all devices of coercion and repression, if the heart and conscience, which are beyond all power of external control, are left untouched.

12. Individualisation is an essential principle of a reformatory prison discipline. To insure their highest improvement prisoners must, to a certain extent, be treated personally. While they are all placed under a general law, the conduct of each should be specially noted. The improving effect of such a verification, to each, of his progress in virtue would be great. It would be a first step towards restoring to him that feeling of self-respect, without which no recovery will ever be found permanent. Each should be enabled to know the light in which his conduct is viewed by those placed over him; for thus alone,



as his good resolutions strengthen, will he be enabled to correct that wherein he may be found deficient. The statement of this principle affords an indication as to the maximum number of prisoners proper to be detained in a penitentiary establishment; but it by no means settles that question; nor indeed can such definite and positive settlement ever be arrived at, since the question is one which must necessarily be left to the judgment and convenience of each individual State or community.

13. Repeated short sentences are believed to be worse than useless, their tendency being rather to stimulate than to repress transgression in petty offenders. The object here is less to punish than to save. But reformation is a work of time; and a benevolent regard to the criminal himself, as well as the protection of society, requires that his sentence be long enough for reformatory process to take effect. It is the judgment of this Congress that every penal detention should have in view, above all, the time of the prisoner's liberation, and that the entire discipline of a prison should be organized mainly with a view to prevent relapses. If by a short and sharp first imprisonment it is important to give an energetic notice so as to prevent the propagation of evil, it is no less important afterwards, by means of sentences of a longer duration, to prepare, in a manner more sustained and efficacious, the habitual petty transgressor for his re-entrance into society as a reformed, industrious, and useful citizen.

14. Preventive agencies, such as general education, truant homes, industrial schools, children's aid societies, orphan asylums, and the like, designed for children not yet criminal, but in danger of becoming so, constitute the true field of promise, in which to labour for the prevention and diminution of crime. Here the brood may be killed in the egg, the stream cut off in the fountain; and whatever the cost of such agencies may be, it will be less than the spoliations resulting from neglect, and the expense involved in arrests, trials, and imprisonments.

15. The successful prosecution of crime requires the combined action of capital and labour, just as other crafts do. There are two well-defined classes engaged in criminal operations, who may be called the capitalists of crime and its operatives. It is worthy of inquiry whether society has not made a mistake in its warfare upon crime, and whether it would not be better and

more effective to strike at the few capitalists as a class than at the many operative plunderers one by one. Let it direct its blows against the connection between criminal capital and criminal labour, nor forbear its assaults till it has wholly broken and dissolved that union. We may rest assured that when this baleful combination shall be pierced in its vital part it will perish; that when the corner-stone of the leprous fabric shall be removed, the building itself will tumble into ruins.

16. More systematic and comprehensive methods should be adopted to save discharged prisoners by providing them with work and encouraging them to redeem their character and regain their lost position in society. The State has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having lifted him up, it has the further duty to aid in holding him up. In vain shall we have given the convict an improved mind and heart, in vain shall we have imparted to him the capacity for industrial labour and the will to advance himself by worthy means, if, on his discharge, he finds the world in arms against him, with none to trust him, none to meet him kindly, none to give him the opportunity of earning honest bread.

17. Since personal liberty is a right as respectable as the right of property, it is the duty of society to indemnify the citizen who has been unjustly imprisoned, on proof of his innocence, whether at the time of his trial or after his sentence, as it indemnifies the citizen from whom it has taken his field or his house for some public use.

18. It is the conviction of this Congress that one of the most effective agencies in the repression of crime would be the enactment of laws for the education of all the children of the State. Better to force education upon the people than to force them into prison to expiate crimes of which the neglect of education and consequent ignorance have been the occasion if not the cause.

19. This Congress defends as just and reasonable the principle of the responsibility of parents for the full or partial support of their children in reformatory institutions. The expense of such maintenance must fall on somebody, and on whom can it fall more fitly than on the child's parent, whose

neglect or vices have probably been the occasion of its lapse into crime?

20. This Congress arraigns society itself as in no slight degree accountable for the invasion of its rights and the warfare upon its interests practised by the criminal classes. Does society take all the steps which it easily might to change the circumstances in our social state that lead to crime, or, when crime has been committed, to cure the proclivity to it generated by these circumstances? It cannot be pretended. Let society, then, lay the case earnestly to its conscience, and strive to mend in both directions. Offences, we are told by a high authority, must come, but a special woe is denounced against those through whom they come. Let States and communities take heed that that woe fall not upon their head.

21. The systems of criminal statistics stand in urgent need of revision and amendment. The Congress judges it expedient and desirable that greater uniformity should be secured in making up the statistics in this department of the public service in different countries, to the end that comparisons may be the more readily made, that conclusions may be the more accurately drawn, and that criminal legislation may with greater safety be based upon the conclusions so reached.

22. Prison architecture is a matter of grave importance. Prisons of every class should be substantial structures, affording gratification by their design and material to a pure taste, but not costly or highly ornate. The chief points to be aimed at in prison construction are security, perfect ventilation, an unfailing supply of pure water, the best facilities for industrial labour, convenience of markets, ease of supervision, adaptation to reformatory aims, and a rigid, though not parsimonious, economy.

23. A right application of the principles of sanitary science in the construction and arrangement of prisons is a point of vital moment. The apparatus for heating and ventilation should be the best that is known; sunlight, air, and water should be afforded according to the abundance with which nature has provided them; the dietary and clothing should be plain but wholesome, comfortable, and in sufficient, but not extravagant, quantity; the bedsteads, beds and beddings not costly, but decent, well-aired, and free from vermin; the hos-

pital accommodations, medical stores, and surgical instruments should be all that humanity requires or science can supply; and all needed means for personal cleanliness should be without stint.

24. As a principle that crowns all and is essential to all, it is our conviction that no prison system can be perfect, or successful to the most desirable extent, without some central or supreme authority to sit at the helm, guiding, controlling, unifying, and vitalising the whole. All the departments of the preventive, reformatory, and penal institutions of a State should be moulded into one homogeneous and effective system, its parts mutually answering to and supporting one another, and the whole animated by the same spirit, aiming at the same objects and subject to the same control, yet without loss of the advantages of concurring local organizations and of voluntary aid, wherever such aid is attainable and may be judiciously and wisely admitted.

25. This Congress is of the opinion that, both in the official administration of such a system and the voluntary co-operation of citizens therein, the agency of women may be employed with good effect.

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#### LIVINGSTON'S SYSTEM OF CRIMINAL LEGISLATION.

The following remarks were made by Dr. Wines on the last day of meeting:—‘I am charged with offering to this Congress, on the part of the National Prison Association of the United States, the Code of Reform and Prison Discipline by our great American jurist, Edward Livingston. The Association caused this Code, with the Introductory Report to the same, to be reprinted expressly in view of the labours of the Congress. It has, however, undertaken the publication of the whole system of penal law, prepared by the same author for the State of Louisiana and the United States, which will be issued, in two volumes octavo, during the ensuing autumn. The Chief Justice of the United States, the Honourable Salmon P. Chase, has kindly prepared an introduction to the whole work, which is also prefixed to the present smaller publication. An edition of Livingston's great work has recently been published in French,

under the auspices of the Institute of France, and will be immediately offered to this Congress through M. Vergé, a member of the Institute, who has so worthily represented the Academy of Moral and Political Sciences in this body. It is a remarkable as well as pleasing circumstance, that there should meet on this floor, and be offered to the acceptance of this Congress, French and American editions of a work which, though published a full half century ago, anticipated most of the great reforms in penitentiary treatment which the world is still slowly and laboriously engaged in working out. Mr. President, in presenting to the Congress this American publication in advance of the larger, which is soon to follow, I also offer the French edition of Livingston in two volumes for M. Vergé, whose duties called him to Paris this morning, but who has left a letter addressed to this body, which will be read in French, and translated into English by Musurus Bey, delegate to the Congress from the Sublime Porte.' The letter was then read, and is as follows :

London, July 12, 1872.

Mr. President,—I have the honour to ask you to offer to the International Congress on Prison Reform, a copy of the French edition of the great work of Livingston, one of the most eminent men of the United States of America, and among the most zealous pioneers in the reform of the penal and penitentiary system. This edition is preceded by a biographical sketch of Mr. Livingston by M. Mignet, and by a critical essay by M. Charles Lucas, a member of the Institute of France, the friend and successor of Livingston in his labours in behalf of penitentiary reform, undertaken half a century ago. Livingston was a member of the Institute of France (Academy of Moral and Political Sciences). He has found in the Old World as well as the New admirers and followers.—Receive, Mr. President, the assurance of my most distinguished sentiments.

CHARLES VERGÉ, Member of the Institute.

His Grace Archbishop Manning had intended to offer some remarks on the work thus presented to the Congress, but forbore to do so for lack of time. He subsequently addressed a letter to Dr. Wines, in which he embodied the substance of what he would have said if there had been opportunity. The letter is as follows :—

8, York Place, July 21.

My dear Sir,—Our thanks are due to you in chief for the International Prison Congress, which has resulted not only in much valuable information, but in the establishment of a permanent union of correspondence in respect to the statistics and discipline of prisons. But for the initiative taken by you and by the Government of the United States, I do not think this would have been attained. We have also to thank you for Mr. Livingston's valuable work on reform and prison discipline. I am sorry that it did not arrive earlier in our proceedings. Mr. Livingston was before his time. He has anticipated the substance of our late discussions on the separate system. In his words, "Imprisonment with seclusion and labour will diminish offences; imprisonment without seclusion will increase them." I was not aware that this had been tried and proved so long ago as 1791 in the United States. His book is worthy of his high name as a just and good man. I am sorry that I had not the opportunity of expressing what I think is due to Mr. Livingston as a forerunner in the recent amelioration of our prison discipline, which is, day by day, becoming vital to the welfare and even to the safety of the civil society of the world.—Believe me, my dear sir, yours very faithfully,

† HENRY E., Archbishop of Westminster.

The Rev. Dr. Wines.

#### PAPERS CONTRIBUTED.

Professor Carlo Morelli (Florence), a paper of 'Reflections on the Reform of Penitentiary Systems.'

Mrs. Sawyer (Bristol), 'Remarks on Reformatories and on Sentences.'

Mr. Henry Price, one of the delegates from the Board of Superintendence (Dublin), a paper, in which he maintained that the present system of committal for drunkenness was exceedingly unsatisfactory, and tended to increase the number of criminals.

Mr. Thomas Smith, agent for the North Staffordshire Discharged Prisoners' Aid Society, contributed a paper on 'The Best Method of Working such Societies, so as to Produce the Maximum of Good Results.'

Professor Foynitsky (St. Petersburg), 'On Prison Education and Prison Labour.'

M. de Lamarque, copies of a speech delivered by him on the

occasion of founding in Paris a General Society for the protection of convicted adults and of young liberated prisoners, which society was authorised by a decision of June 9, 1872.

Mr. William Tallack, secretary of the Howard Society, 'On the Condition of our English Prisons.' This paper has been published separately.

M. Maluvisti contributed a letter of suggestions 'On the Diminution of the Number of Prisoners.' The object of the letter was to suggest an attempt to produce uniformity in the prison systems of all civilised countries.

M. Antoine D., Port St. Marie (Lot et Garonne), 'On Penitentiary Reform.'

Advocate Cav. Giovanni Bolis, Questor of Leghorn, 'On the Police, or Office of the Civil Magistrate, considered as an Institution preventive of Crime.'

A paper was contributed on 'Œuvre protestante des Prisons de Femmes' (Paris, St.-Lazare).

The Committee of French Protestant ladies for the aid of prisoners, contributed a paper on the work in St. Lazare, Paris, showing that exceedingly valuable results had been obtained, mainly by bringing religious influences to bear on the inmates.

Mr. Sheriff Watson, 'On the Establishment of Industrial Schools.'

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Mr. CHARLES R. FORD, Secretary of the Reformatory and Refuge Union, contributed a paper on 'English Efforts for the Prevention of Juvenile Crime,' in which he traced the gradual rise both of certified reformatories and industrial schools. Like many other English public institutions, the present system of treatment of juvenile offenders had been gradually developed, mainly from efforts made by benevolent persons, who had to overcome much opposition. It was not until the year 1854 that the first Reformatory Schools Act was passed, granting to the managers of the institutions founded and managed by voluntary workers various powers over those detained, and defraying a portion of their expenses. Three principles were contained in this and all subsequent Acts:—1. Voluntary management. 2. Power of detention over the inmates. 3. Govern-

ment payments with Government inspection. For eighteen years careful statistics had been kept of those leaving these institutions, and, although all who had entered them must have passed through prison, upwards of seventy-five per cent. had continued to do well. The management of the institutions was founded on the twin principle of individual influence and industrial training.

Some few years after reformatories had become thoroughly established, the experience of the managers began to show them that many of the children committed to their care were not sufficiently depraved to justify their being sentenced first to the stain of a prison, and then to a lengthened detention among hardened, though youthful, criminals; that a large class of children not yet criminal, but on the verge of crime, was also forcing itself upon public attention. To meet these wants, the first certified Industrial Schools Act was passed in 1857, to enable non-criminal but neglected children to be sent to these semi-State institutions without having been to prison. The working of this class of institution had been much the same as that of reformatories. The success of the united work of the two classes was best shown in the fact of their having prevented the necessity for any increase of reformatories, and reduced the yearly number of those committed to them. In 1862 their number was sixty-five, and it remains the same at the present time. In the same year the number of certified industrial schools was forty-five; now it is ninety-five. Those children whom it was impossible to bring under either the Reformatory or Industrial Schools Act were received into voluntary homes and refuges, which have materially contributed to the general diminution of crime.

Appended to this abstract are statistical tables showing the gradual growth, the receipts, and disposals of both classes of institutions, with other particulars.

STATISTICS OF DISPOSALS FROM REFORMATORIES AND CERTIFIED INDUSTRIAL SCHOOLS,  
From their commencement to the 31st December, 1871.

	REFORMATORIES.			CERTIFIED INDUSTRIAL SCHOOLS.			Grand Totals.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.	
	Total.	Boys.	Girls.	Total.	Boys.	Girls.	
To Employment or Service .....	3,877	1,637	5,514	1,696	835	2,531	8,045
Returned to Friends .....	4,155	1,072	5,227	1,360	395	1,755	6,982
Emigrated .....	1,398	85	1,483	134	23	157	1,610
Sent to Sea .....	1,924	..	1,924	396	..	396	2,320
Enlisted .....	412	..	412	116	..	116	523
Discharged on account of Disease .....	212	95	307	82	22	104	411
Discharged as incorrigible, and to Penal Servitude .....	146	53	199	..	..	..	199
Discharged by Special order .....	..	..	..	241	151	392	392
Committed to Reformatory Schools or Prisons .....	..	..	..	288	60	348	348
Transferred .....	516	192	708	414	72	486	1,194
Died .....	383	144	527	288	151	439	966
Absconded .....	555	137	692	383	103	486	1,178
Totals .....	13,578	3,415	10,993	5,398	1,812	7,210	21,203

STATISTICS OF REFORMATORIES.

Year.	ADMISSIONS.			RECEIPTS.					
	Number of Institutions.	Boys.	Girls.	Total.	From Treasury.	Voluntary Subscriptions.	From Rates.	From Parents.	Profit on Industrial Work.
					£.	£.	£.	£.	£.
1854	7	28	1	29	..	..	..	..	..
1855	17	331	78	409	..	..	..	..	..
1856	34	820	143	963	..	..	..	..	..
1857	53	1,101	203	1,304	..	..	..	..	..
1858	58	792	196	988	..	..	..	308	..
1859	59	1,009	273	1,282	..	13,103	..	1,154	..
1860	60	1,145	323	1,468	51,681	17,436	2,602	1,717	..
1861	62	1,288	348	1,636	..	..	..	2,246	..
1862	65	1,069	285	1,354	66,374	15,109	4,749	2,362	..
1863	64	976	267	1,243	68,141	12,048	7,055	2,564	..
1864	66	1,119	264	1,383	66,375	11,364	8,799	2,433	..
1865	65	1,256	337	1,593	64,755	10,357	9,546	2,499	6,921
1866	64	1,327	320	1,647	64,619	10,721	9,613	2,479	10,011
1867	64	1,396	310	1,706	67,978	8,276	11,742	2,804	11,573
1868	64	1,337	334	1,671	72,999	12,858	15,287	3,112	11,171
1869	65	1,357	330	1,687	77,951	10,948	17,823	3,017	10,830
1870	64	1,301	327	1,628	82,357	8,284	18,041	3,241	13,556
1871	65	1,295	319	1,614	84,423	9,250	19,372	3,295	14,980
					83,761	8,703	19,219	3,560	16,222

## STATISTICS OF CERTIFIED INDUSTRIAL SCHOOLS.

Year.	Number of Institutions.	ADMISSIONS.			RECEIPTS.					Profit on Industrial Work.
		Boys.	Girls.	Total.	Total.	From Treasury.	Voluntary Subscriptions.	From Rates and School Boards.	From Parents.	
1857	41	608	400	1,008	£.	£.	£.	£.	£.	£.
1861					..	..	..	..	..	..
1862	45	422	169	589	..	..	..	..	1,062	..
1863	47	490	159	649	..	18,117	..	..	1,159	..
1864	50	466	138	604	..	15,887	..	..	1,189	..
1865	50	562	213	775	..	19,684	20,449	..	1,239	..
1866	57	814	241	1,055	49,826	22,797	22,914	..	1,542	..
1867	63	1,444	539	1,983	83,391	31,723	25,931	19,652	1,869	..
1868	77	1,859	707	2,562	122,682	52,564	39,676	19,062	2,532	4,832
1869	83	2,026	554	2,580	142,992	74,102	37,109	21,057	3,606	6,326
1870	91	2,089	551	2,640	193,534	92,962	63,012	21,129	4,540	7,902
1871	95	2,157	726	2,883	185,823	109,682	40,803	19,232	5,181	10,407

## JOHN HOWARD: HIS LIFE, CHARACTER, AND SERVICES.

A LECTURE BY THE REV. H. W. BELLOW, D.D.

THE glory of a great name sometimes obscures the outlines of the life and character that furnished its splendour. Living in the light and heat of their genius, humanity gives a worshipping homage to its chief benefactors, while careless of the precise nature of their claims on its gratitude; and often forgetful, and at last ignorant of the history of their services, and the conditions under which they won their place in universal reverence and honour. This is especially true of founders, whether of religions, states, liberties, or grand humanitarian movements. The wider and more general their services, the less is their history and reputation subject to critical estimates, or within the custody of exact observation. Their names come to stand for principles and sentiments—for piety, patriotism, virtue, philanthropy—and to partake the vagueness with the largeness and universality of their identification. A single lustre has sufficed to give the name of Lincoln in America a mythic character. The splendour of his services, and the greatness of the vast event—the emancipation of three million slaves—with which his life is associated, has already produced the dimming effect of a century of time. Gratitude and reverence remove him from fixed contemplation, and those of us who knew him as he was—a man of vigorous and passionless intellect, of keen and coarse humour, sad and gentle, unselfish, without personal ambition, incapable of prejudices—find every finer line in his character blurred in the national estimate, which knows him only as the typical American, the plain rail-splitter, who showed every farmer's boy how naturally he might realise his hopes of the presidency, or as the incorruptible and ideal patriot, the fortunate martyr for the liberties of a race.

Of no great name is this more true than of the man whose life and services we are now met to consider. The name of Howard has become the synonym of philanthropy. It is more widely

known, and known with more unqualified praise and honour, than any private name in modern history. Hundreds of associations for charity and beneficence have chosen it for their title. It has passed out of the keeping of his own countrymen into that of mankind. The lips of little children learn it almost next after that of their divine master. Its glory belongs to neither sex, but celebrates virtues and graces equally honourable and acceptable in both. It is one of the few names religion dares to repeat in connection with her holiest themes. There is scarcely a shadow upon it. It mingles with all that is purest, noblest, most celestial in human feelings. It overleaped, even in the days of angry polemics, the walls of sect, and acted as a solvent of bigotry, and a cement among theological rivals and antagonists. It stands for universal mercy, world-wide sympathy, and absolute consecration to human service. A name for mildness, self-forgetfulness, sleepless activity in benevolent work, for interest in the most abandoned and repulsive of our species, for hope towards those despaired of by all others, for chivalrous and heroic daring against enemies more perilous than artillery, but from whom even wisdom had accounted it universally permissible to flee—pestilence and crime; a name for humility which fled from the echoes of its own resonant goodness, wept at the praises it could not escape, and unaffectedly longed to be unknown. What a halo hangs around these syllables! Howard! If, as he himself declares, not one insulting word, or disparaging and contemptuous act, ever met his eye or ear in the sixteen years of his pilgrimage among the reprobate and cruel class confined in the prisons of all Europe, a hundred years in which that name has circulated like a household word through the homes of civilised man, has hardly produced one jar or discord in the universal symphony of love and praise.

And yet how little beyond this vague and general notion of a super-eminent goodness, an heroic philanthropy, survives in the public memory! It is not for the want of competent and excellent biographies of Howard, that his name has become mythic. Brown, Aiken, Field and Taylor, and Mr. Hepworth Dixon, to whose excellent summary I am to be so much indebted in the order of this discourse, have furnished us with all the facts needed to reproduce his life and understand his character and

services. Burke, Chalmers and other great orators have looked at him with the eye of genius, and spoken of him with the tongue of discriminating appreciation. It is only because the total effect of his life and character deafens by its loud report the articulate accents of his career, that it becomes necessary, and will continually become more necessary, to revive the definite facts of his life and exact traits of his character, and to dwell, line by line, upon his services. I can hope, in the very limited space of this address, to do little more than baldly repeat the main facts of his career, if I am to leave myself any room for the chief object of my discourse—a comparison of the condition of prison discipline, when Howard inaugurated reform about a hundred years ago, and now, when the nations are met in peaceful congress to report progress and devise new plans of reform.

John Howard, son of a London tradesman, who made a moderate fortune and retired from business about the time of his son's birth, was born, if the doubtful inscription on his monument in St. Paul's may be received in the absence of any more decisive testimony, at Hackney, in the county of Middlesex, September 2nd, 1726. He passed his infancy and youth in the country, of which he continued all his life very fond. His mother died too early to afford him the gentle nurture his somewhat sickly constitution and sensitive mind required. There was nothing precocious in his childhood. His father, a well meaning and religious man, probably of little taste or discernment, sent him to successive schools, chosen more with deference to a Calvinistic dissenter's natural predilections or scruples than to any general merits, where the boy exhibited little quickness of mind and small aptness for learning. He evidently had the dull interest in his opportunities which belongs to feeble constitutions, aggravated by habits of solitude and a curious lack of contagious sympathies, on which the emulation of school-life or a respect for human opinion produced no effect. It was not for want of opportunity or care that John did not learn to read and write with correctness and ease in his school-days, and that his spelling, punctuation and general education continued to the last, for a person in his station, sadly deficient. It was due to a nature, narrow, deep, and self-enclosed, feeling only impulses from within, and valuing his



own respect to a degree that made him almost insensible to the ordinary motives of pride and shame, or fear and hope, of example and emulation, that usually animate and restrain our common nature. His life would be a riddle without the key which his peculiar and providential temperament and disposition supply, and his indifference to what others call education was of a piece with his life-long indifference to what actuates the overwhelming majority of our fellow-creatures. Clearly he was a person from the very start, *sui generis*, not to be comprehended or measured by any common standard. What was customary, general, established, expected—because easiest to fall in with, and founded in experience—had, all his boyhood and all his manhood one may almost say, simply no weight with him. He was neither docile nor easily led, although singularly mild and inoffensive. Other people's ways, expectations, or usages do not seem so much to have vexed him or aroused his opposition as simply to have produced no effect upon him in the way of example or authority. The only thing of much importance that happened in his school-days was the acquaintance he made at Mr. Eames' school with Dr. Price, whose independent character and habits of thinking evidently suited the original streak in Howard, who happily never confounded his sympathies with men and character with an agreement with their peculiar opinions.

At an uncertain age, but probably not before fifteen, Howard was taken from school and apprenticed to some wholesale grocers in London. A tradesman's son, he had enough of the stuff in him that men of accounts and barter and business are made of to have become a successful merchant had he continued in this walk of life. He stayed long enough only in the place to form or confirm those habits of accuracy, order, and system which, whenever he was really interested in anything, he displayed in a consummate degree. What he may have learned about foreign countries in this apprenticeship, is supposably important; but exactness, punctiliousness, nicety in action, were his more important acquisitions, if they may not rather be considered his original gifts and tendencies, to which his short business experience gave a valuable direction. His father's death, on September 9th, 1742, made him the heir to a considerable landed property, and seven thousand pounds in money. The trustees

of the estate—for Howard was less than seventeen—allowed him an unusual share in the management of his property, of which his father, who evidently saw his entire freedom from the usual dangers of young men born to fortune, had made him sole residuary legatee on attaining his majority. Howard had contracted no love of money in his short mercantile experience, and the control of a considerable sum seems not to have intoxicated him in the least degree either with a sense of importance, or a tendency to self-indulgence. He set, almost immediately, about repairing his father's neglected house in Clapton; and then on the more important work of restoring his own feeble and debilitated constitution by a tour on the Continent. It is pleasant to think that Howard, for a few years at this period of his life, enjoyed some of the leisure, freedom, and curiosity, which, after he had once entered upon his philanthropic career, he never tasted again. It brings him a little more within our ordinary sympathies, to learn that he visited galleries of pictures and exhibitions and even made a small collection of paintings, not ill chosen, which afterwards adorned his residence in Cardington. On his return, after probably less than two years absence, his health improved but far from established, he settled temporarily at Stoke-Newington, to escape the insalubrity of London. Here he devoted himself to nursing his own invalidism, by rigid diet, riding on horseback, and abstinence from all social excitements. A young man of sedate feelings, under strong religious impressions, with little heat in his blood, unexacting appetites, and undisturbing passions, inclined to meditation rather than to curiosity, his prospects at this time were certainly not those of a man likely to effect anything remarkable in the world. He had an innocent taste for some of the simplest parts of science, such as watching the changes of the barometer, and a less safe disposition to dabble in medicine. But his own letters show how imperfectly developed his intellectual nature was, and how little stored his mind. His greatness never lay either in the original or acquired force of his understanding or the reach of his thoughts, but in the compass of his humanity, his singleness of mind, his strength of will, and that wisdom which attends the humble and the reverential.

Having moved his lodgings, from dissatisfaction with the little

care he received, into the house of Mrs. Loidore—a widow of more than twice his age, without wealth or personal attractions, and a settled invalid—Howard fell seriously ill, was devotedly nursed by this excellent woman, and thought he owed his life to her care. With his characteristic disregard of appearances and disrespect for other people's example or opinions, Howard, thinking nothing short of this proof of his gratitude would fully extinguish his obligation, pressed upon this worthy woman the offer of his hand in marriage. With perfect good sense, she resisted the urgency of his preposterous purpose. But Howard's will was up and his blood down. Marry him *she must*, to meet *his* sense of duty; and, probably from real pity for his solitary and feeble condition, marry him she did!

However unsuitable the union, Howard showed no signs of *mauvaise honte*; gave no indications at any time that he repented his folly; treated his wife with the utmost tenderness during the three years that she lived, and lamented her loss with honest sorrow. This marriage is invaluable as a clue to Howard's peculiar character, and, like his indifference to spelling and punctuation, shows how providentially fitted he was, by insusceptibility to ordinary criticism or even to reasonable expectations, for the solitary career he afterwards entered upon. It is not too much to say, that the courage and independence he displayed in utterly disregarding the sneers of his own circle in his strange and ludicrous marriage, foreshadowed the boldness and originality of his course, when, single-handed, he attacked the time-honoured ignorance and cruelty castellated in the prisons of Europe, and treated gaol-fever, plague and typhus, precisely as he had treated what he regarded unwisely as the prejudices and foolish whims of society. Howard's first marriage stamps him as a man of eccentric, because solitary and self-originating, habits of thought and feeling; a man of imperfect sympathies, not sufficiently respectful of the opinions of the world or the dictates of prudence; a man in whom the wholesome and natural longings and expectations of youth are wanting; who either does not know, or knowing, despises, the judgments of his fellow-men. His marriage, though partial biographers may excuse or extol it, as an evidence of his moral superiority, was really due to defects in his nature and culture, his health and breeding. Even if his conscience drove him to

it, it showed a morbid and perilous condition of conscience in which there was more heat than light; but, as an illustration of his mental and moral make—the preponderance of certain qualities of a rare eminence, and the absence of certain feelings, usually and wholesomely operative in other men—it throws a flood of light upon his peculiar history, reveals the source of his power, and explains the originality of his career.

The death of his wife having released Howard from duties at home, and left him without peremptory occupations, he determined again to go abroad. The recent earthquake at Lisbon in 1755, which had made thousands of the poor houseless, and engaged the humane attention of Europe, drew Howard's mind, in want of a specific object, to a plan of personal relief for the sufferers. I pause to compare the difficulties under which that stupendous and tragical catastrophe must have slowly published itself through Europe and America—weeks and months elapsing before it could have spread the knowledge of so vast a calamity to the confines of civilised humanity—and the almost simultaneous consciousness with which both continents and both sides of the globe, perhaps it may be said the civilised world, found themselves in twenty-four hours after the burning of Chicago, encircling the ruin—all eyes at once directed upon one gigantic misfortune, and all hands busy in stretching out relief. Compare the telegraphic wires that thrilled the news, as to a common sensorium, of the Chicago fire, with the diligences, couriers, sail-ships, that for months were giving a succession of horrible surprises to the outposts of the civilised race, of the earthquake at Lisbon; and compare John Howard, months after the event, devising, from his own fortune, a personal ministration to so great a distress—setting forth, alone, to investigate the half-unknown calamity, and making an insecure and finally baffled voyage of weeks to reach the spot—with the system of commercial drafts by telegram, which poured the charity of all parts of the world into the lap of Chicago within forty-eight hours of its desolation! It is necessary to keep in view the complete revolution in locomotion, and transmission of intelligence, which the world has undergone since Howard's career, to do any justice to the difficulties of his pilgrimage, the obstacles to creating a public opinion, the enormous boldness of his cosmopolitan scope.

France and England were then at variance, and the seven years' war at its height.

The "Hanover," the vessel in which Howard had sailed for Lisbon, was captured by a privateer; and Howard was carried into Brest and confined, with many other prisoners, in a dark, damp, filthy dungeon, for many hours without food, and for a whole week without any bedding except a little straw. This dungeon, noisome and horrible, was doubtless the birth-place of Howard's life-long scheme of prison reform. It at once brought to a point his vague general longings for usefulness in some form, into which extreme self-denial, great personal courage, and solitary effort should enter. Howard, removed to various places along the French coast, discovered that prisoners of war were suffering dreadful barbarities, and he ultimately found out that it was nearly the same on both sides of the channel, and from Holland to Spain. His humanity was aroused; and he successfully sought, from those whom his bearing had inspired with respect and confidence, the privilege of going back to England on his *parole*—pledging himself to return if he did not succeed in finding an exchange. As an evidence that even thus early his personality carried a strange power with it—such as belongs only to deep natures, animated by some exceptional inwardness of being, living from some secret springs of action—Howard, a perfect stranger, found, even in captivity, friends willing to trust him with money and to become sponsors for his word. In England he readily obtained an exchange, and then, his obligations discharged, set energetically about procuring relief for his late fellow-captives and arousing sympathy with the 'commissioner for sick and wounded seaman,' in behalf of prisoners of war. His appeal, urged with the eloquence of his own personal experience, carried conviction, and, as his first success in any similar work, it doubtless encouraged his confidence and prepared him the more readily to yield to the call, which, however, was not yet for a long time to be made, that finally summoned him to his great career.

Fourteen or fifteen years were to elapse before Howard was to enter upon his life-work. But this period was to be one in which his character, though it can never be said to have needed settlement was to ripen in retirement into special

gentleness, benevolence, and unworldliness, and to become even more weaned than it constitutionally was, from all that was not profoundly serious and useful.

Howard retired early in the year 1756 to his small patrimonial estate at Cardington, near Bedford, which must ever be considered as his home. He had passed most of his childhood there, and it was associated with his early love of fields and flowers. Like most solitary and grave natures, averse to the competitions and social pleasures of life, he had a peculiar love of the country, and of the country quite distinct from what is usually called scenery. His moral grandeur somewhat belittled the sublime in the outward world, so that we never or seldom find him giving way to any enthusiasm in the presence of mountains and cataracts, of which he had seen more than one in ten thousand of his countrymen. Indeed, the sense of beauty and grandeur in nature is, to some degree, a very modern sentiment. But for the country, its fields and lanes, its flowers and trees, its quietude and its simplicity, Howard felt a strong attraction and genuine love. Nor was he without the Englishman's somewhat exaggerated sense of the value of land, and that love of ownership in the soil which—the scarcity of that article in so old, so crowded, and so small an island, where proprietorship in the land must long continue the most marked distinction—is so easily accounted for. Howard considerably extended his estate, and entered at once upon a plan for improving the condition of his tenants. He had a constitutional repugnance to disorder, to the absence of neatness, and to everything coarse in food, manners, and customs. It was not accompanied by an equal positive enjoyment of what was elegant and refined, various and splendid. On the contrary, absolutely repellent of filth and disorder, his nature seemed to demand little variety and little ministry to æsthetic sensibilities; active and earnest as he was in the use of his time and gifts, elegant leisure was something he never understood.

Engaged in extending and improving his estates, and guiding and inspiring his tenantry, Howard, about four years after settling at Cardington, at thirty-two years of age, found himself irresistibly attracted by the character and charms of a modest and sensible woman, Henrietta Leeds, eldest daughter of Edward Leeds, of Croxton, Cambridgeshire, Serjeant-at-Law,

and married her on April 25th, 1758. She was evidently a woman precisely suited to his disposition and character; not without a serious beauty of person, but free from vanity, worldliness, or ambition; like himself, a lover of the country, of retirement, and of usefulness. She was a member of the Established Church; but his absolute respect for liberty of private judgment, coupled with his sense of religious obligation, made him strictly tolerant of her opinions, different as they were from his own. Indeed, all his life long, he was a curious and noble example of a mind profoundly and even narrowly rutted in its own congenital prepossessions, yet untouched with what is offensive in proselytism, and capable of estimating worth dissociated from its own religious ideas, forming friendships with those from whom it widely differed in opinion. He made one frank condition with Henrietta before marriage—that in all cases of practical difference, where a decision must be reached, his will was to be undisputed. With few husbands could such a position and formal concession have been so safely made. Howard never abused it, and Henrietta never regretted it—although it was not a dead letter in the household.

Howard's underlying principle of action was well illustrated in this agreement. His life and character were founded upon the idea of religious obedience. He accepted the Jewish and Christian Scriptures in the most implicit faith, and with the simplicity and deference which marked the School of Puritan Religionists from which he sprung. He was a diligent reader of the Bible—never a student of it in the inquisitive, investigating sense which our generation attaches to the word. It seems never to have occurred to him that anything except a devout and obedient temper was necessary for the fullest understanding of the Scriptures. All our apparatus of languages, glossaries, archæological and historical comparison, would have shocked his child-like faith. He felt that he had in his English Bible a sure and perfect revelation of the Divine will, and that an implicit obedience to it was his only safety, as it was his greatest privilege. His acceptance of the Puritan interpretation was as well settled and immovable as his reverence for the Word of God. His sense of the probationary character of human life—the relative worthlessness of all temporary comforts, occupations, and aims, when compared with the great end of

personal salvation, the disastrous lowness and depravity of human nature, the difficulty of maintaining a proper spiritual elevation—was intense and never remitted. Doubtless he had his own knowledge of the workings of weakness in his heart and life; but it is hardly too much to say, that no life, so well known and which may be so minutely followed, ever presented less of self-indulgence, less unsteadiness to rigid principle, less contrast between its inward ideal and its outward behaviour. Critics intolerant of perfection, and specially puritan perfection, have sought to fasten moral weaknesses upon Howard, or to prove that his nature avenged itself for his rigorous devotion to public usefulness, by private arrogance, domestic tyranny, or paternal cruelty.

But no such assertions can be made out. Jewish, rather than Christian, as his notions of conjugal and domestic duty were; rigid and gloomy as his ideas of life; narrow as his creed was, and unenlightened his whole philosophy; the wonder is that he was so faithful to his principles with so little offence to others, and so much in advance of his contemporaries in practical views of political, social, and humanitarian duty. He seems never to have changed in the least the dogmatic ideas with which he began life; yet, in respect to everything else, he was eminently gentle, open to testimony, liberal and even large in practical conduct. He is a conspicuous illustration of the truth, that great doers are seldom embarrassed by abstract speculation or paralysed by conflicting opinions. Contrasted as Howard's life was with his character and creed, broad in action and narrow in opinion, continental in plans and insulated in convictions, there were no balancings, hemispheres, or dualities in his mental constitution. He was as clear, positive, and sure in his convictions as any man that ever lived. He halted not between two opinions, had no doubts or misgivings, never saw two sides to any question, never surrendered his opinion, but went like a cannon-ball to its mark, every grain of powder in his nature telling all in one direction. It was this strange concentratedness, absence of speculative understanding, unobtrusiveness of ideas, and freedom from contagious sympathies, with his fixed religious faith, and puritan tastes and training, that enabled him to accomplish his herculean work—begun without colleagues, carried on mainly alone, needing no

support from sympathy, and undeterred by danger as unintoxicated by success. Had he been a philosopher, we should have lost the great pioneer of modern philanthropy. Had he been a thinker, he would have wasted in theoretical investigation the power needed to carry him through his vast practical investigations. Had he not been a puritan, his fortune and estate would have entangled him in social relations, county influence, and the taste for the chase, or the preserving of his game, which would have preoccupied and satisfied his love of activity. Had he been more sensitive to external beauty in nature or art, he would have lingered along a road over which he sped, and dulled, in his soft and refining tastes, the edge of that ardour and courage which he needed and so sublimely displayed in his after career.

Meanwhile, Howard, aided by his gentle, obedient, and refined wife, spent his time in building model cottages on his estate, to which, at only the same rent demanded for the poor cots he found there, he promoted those of his tenants who, by temperance, cleanliness, and attention to religious duties, earned his preference. Considering the time, more than a century ago, and the general prejudice which then prevailed against the possibility or the desirableness of raising the rural population above an abject condition, I am not certain that Howard's plan for elevating the tenantry on his own estate was not a more remarkable evidence of his characteristic independence of public sentiment, and a bolder display of self-reliance, than even his attack on the prison system. It was, however, in the same line, and only a first wave of the tide that from his heart was to sweep over Europe. Without paying the least attention to the settled habits of neglect, or the fixed ideas of the uselessness of educating the poor to neatness and self-respect, which existed among the gentry of his own day, he inaugurated, from his own sense of duty and his own good sense, a plan, beginning with the improvement of the homes of the peasantry and then with their schooling, all at his own expense and out of the savings of a moderate income; which lacks no element of originality, good sense, and absolute wisdom. He had no wild enthusiasm in his nature, and therefore no expectation of great immediate results. He anticipated pretty much all that a hundred years has since developed, in the methods of dealing

wisely with tenantry. His cottage system and his schools seem to have succeeded admirably, and it is hard to see in what respects his plan wanted anything which our own age would have supplied. His example and success were contagious, and his wealthy neighbour, Samuel Whitbread, the well-remembered brewer, who by his estates and possessions had a wide connection with influential families, extended his scheme until Cardington, from a miserable town, became one of the most orderly and prosperous neighbourhoods in the kingdom.

The happiness of this admirable life was now to suffer a cruel blow. On March 31st, 1765, Howard's wife suddenly died, after having, four days previously, given birth to their only son. They had been married seven years, and their long disappointment of an heir was just most happily removed, when the beloved mother of his child was taken from him. Howard was fearfully smitten, but not overthrown. He had loved his wife with his conscience as well as his heart. He mourned for her, as those only mourn who have not easy access to others' bosoms, and for whom every friend they gain is a conquest over their own habits and difficulties, as well as over the hearts they make their own. How much sentiment entered into Howard's love for what Mr. Baldwin Brown insists, in the oriental style, on always calling 'his *favourite* wife' we cannot decide; but oftentimes, the love of natures, as concentrated and shut up as his, is as deep as it is undemonstrative, and as inextinguishable as mute. He never forgot her, and carried her miniature with him into all the dungeons of Europe, as, next to his religious trust, the guardian angel of his pilgrimage. Doubtless his wife's death set him free for plans and duties he could not have contemplated in her lifetime, and so became a step in the providential pathway leading to his great destiny.

The only spot which ever stained the robe of Howard's fair fame, is the imputation that he treated his only child with cruelty, neglect, and folly. We are not disposed to attribute this charge to envy or malignity. There was enough eccentricity, rigour, and fanaticism in Howard's composition, and enough ill-judgment and imprudence in his ideas of domestic government, to arouse honest criticism and to bring his complete soundness of mind and heart into suspicion. He appears to have been of that order of persons in whom conscience is

despotic, and who are necessarily arbitrary and unyielding in their relations with others. Certain of the purity of his own motives, and fixed in his convictions, there is no evidence in his whole life of his preferring the opinion of anybody to his own. He did not affect himself, except in a poetistic way, a form of humility which often covers extreme pride in the more practical self-judgments of men. He thought human nature deeply corrupt, and natural feelings of very illegitimate origin. He considered the human will as essentially rebellious, a thing to be broken, not directed. He thought it his duty to bring up his child upon a theological theory, of which the first principle was unreasoning, implicit, and absolute obedience. That he carried this theory out with calm but unflinching persistency, without passion or violence, is very clear. God had mysteries in His Government which He did not deign to explain, while faith, in the absence of sight, and obedience, simply as obedience, was Howard's idea of religious fidelity. He thought himself only a follower of the divine method, in requiring of his child what he very irrationally conceived to be a strictly parallel obedience-in-the-dark to that which God required from him. But he made mysteries, where God simply leaves them. He brought artificial self-denials and hardships upon his child, as if they bore a true relationship to those natural trials and forms of discipline which grow out of the divine constitution of our mixed and complex life. He put his child into postures naturally most trying to the restlessness of early youth, and left him alone for weary periods, to try his obedience and trust in his father's will. He ordered him to take off his shoes and walk on the gravel, for no other reason than to test his submission and accustom him to useless and irrational hardship. Of course, such a method could only produce inward rebellion, suppress the will without training it, alienate natural affection, and make a father's presence to be associated only with what seemed arbitrary or capricious power. It only added to the peril of this course that Howard pursued it with passionless calmness. Had any irritation, loss of temper, or sign of strong emotion accompanied it, we can believe that it would have been less trying to the child, for it would have been partially interpreted by the child's own caprices and moods. The oppressiveness of an unruffled oppo-

sition or control, on which resistance or shrinking or sensibility makes no impression, is more truly intolerable than occasional outbreaks of injustice, or of bad temper. We seem to see the little Howard, who had something of his father's wilfulness, undirected by his father's conscience, burying his hatred and disgust for this inexplicable but unnatural dealing with him in his heart, as a cowed prisoner buries his powerless hatred of the gaol rules, to which he submits implicitly, in his rebellious heart—ready to wreak his wrath upon the social system that smothers his will, upon the first chance that freedom offers him. The singular insensibility to others' states of mind, the peculiar absence of flowing sympathies, which all his life made Howard a bad judge of servants or of men, no doubt rendered him obtuse to the actual feelings and tendencies of his child. The tyranny of his conscience had strangled the freedom of his own nature, and his peculiar theories of religion had made him almost blind to the rights of childhood or the spontaneous feelings of humanity.

No desire to protect Howard's fame should blind us to the enormity of the mistake he made in the education of his child : that he was wholly conscientious and wholly mild, only adds to the force of the warning which his eminent example offers of the perils of his method. Nor do we believe that he himself failed to profit by his own fearful experience. The effects were indeed terrible, and are too directly traceable to their causes to be missed by competent observers. Howard, by his intense and unsympathetic predominance of will, strengthened by a feeling of the arbitrariness of the divine decrees and the Sovereignty of God, made a home, in which order reigned supreme, and where vice, noise, confusion, rebellion, were suppressed by a stifling atmosphere of religious submission. Beneath this artificial frost, where weeds could not grow, and where order, obedience, piety, had a steady reign, hypocrisy, eye and lip service, evil desires waiting opportunity, natural feelings crushed and inwardly bleeding, were biding their time like slaves governed by the whip, to vindicate their inextinguishable rights. Howard had too little philosophy and too little knowledge of the world, and too peculiar a bringing up, to understand the dangers of his system. He had really failed worst in his son's education, just when he flattered himself he had best suc-

ceeded. When he boasted that he believed his child would cut off his left hand if his father so ordered him, he gives us the most melancholy proof how unnatural his relations with his son had been and how little he had accustomed him to any mingling of reason and choice with his discipline. It is thus that arbitrary government, whether of peoples, of prisoners, of children, of schools, of armies, ever defeats its own end. It substitutes fear or compulsion for hope, love, and reason. It is unmoral, which is next to immoral, and Howard's splendid name must not blind us to the real significance of his fearful failure.

His son developed an impetuosity, waywardness, and self-indulgence, an aptitude for vice, which finally ended in insanity, and terminated his life at thirty-six in a lunatic asylum.

It is only a confirmation of this account that Thomason, Howard's favourite body-servant—who accompanied him on several of his tours on the Continent, and was with him at his death—was all the while one of the greatest of hypocrites, and one of the most attentive and subservient of serving-men. He was long the trusted companion of young Howard, and initiated him into the vices which his father most hated and despised; but so blind was Howard to the springs of human action, and so hide-bound in his theories of obedience, that there is no evidence that he ever suspected Thomason's real character, for he continued to employ him long after others knew his treachery and filthy wickedness. His other servants, whom Howard always treated with the greatest consideration, and whom he continued for the longest periods in his service, were either too much accustomed to regard his will as imperative to venture a remonstrance or any information, or to presume to have any opinions about his affairs, or they were too well satisfied with the fruits of their absolute subordination to disturb existing relations. Much is made of their testimony in favour of his domestic wisdom; but Howard, like other men of despotic will, was the easiest of masters to wholly obedient servants. Unopposed, he was the most amiable of men to deal with; but I cannot but think that, with all his visiting and devotion to his tenantry, he must have been a person difficult to approach; who understood others very little, and was a sort of sacred mystery to those with whom he lived.

Howard made one more journey to the Continent in search of health and relaxation, before he entered unexpectedly upon his public career.

This journey to the south of France, to Italy, Switzerland and Holland, is marked specially by the action of his religious nature. The profound quality of his piety nobody can dispute. He passed his time in reading his Bible and meditating upon his inward state, or in recording the exercises of his spirit with his Maker. It was the day of religious diaries, a day happily gone by; a day of morbid introspection, before people had learned the wisdom of forgetting themselves in the service of their fellow-creatures. It was a day of dualism—when matter and mind, work and play, piety and pleasure, God and Nature, this world and the other, were always treated as rivals and antagonists. Howard was not superior to the ideas of his time; he shared them to an intense degree. He suspected his own pleasure, curiosity, interest in art and music, and in whatever else took him away from direct offices of service to his tenants and the religious exercises of his home and his usual place of public worship. Yet no man's piety ever had a more direct and decisive influence. Simon Stylites was not more isolated from human attractions and worldly lusts than Howard, who sunk in his humility as far below public observation as the pillared anchorite mounted above it, in his proud self-sufficiency and aspiration to divine society only. That there was something morbid and narrowing in Howard's piety is certain, but whether, for the purposes to which he was sent, his peculiar pietism and ascetic rigour, his unwholesome self-examination and steady fear of falling short of his salvation, were not over-ruled to the public good, is certainly not to be hastily affirmed. He needed to have all fear of men and of danger from pestilence removed, and nothing in his day but an ever-present fear of God could have exorcised these natural terrors from his mind. No man, not driven by his conscience, and haunted with dread of losing his own soul, could have pursued Howard's painful, never-interrupted career, amid the most revolting and perilous duties ever self-imposed by mortal. A life of solitary hardship, and fortunately necessary to his peace.

In an earlier age he might have retreated to a wilderness and lived in a cave like St. Jerome. But, without special intel-



lectual resources, little fancy, and no humour, action was necessary to his temperament and qualities—and it was fortunate for the world that no action was possible to Howard which was not accompanied by self-denial, and not heaven-directed and heaven-supported. Always tending to positive conclusions, he came, in this, the last journey he made with no other object than health and occupation, to a written consecration of himself to the service of God, duly recorded in his biography, which he seems to have held continually before him and to have formally renewed in Russia near the close of his life.

On returning to England in 1771, not essentially improved in health or spirits, Howard gave himself to his old duties as a devoted landlord, but was nominated in 1773 to fill the office of Sheriff of Bedford—a post of honour usually reserved for men willing to do its repugnant duties by deputy. It was just the place for a man anxious to serve his fellows by strict attention to its neglected duties, and piqued Howard's craving for a sphere to which he must have felt himself specially called by his patience of labour, carelessness of his own ease, and love of positive results. But Howard was a dissenter, and dissenters could not take any place of trust or honour in the State in those days without submitting to the Test Act, that is, without partaking of the Anglican Sacrament, and in effect disowning their principles. A fine of 500*l.* moreover punished any evasion of the preliminary formalities prescribed to office-holders, who also forfeited all future rights even as guardians, executors or trustees. Howard thought then, as most people think now, that this disfranchisement was wrong. He accordingly boldly determined to accept the office without submitting to the conditions; believing, perhaps, that public opinion would sustain him in his illegal righteousness, or else willing to test the question, should it be raised, by all necessary sacrifices, and become a martyr for the rights of others. It was precisely in character, for his whole life was one that disregarded others' views of his own duty; and clearly few men suffered less pain or less indecision in following his own light, however little supported by public sentiment. He flung away at once all the pomp and ceremony of his office and entered with his whole heart and soul, his time and strength, into its most laborious and repugnant duties. Doubtless he began with a profound ignorance of

what has since been called prison science; indeed it remained for him to invent it. But he had a thoroughness, an unsparing devotion to whatever he assumed as his duty, which compelled him to regard every iota of his official business as supremely important. He sat in the courts during the trials, and visited every cell in the gaols of his county and considered every individual prisoner's case narrowly.

John Bunyan, a hundred years before—1660 to 1672—had made Bedford gaol immortal by his 'Pilgrim's Progress,' issued from his saint's rest in this providential confinement. John Howard was to make it immortal again, by commencing a Pilgrim's Progress from its walls, which should dispute, in real life, the palm of Sainthood with the unfettered graces of an exalted imagination moving in an unreal world.

Howard says that the first circumstance which excited him to activity in behalf of prisoners, was in observing, when sheriff of the county of Bedford, that persons accused of crimes but on trial found *not guilty*, or against whom prosecutors failed to appear—after having suffered, previous to trial or arraignment, months of unjust imprisonment—were often dragged back to gaol and locked up until they should pay *sundry fees* to the gaoler, clerk of assize, &c. He represented the hardship to the court, and begged that the gaoler should have a salary in place of fees. The court was moved with the justice of the suggestion, but wanted a precedent for charging the county with the expense. Howard rode into several counties in search of a precedent, and his failure to find one did not prevent him from discovering the general sufferings of debtors and felons in all the prisons he visited, and worked up an earnest desire to alleviate what excited his pity and offended his sense of justice.

And here it is necessary to understand what the condition of prisons was, we may almost say must have been, not in England merely but throughout the world, a hundred years ago.

Whatever theoretical declarations may for ages have existed of the equal rights of man, it may be affirmed that, practically, the idea of government existing for the good of the governed, the protection of universal rights, and security of happiness in all classes, is an idea wholly modern and not a century old. It is only lately that the theoretical rights of man

could be vindicated ; because the practical necessity of society to maintain its own existence long compelled rights and duties to give way to urgent and imperative instincts of self-preservation.

The short and bloody code of past ages was partly justified by necessity. In the absence of popular education, and the undeveloped state of local institutions, what were called civil courts had to be administered on the principles of drum-head court-martials. What was called peace was a state of civil war, not recognised, but subject to all its exigencies. Unsupported and unchecked, uninspired and unassisted by anything corresponding to public opinion as we know it, governments could not concern themselves with the humanities which the growth of modern interchanges of opinion and feeling, under wholly new conditions of life, made possible by recent mechanical triumphs in art.

And when the general condition of the peasant and labouring class is that of ignorance, hardship, suppression ; when comfort, independence, intelligence, mark only small and exceptional portions of the people, how can the claims and interests of that common pest—the felon or criminal class—be naturally expected to rise into importance. Whatever stagnant public sentiment exists, under such circumstances, is in favour of summary dealing with those whom it becomes a sort of degraded solace to think of as less fortunate than their own unfortunate selves. We saw in our own American war how the sufferings and sorrows of the people at large, in the Confederate States, made them indifferent to the cruelties and horrors of thousands of prisoners at Andersonville and Richmond, and how rapidly at the north gaols and prisons degenerated under the hardening of the public heart, accustomed to battle and death.

But when to an undeveloped political system, and a social order which exhibits still unbroken the stratification of the successive layers of descending intelligence, and rights not yet won nor shared, we add the necessary obscurity of public life, of law and penal proceedings, in an age to which news never came, it is to be wondered that abuses of all kinds were not more common and destructive. In 1753, when Howard was twenty-seven years old, the population of England being 6,186,336, the number of stamps issued for English newspapers

was 7,411,757, a little over one copy of a newspaper a year to each person ! In 1853, just before the compulsory stamp was abolished, the issue of stamps had reached 128,178,900—the population having attained by the census of 1851, 27,724,849 ; i.e., while the population had only quadrupled, the newspaper circulation had multiplied by seventeen. The abolition of the stamp in 1855, with the previous removal of the advertisement duty, enormously increased newspapers. In 1856, there were 784 papers of all kinds in the three kingdoms, in 1872—1,189. But the increase in the number of the papers bears a small proportion to the increase in the number of copies. Mr. Grant estimates the circulation in 1870 at not less than 100,000,000.

But the circulation of the news is a smaller source of moral and social changes than the circulation of the people. The wonderful development of cheap and rapid locomotion has done more to promote public intelligence by that parallax which change of place offers for the correction of observation,—the agitation of thought and the comparison of feelings—out of which an effective public sentiment grows, than even the newspaper. They work together to increase each other's influence ; curiosity and motion being stimulated by reports, and news made more welcome and more necessary by the widening range of intelligence and sympathies, which locomotion creates and extends.

To this add the telegraphic system, which has so vastly extended the area of sympathies and of knowledge of immediate events, and compelled nations to stand every day in the court of each other's common judgment. What questions of human concern were not compelled to wait for the new conditions of our economic life, before they had any chance of successful consideration ? It is not too much to say, that reformations in hospitals as well as prisons, in schools as well as gaols, nay, the whole science of political economy, and the science of philanthropy, have arisen since John Howard was born.

If we examine the condition of prisons in his day, we find, as the first distinction, that debtors were treated quite as badly as criminals—an indication how little moral nicety there was in the public conscience ; that the death-penalty belonged to

200 different offences ; and men were hanged for stealing a pair of shoes or a skein of thread as certainly as for murder and arson—which indicates not only the fearful disrespect in which human life was then held, but also the coarseness of the penal system, which considered only governmental economy, succinctness, and convenience. Sheriffs, gaolers, and other officials connected with prisons, were allowed, nay compelled, to collect their own unfixed salaries from the fees they either legally or illegally (but with general immunity) extorted from prisoners. The privilege of feeding them was farmed out to the highest bidder, or given to those who had most interest with the county authorities. The tap, at which spirituous liquors and beer were sold, was within the gaol, and it was the interest of the gaol-keeper to encourage drunkenness and excess to swell his own gains, while orgies and excesses of all kinds were allowed beneath his very eye. Outsiders of a loose and reckless character were permitted to enter the gaol and carouse with the prisoners, to promote the use and sale of liquor. Men and women were placed in proximity, often had the use of only one yard, and were sources of gross temptation and vice to each other. The prisoners had certain prescriptive rights of demanding what was called *garnish* from every new comer, before the privileges of the prison were allowed him ; and they were not restrained from personal cruelty and persecution towards any whose impecuniosity made it impossible for them to fulfil the demand for the few shillings which were to be spent in riotous drink. The only distinction among the debtors in prison was the privilege, which those who had friends able and willing to help them enjoyed, of living on the gaoler's own side, where certain comforts were obtainable for pay. Courts were held infrequently, and in places often distant from the gaols ; and prisoners, not proved guilty and yet untried, were often compelled to suffer a cruel imprisonment, under most ignominious conditions, before they could be brought to trial ; and, after being tried and acquitted, they were often held in gaol for weeks or months until certain fees were paid which these unfortunate or innocent persons had no means of meeting. Labour, as a rule, although often on the Continent enforced as a part of the punishment, yet always the greatest privilege of the felon, was almost unknown in English gaols. The gaolers and all persons connected with the prisons were, as a rule,

rough, coarse, and ignorant men, selected for their insensibility to human suffering and their moral apathy. The only thing required of them was the safe keeping of their charge. But this was rendered difficult or impossible except by violent and cruel methods—irons, clubs, and whips—on account of the ill-contrived, decayed, and neglected character of the buildings used as gaols. There was hardly a prison in England, whose plan, conveniences, and position, were creditable to the intelligence or humanity of the people. Water, the greatest, if the cheapest of necessities, was often supplied only from without the prison walls ; and the filth of a large and reckless set of felons was allowed to accumulate in reeking masses of poisonous feculence within the immediate precincts. Straw was seldom furnished in anything but the stingiest quantity, and prisoners commonly lay upon muddy floors, with the damp oozing into their cells, upon a rotten mass of litter. Bedding, except as a privilege to be paid for, was of the worst description and wholly insufficient to prevent frequent deaths from the winter's cold. The gaol-fever was an almost exclusively British disease, as odious in name as deadly in character ; and its existence then is still a reproach to the country that was, for generations, deaf to its moans and madness. The lives of prisoners were less regarded than those of soldiers whose duty is to advance to probable destruction upon a battery that must be stormed. Without any such necessity, debtors and felons alike were for small offences or misfortunes put in constant jeopardy of life and reason, from the poisoned air, the filthy cells, the unventilated holes, into which they were crowded almost to suffocation. Bad as the air was, it was as small in quantity as it was base in quality. Even now, the sluggishness of air, never less aptly described than when Shakespeare called it *nimble*, is not sufficiently understood ; nor the quantity of fresh air required for health and safety duly estimated. But then, it might almost be said that only very enlightened persons knew, much less dwelt upon the thought, that man lives by breathing, and cannot safely breathe over again and again for a considerable time the same air. A hundred years ago, before Priestly had discovered oxygen, we may well believe that ventilation and hygiene, in private houses, in hospitals and gaols, and the whole sanitary economy of drainage, sewerage, and disinfectants, was in the

crudest state. Even now, when the principles are so well known, their application is imperfect and their neglect discouraging and disgraceful. But it is a paradisaic state, as compared with the infernal condition in which sanitary science then lay. We may judge what the condition of educational, moral, and religious influence was like to be, when the more urgent and more obvious claims of prisoners' bodies were so ignorantly and cruelly neglected. But, with a rare exception, prisoners' minds were paid no attention ; and their consciences and hearts were mocked by the rare visits of chaplains, who seem often rather to have deserved a place among felons, drunkards, and harlots, than to have been trusted with the responsible and sacred offices of moral instruction, spiritual guidance, and holy consolation. It is indeed only the wisest and most self-denying, the most humane and angelic of the clerical order, who anywhere can be of substantial use in dealing with the sick and dying souls of felons. But, as a rule, it was the least worthy, the most unreliable, the coarsest and most idle of their calling, who were then made gaol chaplains. They went from their drink or their cards among the debtors, to gabble their prayers among the felons, and were as little worthy as examples or as guides, as they were wholly perfunctory and mercenary in their routine of duty. But it was not gaolers or chaplains who were most to be blamed for a condition of things, worse apparently in England than anywhere in Europe. It was the general state of society, which, in this free country, jealous of too much government, has not yet supplemented the *laissez-faire* it required from the authorities, by any proper attention to duties which in free populations must be taken up by public opinion, and carried out by the intelligence and humanity of the common sense and sentiment, or else fall into more neglect and abuse than under despotic rule and among over-governed peoples.

It was in this condition of things that Howard, in 1733, began his tours of inspection. He little knew on what a mighty task he had entered, and blessed was 'the holding of his eyes,' for no man could well have borne at once the burden of the knowledge with which he was gradually to be laden. Northampton, Leicester, Nottingham, Derby, Stafford, Lichfield, were among his first visits ; Warwick, Worcester,

Gloucester, Oxford, and Aylesbury followed. The same story—little straw, insufficient water, horrible dampness ; cells underground, one day-room for men and women ; dunghills, stagnant mire ; broken plaster reeking with infection ; small windows or none ; keepers unsalaried, debtors without allowances of food : the whole condition heart-breaking, disgusting, and provoking to righteous indignation. It required no special humanity to see or feel this—only decent home-habits, ordinary charity, and a mind not hardened by familiarity with it, or prejudiced with the too common feeling of the time, that felons and debtors were persons necessarily outside the pale of human sympathy, while cruelty and suffering were the providential penalty of their wickedness, and could only be dangerously tampered with by sentimental softness. It was Howard's felicity and fitness, that not being a man of much sentiment he was also a man little affected by prevalent prejudices. His sense of justice was wounded more than his humane sensibility, by this outrageous negligence ; and he was happily the last man in the world to believe that anything that ought to be done could not be done or must not be attempted, even single-handed, and done to the utmost extent of the ability of him that recognised the evil, even if it stopped there. He, of all men, never looked back after putting his hand to the plough. It is wonderful how little of his indignation or wounded sensibility he wasted in the first report of his early experiences—the most disheartening because of their newness—upon words and sentimental reproaches. His moral fury all went into work. He did not make a moment's parade of his fine feelings, nor call in the neighbours to witness his transports of indignation. He quietly records for his own use, his distressing observations, and reflects, with practical good sense and without speculative profundity, upon their causes. Strange to say, his personal unsupported inspections, without warrant or authority, were not without some immediate effect, for Howard carried in his small and homely stature, a certain grave and potent personality—made up of unaffected earnestness, simplicity of purpose, and religious courage—which awed and commanded from the first alike prisoners and prison-keepers.

But his first round in the towns and counties most convenient to him only convinced him how rotten the gaol system was, and

how imperative a searching investigation had become. It seems strange in our day, that he did not now at once seek to organize some association among whom his labours could be distributed, who would secure governmental authority, provide pecuniary means by collections among the charitable, and arouse public sentiment. But Howard, wise in his very ignorance of modern methods—which, if tried at all, must have failed then—and original in his habit of self-reliance, as in his readiness to assume the labours and expenses of a personal exploration, seems not to have had a thought of co-operative assistance. He started out again after ten days' rest, or rather of labour of another sort, and perhaps to him not the least painful—writing out his notes—upon what must be called the third circle of his visits. This time, it reached Herts, Wilts, Berks, Dorset, Hants, and Sussex.

In the prison at Salisbury, he saw, just outside the gate, a heavy chain stapled to the wall, to whose successive links were padlocked by the leg a string of debtors, who were peddling nets, purses, and laces, to the people that passed by. He found in this town a repetition of all the evils he had already encountered, and some worse. The Christmas holidays over, which brought him to Cardington to be with his son, Howard started for the north of England, on what had now become the voluntary business of his life. At York, he found something to approve in the debtors' apartments, which were exceptionally airy and humane; but the cells, not only without ventilation, which nobody then thought of, were so small that it takes away the breath to think of them— $7\frac{1}{2}$  feet long,  $6\frac{1}{2}$  wide and  $8\frac{1}{2}$  high, with only a hole of 4 inches by 8 over the door to admit the already poisoned and devitalised air of the dark and damp passage way. Three human beings were commonly locked up for nights of fourteen to seventeen hours long in winter, in these exhausted receivers, called prison cells, which were as empty of convenience and as offensive as if purposely made for places of torture. Howard turned south from these appalling scenes, and visited Lincoln, Huntingdon and Ely. At Ely he found prisoners, in fault of any secure stronghold, laid on their backs at night and then caged by iron bars crossed over their bodies, while iron collars, full of spikes, prevented any motion of their heads; and this was an episcopal city, the gaol under

the Bishop's own jurisdiction, and dependant for repairs on his revenues. Howard found here several persons detained for costs, whose obligations he generously paid—a substantial form of humanity which led him for all his remaining life to draw steadily on his own fortune, and which it required a very handsome fortune to meet. He either kept no record of this vast beneficence, or steadily refused to allow others to see, much less, report it. No man ever more unaffectedly kept the great precept, 'let not your left hand know what your right hand doeth.'

A fearful instance of the corruption into which the administration of trusts had fallen, is given under the head of his visit to Exeter. The keeper paid the proprietor of the felons' county prison—for it was owned, as a grant from the Duchy of Cornwall, by a private person—22*l.* a year for his position, and he exacted this sum, and enough to support his family besides, from the wretched prisoners; and all the while the family possessed an estate specially left to enable it to keep this prison in order. Prisoners rotting in gaol for gaolers' fees under a pound, and for offences where the fine had been one shilling only; prisoners chained two or three together in cages of less than 400 cubic feet of air; prisoners dying, and officers too, of gaol-fever; prisons where starvation by cold and insufficient food was common, where water and straw were as scarce as cruelty and apathy were abundant—this was his daily experience as he extended his investigations, not indeed without exceptions, and even beautiful exceptions, which he is always prompt and happy to note.

Considering the private character of Howard's investigations, it is remarkable that they should so soon have attracted parliamentary if not public attention—two things much more distinguished from each other then than now; but the truth is, no man can do much in this world unless he works with a general movement; and independently of Howard's labours, a certain degree of public uneasiness, a sense of something very wrong and disgraceful in the whole prison system, was agitating the better mind of England at the time Howard rose to give point and crystallisation to the sentiment. Howard's tours of inspection did not begin until the close of 1773. But as early as 'February 18, 1773, Mr. Popham, member for

Taunton, had brought a Bill into the House of Commons abolishing gaolers' fees, and substituting for them fixed salaries, payable out of the county rates.' This Bill, after two readings, was withdrawn only to be amended, and, on March 31, 1774, passed in an improved shape. Meanwhile, Popham and Howard had met, and probably agreed on some plan of joint action. Even this independent move of Mr. Popham's in prison reform was by no means the first which had been made in England. As early as 1701-2 the Society for Promoting Christian Knowledge, and in 1728-9, a parliamentary commission of inquiry, had very clearly comprehended the disgraceful condition of prison affairs, and fairly estimated the chief evils, and the true means of reforming them. But, like all efforts made prematurely, not indeed so far as the call for them is concerned, but prematurely so far as the necessary support of public opinion is considered, these intelligent, sincere, and organised attempts to reform—Newgate, the Fleet, the Marshalsea—were failures, except in so far as they touched some dull consciences, illuminated some hitherto darkened minds, and put the public a step or two forward in its education. Had not Howard's personal zeal and practical experience, with the overwhelming amount of facts known only to himself, supported and sustained the member for Taunton, he could probably have done little with the House; but had not the House of Commons already had the subject of Prison Reform pressed upon its attention independently, Howard might have long rapped at its doors in vain. It was the providential conjunction of the two, that brought about so rapidly the fortunate result. Howard was stirred to new diligence when he learned Popham's resolution, and Popham was led to aim at a higher result, and by more radical measures, when he discovered Howard's energetic and painstaking study of the state of prisons. Howard had now become unsparing in the demands he made on his own diligence; he gave himself barely time to attend to his private obligations. He regarded neither distance, labour, nor expense in his investigations. Hundreds of miles, by post, on horseback, by night and by day, he hurried through England, Wales, Ireland, Scotland, the Isle of Wight, ubiquitous, making almost superhuman haste, and yet overlooking and forgetting nothing.

A gaol with one prisoner was important enough to draw him frequently to its inspection. He took nothing on hearsay; made no rough generalisation; exposed himself boldly to gaol-fever, small-pox, typhus, and every personal trial to which delicate sense or humane feelings can be subjected, that he might be able to speak with unanswerable authority on a subject which he had perfectly exhausted. Let us remember that this was not a time when immense accumulations of facts, exactly observed, had taken the place which they now possess, even in the physical sciences, much less in the moral. Howard's hunger for facts was unexampled in his time. He anticipated even scientific observers in the vigour, exactness, hesitation to generalise, or patient waiting for an exhaustive examination of the field. This was partly due to the want in him of a discursive understanding, or tendency to generalising; the absence of a lively imagination and an intuitive perception, but still more to the scrupulous conscientiousness of his character; his inability to tell lies of carelessness; his plodding patience, and utter self-forgetfulness in the pursuit of his ends. It is hardly too much to say, then, that every prison, bridewell, house of detention, sponging-house, in the three kingdoms, and every apartment in each of them, and every individual prisoner in every cell, had by this time been under his inquiring eye, and had felt his influence. The whole race of prison-keepers and gaol authorities, as well as all the felons, convicts, and debtors, had seen his face and felt the genuineness, the authority, and the strength of his purpose. What other man has made his personality for so many years so directly felt by the very persons for whose improvement and reform he was labouring? Associated beneficence, deputed and vicarious sacrifices for the vicious, organised corporations for charity and for reform; we all know their necessity, their advantages, and their power. But do we not also know their limitations, their dangers, their exposures to superficiality and perfunctory work; their tendency to become at last only costly machines, run largely or mainly for the sake of the officers who administer them? John Howard was a sublime exception to the rule which trusts more to the machinery than the power that drives it; to the wheels, than the spirit in the wheels. His personal labours were as abundant as his public reports were few and far between; his inquiries as

minute, special and particular, as they were numerous, broad and universal. He swept the whole field, but it was as carefully as if it had been only a single threshing-floor.

It was the grand impression which the thoroughness, privacy and genuineness of the man, his scrupulous accuracy or cautious habit of understatement, his lack of all self-seeking, had made on Popham that, duly represented by so weighty a member, had made the House of Commons call Howard to its bar—a much less common occurrence then than now—as an expert, to bear witness on the prison question. His bearing, precision, modesty and self-respect, with the aptness and fulness, the readiness and exactness of his answers, evidently filled the whole House with surprise and with reverence. That very evening, he was called to the bar of the House and publicly thanked by the Speaker for his humanity and zeal—a fact as honourable to the House of Commons as to Howard himself, for it is, and ever was, an honour most rarely bestowed on the simple benefactors of the race. Howard was not intoxicated by this honour, but he did not shun or reject it, as he did some later forms of public applause. It seems even to have animated him to wider labours. But I cannot follow him any farther in the British work. We have heard and seen enough of it to judge of all the rest.

One incident only it seems necessary to completeness, and because it is solitary in its kind, to refer to, before following him to the Continent; and that is, his consent to stand for a seat in Parliament for the borough of Bedford. It was as a dissenter and a reformer that he found himself forced by his conscience, and perhaps also by an ambition, which if suppressed in manner, and by his own watchful suspicion of all secondary motive, was not without its influence in his unconscious heart, to enter into an election in which it is clear enough that there were wrongs and follies on both sides—but where he and his kinsman, Mr. Whitbread, represented at least the spirit of liberty and the rights of the people. His recent sight of Parliament, with the feeling perhaps that his own objects might be more advantageously pushed there than elsewhere, may have contributed to the undisguised disappointment he felt in losing the election. It was probably bitter, and aggravated by the feeling that he had departed from his general preference for privacy and private effort, in entering himself as a candidate

for public place. No man was more jealous of his own motives than Howard, or could bear less easily the least sting from his own conscience or the least lowering of self-respect. We cannot but think that his successful election would have compromised his real independence and simplicity of action. It was a gracious providence that, by four votes only, saved John Howard from standing on an official pedestal which he had need to dread more than the marble one he made such frantic efforts to avoid. Honourable and great and desirable as parliamentary place and privilege are for other, and it may be greater, men, John Howard, private citizen or plain sheriff, was a power that would have lost immensely by any political station or co-operative complications, or by the scattering which varied duties and diversified themes would have given his fixed, concentrated and intensified zeal in a great special work.

Howard was already familiar with the Continent, but his first visit there as a student of prisons was made in April 1775. He began with the Bastille, which was among the few places his firm but gentle will failed to gain entrance to—a repulse he never forgot, and punished in an expensive way by publishing afterwards, at his own cost and peril—to the horror of England and the chagrin of France—a diligently suppressed account of it, by a recent prisoner of state, who had had the luck to escape. Howard had fallen upon a rare copy of this pamphlet, and his publication of it made him an object of special hatred to the French police. Long after, the news of the fall of the Bastille was among the last and most exquisite gratifications of his wasting life. Howard pursued the same course of diligent personal visits he had practised in England to all the gaols in France, Holland and Switzerland which his limited time, or his somewhat unwelcome presence, allowed him to see. He knew just enough of French to get along with the language. He found one grand distinction, at the very first rapid survey, between the prisons of the Continent and those at home. They were fewer and more empty, especially the debtors' prisons! They were cleaner and more cheerful. They were better kept, and had less general brutality in their management; they were almost uniformly better supplied with food and clothing. But all these things followed from one central fact—they were conducted upon the principle of exacting *labour* from the prisoners.



It was the rule on the Continent. In England, and Great Britain generally, labour in a prison was an exception. On the Continent, the prisoner laboured on the public works, the roads, cleaned the streets, engaged in varied forms of industry—and that, too, without exciting surprise or arousing discontent among free labourers. In England, work was a hardship which the English felon repelled as the least endurable form of punishment, and the least consistent with his sense of justice. Take away a man's liberty; feed him poorly, and still make him work without wages! nothing seemed more hostile to an Englishman's sense of fair play than prisoners' work. But the public had much the same dislike of it for an opposite reason. Labour was a privilege that honest people were often seeking in vain in a dense population; and should criminals have it furnished to them even in gaol? It wounded the pride, and it hurt the sense of justice and of self-interest in the Englishman; and, therefore, public sentiment long sustained the government and the prison authorities in excluding labour from the gaols. At that time, it is not too much to say that, what was only for the prisoner's own good (always excepting his religious advantage, which few were blasphemous enough to grudge him) had no consideration or weight with the public. A felon had forfeited all rights and all claims to sympathy and protection. If he wanted to work—as he did not—it was a reason why he should not be allowed to do it; and the only reason for making him work was that he objected to it, and that it was an aggravation of his punishment.

I do not find any evidence in Howard's letters before this visit to the Continent, that the all-important, central fact of *labour*, ignored as a means of order, discipline, reformation, in English prisons, was the radical cause of their declension, or of their inability to rise—and indeed of the wretched state to which they tended, and in which they stuck fast. Had he published his observations on prisons and prison reform before this visit to the Continent, it is very doubtful whether any real and permanent advantage would have proceeded from them.

But when in Holland—always his favourite country—it so matched his mind in its thoroughness, neatness, practical order, and plainness of life and character—he first saw the maxim

upon which their spin-houses for women and rasp-houses for men, were conducted—

Make them diligent and they will be honest,

—it seemed to throw a ray of all-piercing light through the facts he had collected, as well as to furnish a principle of order about which they arranged themselves. There is one short paragraph in his journal in Holland that contains undeveloped every sound and reformatory idea that has since entered into prison science.

It is this:

'The principal cause that debtors as well as capital offenders are few, is the great care that is taken to train up the children of the poor, and indeed of all others, to industry. The States do not transport convicts; but men are put to labour in the rasp-houses, and women to proper work in the spin-houses upon this professed maxim—

Make them diligent and they will be honest.

Great care is taken to give them moral and religious instruction and reform their manners, for their own and the public good; and I am well informed, that many come out sober and honest. Some have even chosen to continue and work in the house after their discharge. Offenders are sentenced to these houses according to their crimes, for seven, ten, fifteen, twenty and even ninety-nine years; but to prevent despair, *seldom* for *life*. As an encouragement to sobriety and industry, those who distinguish themselves by such behaviour are discharged before the expiration of their term.'

Here then are distinctly recognised by the Dutch government, and noted and approved by Howard, all the principles which have since animated the progress of prison science, and marked its advancement:—

1. The great preventive to crime and to the necessity of a great prison population, is the training up of the children of the poor—to industry.

2. The abandonment of the policy of getting rid of criminals by transportation, or by an incarceration which has no other end than their safe keeping; in short, the use of labour, considered as a means of the prisoner's own improvement.

3. The use of moral and religious instruction, as a means of reforming prisoners and preparing them for sober and honest lives when they are released from prison.

4. The law of kindness, implied in the statement, that some prisoners here preferred to continue and work in the prisons after their discharge.

5. Careful graduation of penalties, with an avoidance of any that must necessarily lead to despair—such as sentences for *life*.

6. Encouragements to sobriety and industry, by discharging improving and teachable prisoners before the expiration of their term.

Here are anticipated all the principles of the latest improvements in prison science. It is only in a clearer grasp of these principles, and in the choice of methods which embody or obey them, that any progress has been made. But we shall have only too abundant proofs that the recognition of sound principles, or even of good methods, has been the smallest part of the delay and difficulty in prison reform. It is the bringing of the public conscience and will steadily to bear upon the state of prisons; the keeping them constantly before the public attention; the inspection of prisons by persons not directly interested in their administration; the union of governmental responsibility with the intelligence and moral sensibility of the nation, to quicken and elevate its tone and its humanity; resistance to the continued tendency to dismiss criminals and their claims from the public heart, crowded with more pleasing and more personal theories; the dissociation of prison administration from general and local politics; the training of a high class of prison-keepers, and their protection from the hardening and lowering influence of their calling on any but the best class of men: these are the only means by which the best principles and methods can be made practically operative. And it must be confessed that Holland had attained, and Howard had recognised, a hundred years ago, all that is fundamentally important in the science and method of prison-discipline. What has since been done is mainly the scientific demonstration of these principles; and, alas! here and there for short seasons only, their practical application in a stricter and more thorough method. For it must be confessed with sorrow and shame,

that no steady progress has been kept up anywhere—no uniformity attained—no persistency been shown by any nation in the use even of methods proved excellent; and no means yet discovered of saving prison-discipline from the fluctuations of political changes and theories, or from the ebb and flow of social and moral life in the people at large. Prisons, by a certain necessity, tend ever to degenerate; they can be kept up to a recognised and possible standard of efficiency only by perpetual vigilance and the constant reanimation of the original impulse that led to their reformation. To reform them and leave them to the fruits of the reform, is soon to lose its benefits. They must continually advance under a never-diminished impulse of humane and enlightened principle and feeling, or they must decline.

Howard's fruitful visit to the Continent made him suspicious of the decisive value of his previous studies in English prisons. He had learned so much, that he felt the necessity, before coming to fixed conclusions, of seeing with his new and wider-open eyes, all that he had seen with less intelligent observing powers, and less enlightened views. He returned to England and devoted seven months—from early in November 1775 to late in May 1776—to the re-visiting of all his old field, adding to it any gaols that had been omitted. His views were enlarged, his convictions strengthened by this new circuit—in which he found some proofs that his influence was already not without effect.

But it only made him desire a wider acquaintance with the continental prisons, and a still fresher comparison of English and continental methods, before publishing his work, which he kept steadily before him. Without loss of time he started, as soon as his circuit in England was over, for Paris, which he reached early in June, and by way of Lyons, where he found a state prisoner in the fiftieth year of his confinement; he came to Geneva, where he observed the laws against bankrupts and insolvents to be specially stringent. He seems to have approved the treatment of bankruptcy as a moral offence and a political disfranchisement. This is not the direction which later thought is taking. The abolition of imprisonment for debt, where it has been approached or accomplished, is based upon the conception that it is for the interest of society that, in all bargains, the creditor should make his risk a part of the restraint put

upon his disposition to push his business ; that to come between him and his debtors with penal guarantees is to offer a premium on rashness and reckless trading, and that a speculative and imprudent spirit is more encouraged by it than any severity of penalties on the debtor can overcome. The natural penalty for sloth, absence of energy and thrift, and want of character for integrity and foresight, is want of credit. Is it prudent to take away this constant and ever-active restraint upon both debtor and creditor—a restraint which stimulates the debtor-class to prudence and rectitude and the creditor-class to caution and fewer risks, and so moderates and regulates trade ? In America, certainly, a freer and more generous course has prevailed in regard both to debt and insolvency than in other countries, but it has produced a much more rigid scrutiny into character and credit. On the whole, a great and steady improvement is making in the credit system. No trader in the most distant town now escapes the observation of experts, whose business it is to know his exact standing for means, habits, and character. The wholesale merchants pay for this knowledge, and base their credits with general safety upon it ; so that bankruptcy declines, credits grow shorter, and fewer losses are, every decade, reported from over-trading. It is doubted by many New York bankers and brokers whether any legal protection of their business is ever real, and whether dependence on it does not increase their risks by diminishing their self-protecting instincts, more than it strengthens their capital by its penalties for fraud and carelessness.

Howard visited Germany after Switzerland, and although he saw some things to distress him, his general testimony was to the superiority of the continental prisons. He found this strange anomaly, that while he preferred the religion, manners, government, domestic life of his own country to any and all others, he blushed over the superiority of all other countries to his own in the condition of prisons. However national preference or partiality may have blinded him on the first head he must certainly have been unbiassed on the second ; and no one had ever before, *his* opportunities of making the comparison. His experience—and it is a fine proof of his courage and force of character—did not dishearten his purpose. We can see that he was not ignorant of the opinion others had formed of his under-

taking, although happily not influenced by it, when he says to his reader : ‘ From the account I have given him of foreign prisons, he may judge whether a design of reforming our own be merely *visionary*—whether idleness, debauchery, disease and famine be the necessary attendants of a prison, or only connected with it in our ideas for want of a more perfect knowledge and more enlarged views.’

Howard had now spent three years in collecting observations on the state of prisons, and had travelled nearly fourteen thousand miles, by the slow and painful conveyances of a century ago, in his pursuit of the knowledge he was to set before the world.

He was neither a practised nor even a grammatical writer, and his consciousness of his defects in this respect must have weighed heavily upon him. But happily, he had no vanity and no reluctance to acknowledge his incapacity as an author, or weak unwillingness to seek or accept aid in arranging and digesting his copious rough notes.

His friend, the Rev. Mr. Densham, in London, was employed by him to give some order to his crude mass of materials. Between them, the work ‘ On the State of the Prisons in England and Wales, with preliminary observations, and an Account of some Foreign Prisons and Hospitals ’ was got into substantial shape and order. It was then submitted to the literary criticism of the celebrated Dr. Price, already widely known and respected, who had been a school-fellow of Howard’s, and for whom he had a well-founded respect. It could not have gone into more kind, conscientious, or discreet hands. He left it essentially in Howard’s own language, merely corrected and pruned, but without any attempts at rhetorical embellishment or amplification. The work bears on every page the proofs of its original authorship. Yet nobody can read Howard’s letters, given in Brown’s life in their original bad spelling, without punctuation and without the least literary polish, and fail to see how much Howard owed to Price and to Aiken, who carried the sheets through the press, for the correct and excellent English in which his work finally appeared. It is interesting to note that, despite Howard’s strong religious prepossessions, his excellent sense and his preference for the spirit and practical fruits of righteousness to any form or profession of faith, enabled him to do full justice to the worth of men like

Price and Aiken, whose theological opinions he must have seriously disliked and even anxiously deprecated. He found among Quakers, Unitarians, and other Christians, then in very bad odour, many of his chief co-operators and most respected friends.

Never was so original and costly a work—costly in the personal sacrifices and severe labours it represented, original in being the record of one observer's personal study of a subject hitherto treated only in the library by philosophers like Montesquieu and Beccaria—issued with less pretension. Printed at the author's expense in a provincial town,—and, it may almost be said, without a publisher,—given away mostly by Howard himself, it came out, without the smallest flourish of trumpets or the least aid from an expectant public, carefully manipulated by such a skill as now ushers works of importance into the reading world. And it was as modest in its pretensions, restrained in style and statement, free from rhetoric and false sentiment, as if it had been a legal document. Howard had a perfect eye for facts. He saw them, too, in a true perspective. He hated sentimentality and romance almost as he did falsehood. He was incapable, even had he been desirous, of arranging his observations in a pictorial or dramatic form. His work, therefore, is a plain, straightforward, condensed narrative of his observations upon the conditions of all the prisons he visited, with little generalisation, no philosophy, and few other comments than those of a plain practical man. But the vast accumulation of facts exhaustive of the subject, is fitted to produce an effect which no abstract and no general inferences could possibly have accomplished. He really makes his reader a fellow-traveller, and, by inspiring him with absolute confidence in his scrupulous conscientiousness as an observer and recorder, he feels that his impressions from the book are nearly or quite equal in freshness and force to those an actual circuit of all the prisons in England and Wales, and of most in Holland, France, and Switzerland would have produced.

Howard's work was received with universal favour by the public reviews and journals ; and it is to be distinguished from all other works—not of a directly religious kind—by its unconscious appeal, not to an exceptional and skilled class of judges, but to the general public.

It may almost be said to have been the first successful attempt to arouse public opinion, independent of class or order, to a concern, on grounds of justice and humanity, in the treatment of a large and repugnant class of our fellow-men. It has become so common since, that the originality and boldness of Howard's course is not fully appreciated. But hitherto, then, the appeal of all social reformers had been to scholars, philosophers, statesmen. Howard addressed the ordinary intelligence of tradesmen and the great middle class. He did not shoot an inch above their heads, and still less above their hearts. The narrative form of his book adapted it to its end, and nothing but its cumbrous size and cost prevented it from a still wider circulation.

Such self-denial, such purity of purpose, such self-subsistent efforts as Howard's could not but give an apostolic character to his reputation, disarm criticism, and almost place him and his work outside the common arena of judgment. It is not too much to say that his personal character, as exhibited in his work, was itself almost a new revelation of humanity ; and so moved and amazed England, that the suggestions and wishes of such a working saint needed hardly any support except its own sublime simplicity and unparalleled devotion. Martyrs dying in the cause of religion the world had known, and soon failed to reverence. But saints living through labours and dangers and sacrifices, such as Howard encountered, to soften the lot of the most degraded and opprobrious class of human beings—felons and murderers, thieves and robbers—and that without regard to country, race, creed, colour, and at no possible advantage to himself—at his own risk and cost, and without any warrant or authority but his own will ; this had made an impression on the English public which was unique, complete, and without deduction. And it is no wonder that Howard's work, though its circulation was necessarily limited, should, by the aid of citations in the public press, have created what came, as near as the condition of England then allowed, to a universal interest.

Howard's work was published at an opportune moment. For fifty years learned publicists had been attacking the barbarity of the criminal law, and demanding an entire reconstruction of its code. There was almost a general agreement

among philosophical sociologists as to the inexpediency and impolicy of cruel and bloody punishments. Montesquieu, Johnson, Beccaria, Voltaire, Eden, Mably, Paley, had agreed in denouncing the prevailing criminal jurisprudence of Europe. But rulers, governments, municipal and police authorities were growing more savage and bloodthirsty in their penal usages as society grew more impatient of restraint, and more in favour of mild laws. England was specially misguided and mistaken in the absurd confidence her governors placed in the death-penalty as the only adequate deterrent from crimes, large and small.

The troubles of the Jacobite era had not ceased without letting loose a dissolute set of idle and reckless persons, lately under military orders, but now wholly unamenable to civil control. They became cut-purses, highwaymen, mail-robbers, burglars and thieves, and all England was alarmed with the increase of crimes of violence. But instead of increasing the police, or of quickening and making sure the processes of justice, to check this evil, the threat of the gallows was mainly relied on. The halter became the false and delusive guarantee for the public safety. Not merely forgery, smuggling, coining and uttering base coin, but shoplifting, stealing from barges on the river to the value of five shillings, or from a bleaching-ground to the value of ten shillings, were capital offences. Mail robbery or post-office robbery of course would be thus punished; but so were hunting and wounding deer or cattle, breaking down fish-dams, maiming trees in gardens and orchards, and finally, cutting a hop-band in any hop-plantation. In the twenty-two years previous to Howard's start upon his labours, 1,121 persons had been capitally convicted, and 678 actually executed. But the awful system had failed of any repressive effect. For the twelve years before he begun his work, capital convictions had increased. Philosophical treatises on the causes and cure of crime could avail little. They appeared; but the practical heads of governments paid no attention to them, and the people never saw them. Howard's book came in a wholly different shape. He had no theories to support, no system to maintain. He was eminently practical, not to say prosaic. He made both the government of England, and the people of England, see the inside of their prisons, and the cruelty, horror, and inefficiency of the prevailing method. He did not argue the case, but simply took the bandage from the public eyes. The govern-

ment saw the facts with almost as much astonishment as the people; and each knew that the other was acquainted with the story, and that all decent minds in all England had but one view of the case.

Before Howard's day, the science of penal law was so far before the practice that it could hardly be said that any connection between them had been established. From his day, the practice took the lead in reform, not starting from principles, but from facts; not waiting to settle disputed theories, but abandoning cruel methods, repairing terrible defects, and building up a reform, one may say, almost without reference to any settled policy, but in the light of very clear convictions that certain measures and methods were to be disapproved and certain others to be maintained. This suited the English practical sense, quieted the fears of the haters and suspects of *principles*, and enabled Howard to advance, not prison science but prison art, by a great stride, almost at once. Perhaps what was thus fortunate, considering the special object of Howard's labours—practical reform in the prisons of England—has had some offsets since; for prison reform, starting in *methods*, has since, both in England and America, abided in *methods*, and been always shy of allowing principles a controlling influence. Methods have gone on, and principles have gone on—but in separate hands—and it may be said that the great work of our day is to unite recognised and demonstrated principles with improved methods and practical discipline. We do not trust our principles enough, and we trust our methods too much.

Of Howard's next continental visit among the prisons of Holland, Germany, Austria, Italy—full of interest as it is—time fails me to speak. It only confirmed his sense of the superiority of the general European polity on the treatment of prisons and prisoners, to the English plan. It strengthened his conviction of the wrongfulness of transportation, as a shirking of the real obligation of countries to take the consequences of the crime they produced at home. He was puzzled to find countries less civilised than England, entertaining wiser and more humane views in regard to the death-penalty—which was rarer among the hot, impulsive, and vindictive races in Southern Europe than in the cooler and more deliberate races in the north, and specially than in England. His faith in

*labour* as the condition of all improvement in prisons, was increased, and he found no objection in the fact that prisoners welcomed hard work in the galleys as a relief from the horrors of idleness in their cells. In Holland, he was dashed to the ground and fearfully bruised by a runaway horse attached to a dray; which brought on a fever of six weeks, during which his recovery was almost despaired of. His journal exhibits an amazing trust and a most fervent desire to turn his sickness to the best account of his soul. By this time, his character and services had given him a reputation in courts and among princes—the praise of which it was his modest effort to escape. Kings, ministers, ambassadors, sought his society, and would gladly have covered him with attentions. But he never accepted personal honours willingly, and would give not a moment of time or strength to any visits of etiquette or private curiosity. He shocked the English ambassador, at a diplomatic dinner, by the freedom of his criticisms on the boast of a German noble that the emperor, Joseph II., had abolished torture. Howard complained indignantly that his dungeons were only substituting a less supportable kind of torture for the rack. ‘Hush,’ said the ambassador, ‘your words will be reported to the emperor.’ ‘What!’ he answered, ‘shall my tongue be tied from speaking the truth by any king or emperor in the world?’

In a voyage from Civita Vecchia to Leghorn, Howard encountered a fearful white squall which threatened shipwreck; but, on fortunately making a harbour, in an island off the Tuscan coast, the people denied the crew or passengers leave to land, from fear of the plague. Obligated to put to sea, they were driven over upon the African coast with fury; but the Algerines also refused the hospitality of their harbours to the plague-suspected ship. For three days and nights they were tossed about on an angry sea, amid inexpressible privations and perils, and finally Howard and his servant were allowed to land at Gorgona. This incident perhaps first aroused Howard’s mind to the wide-spread horrors of the plague, of which he afterwards made so costly and serious a study.

His present journey had carried him this year over 4,600 miles, but he no sooner returned to England than he set out upon a tour among the prisons of the three kingdoms, in which, between January and November, he travelled 6,990 miles.

He was rewarded by many indications of the success of his past labours in the general cessation of gaol-fever, and the improvement of the prisoners in alimentation and in cleanliness. The legislature had not slept upon the subject, and an Act had passed authorising the building of two penitentiaries in Middlesex, Surrey, Kent or Essex, to test the experiment of home correctional discipline.

Howard reluctantly accepted the appointment of first supervisor of this undertaking. He had the support and counsel of Sir William Blackstone, and was allowed to name one of his two colleagues, Dr. Fothergill, who unhappily died soon after the consideration of the proper sites was commenced. On this point he differed from Mr. Whalley so strongly, that, rather than give way, he resigned his appointment. There was in Howard a certain habit of solitary self-reliance which somewhat unfitted him for co-operation. He had almost too little sense of the necessity of yielding much to gain something, which inheres in all public affairs. He was probably right in his objections to the site his colleague was obstinate in sticking to; but his unyieldingness spoiled the whole opportunity, and the project—vastly important as a step forward in prison plans—was abandoned, for seventy years more of the old transportation plan. His obstinacy was perhaps the cause of the long Botany Bay botch.

Howard freed from English embarrassments, now set forth upon another and wider sweep of continental prison exploration. He had hitherto confined himself to the more accessible and better-known countries in the heart of Europe. He now purposed to include Denmark, Norway, Russia, Poland, Turkey, Egypt, Sicily, Spain and Portugal in his survey.

In May 1781 he embarked for Ostend. After a short stay in Holland he found himself in Bremen, where a workhouse for vagrant children drew forth his admiration. He saw little to like in Denmark, where he found too many chains and too much dependence on terror. But in Sweden, the disuse of irons, and the method of settling disputes among the poor in open court, by a sort of paternal jurisdiction, made up in part for his complaints of the filth in the prisons, which strongly contrasted with the cleanliness of the homes of the common people.

Stockholm was too much like London in its gaols to fill him with anything but disgust.

On arriving in Russia he declined an invitation to court, as he wished to avoid publicity, that he might, with the advantages of an incognito, see the Russian prisons in their everyday dress.

He found that the then fresh and proud boast made in favour of Russia, that capital punishment was abolished for civil crimes, had one very serious abatement, i.e., that the knout, which had been substituted for the old instrument of torture, was so cruelly and skilfully applied that a person condemned to a certain number of stripes could be easily whipped to death, if it were considered desirable to put him out of the way, and that this was really not seldom done. Howard actually witnessed the horrible punishment; and then visited the executioner and drew from him a confession of the fact that he could and did so use his whip, in certain cases, as to make the wounds fatal.

He found much to approve in the hospitals and educational establishments of St. Petersburg, and especially in a school for the daughters of poor nobles and commoners. He met with true philanthropists in the noble General De Betskoi, who shared very much his own spirit, and in General Bulgarlow, the princely founder of numerous Russian charities. He had lately received a gold medal from his countrymen as a national benefactor. He sent it to Howard, as to his superior, for he said *his* services had been confined to his own country, but Howard's took in all the world.

Howard declined an escort to Moscow and pursued his journey of 500 miles, night and day, over rough roads to that city, *travelling off a fit of ague*. He saw nothing in the prisons there to encourage his hopes. In Poland it was the same; in Silesia it was better. Berlin showed much improvement since his last visit. It was in Prussia that he exhibited his jealousy for his own rights, by sitting obstinately in his carriage, blocking the way against a public courier, who had commanded Howard's driver to back out of a road that did not admit of two vehicles passing. The courier's duty was to have blown his horn on entering, to warn all comers to wait his exit. Having failed in this, Howard's sense of justice would not allow him

to yield the way, and, spite of all the courier's threats, he compelled him to back out himself. His firmness and courage where he was right were absolute.

Returning to England, by way of Hanover, Holland, and the Austrian Netherlands, Howard gave his first attention to his son's education, which he finally settled should not be in Eton, from doubts as to the moral and religious control exercised over the youth in that famous school. He placed him under the care of a minister at Notts; and then began a new tour of prison inspection through his own country—in which he spent a whole year of unintermitted labour. The value of his observations is considerable, but I must pass it by. Howard had not visited Spain and Portugal, as he had intended, in his last tour, and to these countries he now directed his way. They had already abolished imprisonment for debt in Portugal; the sexes were separated, and prison fees were mitigated—but the long imprisonment before trial he found a great cruelty. There was great informality in the usages—criminals condemned to death being often kept years waiting execution which came at last; and even sometimes persons condemned to die were at large on parole, and, after a long interval of perfect freedom, one had returned to answer a summons for execution and been pardoned for his heroic fidelity to his promise. This was truly Spanish in its grandeur. He found Spain *abounding* in charitable institutions, and containing *few* beggars—an unusual conjunction, we must think—the gaols were dirty, irons common, torture still used. His hitherto baffled desire to see the prisons of the Inquisition, was partially satisfied in Madrid—but although he declared he would submit to a month's imprisonment in one of the cells to fully satisfy his curiosity, he objected to the conditions offered—which were, *three years' imprisonment and a promise of secrecy on coming out*.

Passing through France on his way homeward, he caught a violent fever in the debtors' prison in Lille, which yielded to his patient and brave spirit in ten days. He continued his course through Amsterdam, Antwerp, Brussels, to Ghent, where he found a sad decline in a prison he had left only two years before, clean, orderly, and with all the prisoners at work, but of which, filth, idleness and disease had now taken possession. Joseph II., yielding to the old cry, that labour in prisons injured



honest industry out of gaol, had ordered all manufactures in the prison to cease; and still more blindly, judging that filth and pestilence added to the useful horror of the gaol, had required that less cleanliness and care should be used in all his prisons.

Howard returned to England in June, and, after his usual method of always looking into the prisons at home as soon as possible after a sight of foreign prisons, he made a fresh tour of home visits, and published the results of his late observations in a second appendix to his work.

Howard gave himself now a short breathing-space at Cardington, looking after his tenantry, his son, and his private affairs, and perhaps thinking he had brought his public labours to a final close. But if so, he did not know himself. Twelve years of restless devotion, 42,000 miles of travel, and £30,000 spent in the service of prisoners, had only deepened his love for his work and made its continuance a moral necessity for a man of his temperament and feelings. Besides, he was haunted by the idea which his experience of the Plague-shadow—for the substance he had not encountered—had left darkly upon his conscience. Brooding over the subject and getting all the scanty knowledge he could harvest about lazarettos; obtaining, too, sets of questions to be answered, from medical friends like Aiken and Jebb; he set out in November 1785, to make a personal investigation of the lazarettos of the Mediterranean.

Spitefully denied permission by France to inspect the most important of all the lazarettos, the one at Marseilles, or even to pass through France, under penalty of the Bastille, whose horrors he had exposed, Howard resolved upon a disguise—a physician's costume—and in it made his way safely to Paris. He was betrayed to the police by a fellow-traveller, and visited in his lodgings by an agent of the Prefecture, but by address succeeded in escaping from the house, his trunk on his back, made his way to the diligence-office, and before daylight was on his way to Marseilles. It was wholly due to the famous Le Noir's absence from Paris, and to an accident that Howard escaped detention, for it turned out that his movements were then fully known and watched. To maintain his incognito was easier than to support his assumed character, for his supposed medical skill was often called on. It is a puzzle how so frank,

straightforward, and conscientious a man as Howard acted well any part not his own; but his consuming desire for knowledge and furtherance in his great errand, seems to have almost changed his nature, and made him an actor. He stayed in Marseilles, against the protests of the few friends he trusted with his secret, and who knew his peril, long enough to obtain full drawings of the building, and a sufficient acquaintance with the working places of the lazaretto. Escaping by sea, he visited Toulon, and there played the part of a fine gentleman, dressed in the latest French style—of all parts, one of the most difficult we should have said for the simple and severe Howard to assume; thence, with valuable additions to his information, he got to Nice and to Genoa, and so to Leghorn by sea. The governor accompanied Howard on his visits to the lazarettos of San Roecco and San Leopoldo—then reputed the best models in Europe. He missed, however, from want of time, the chance offered by the grand Duke Leopold, of meeting a prince whom he called, from his observation of his government, 'the true father of his country.'

From Leghorn, Howard proceeded through Florence to Rome, where he had an interview with Pope Pius VI., and, though he stipulated that no homage was to be exacted of him, he received the good man's blessing. A visit to Malta, which gave him a poor idea of the christian principles of the Knights of St. John, set him on his way for Zante, Smyrna and Constantinople. He already began to experience, from his visits to the lazarettos, a heavy headache, which only increased his zeal to investigate the causes of the plague, while it summoned up all his courage and resolution. He made a Maltese baron's motto his own for the nonce, '*non nisi per ardua*.'

At Zante he remarked with approbation the recognition of the distinction, whose importance no man felt more strongly, between *detention* and imprisonment. Debtors and criminals were there kept wholly separate.

It was in the middle of May 1786 when he first stood on Asiatic ground, and in a place where the plague was endemic—Smyrna—a fact sufficiently accounted for by the total neglect of sanitary rules. He sustained his character as a physician by answering calls upon his medical skill, and was fortunate enough to save some patients by simple remedies. At Constantinople,

for a whole month, he freely exposed himself to the plague, then actively raging, by fearless visits to pest-houses, hospitals, and jails. His impunity, due partly to his careful diet, his scrupulous cleanliness, and his common sense, which despised the fatalistic superstitions of the people, was still more due to his moral courage, his spiritual elevation, and his generous aims, which invested him, as they do all greatly exalted souls, with an invincible and mysterious panoply. He won the heart of a powerful Mussulman by curing his daughter after her case had been abandoned by the native physicians, and by rejecting his 2,000 sequins which the grateful Turk sought to force upon him. A handful of grapes was all he would receive ; and he meanwhile obtained the favour of the people by his successful and vigorous efforts to secure them a just weight in the bread they bought of extortionate bakers.

Not yet satisfied with his perilous explorations, Howard now abandoned his plan of returning by a safe route through Austria and formed the heroic purpose of returning to Smyrna, where the plague was at its height, that he might take passage on an infected ship, be ordered on arriving at his Adriatic port into a strict quarantine, and so be allowed to suffer and learn all the minutest experiences of the lazaretto.

Embarking at Smyrna, on an infected vessel bound for Venice, the vessel on its tedious voyage was attacked, off Moden in the Morea, by a Barbary privateer, Venice being then at war with Tunis. The Venetian crew fought bravely, but were about abandoning their defence against their more powerful enemy, when Howard's English blood and indomitable resolution came to the rescue. He assumed command of the only large gun aboard, and, filling it to the muzzle with nails and spikes, waited the nearest approach of the corsair and fired into her crew with such deadly effect, that one discharge discouraged the enemy and put him to flight. It was probably the only gun Howard ever aimed or fired, and God must have directed the shot. Howard had no morbid regrets at his part in this deadly fray, and showed himself a man of as vigorous sense as he was of kind and philanthropic feelings.

At Venice Howard went into forty days of rigorous quarantine in the lazaretto, as he had sought and wished, and there acquired that intimate knowledge of all the details of the laza-

retto, of which he has given so full a report in the third volume of his great work. Two pieces of trying news from home reached him while suffering his perilous but voluntary durance in the lazaretto : one, that his numerous devoted admirers and proud friends in England were collecting, by voluntary contributions, the means of erecting a statue to his honour, probably in St. Paul's ; the other, that his son had behaved himself in a violent and disgraceful way, and was suspected of a disordered intellect. It is difficult to say which of these very dissimilar, and to most men wholly contrasted, pieces of intelligence gave Howard the acutest pain. He directed his largest attention to the only one in which he felt that his own wishes and action might produce an effect. He lost not a moment in protesting against the injury which he felt the proposed honour of a statue must do his influence and his reputation. Howard was not insensible to public praise, nor unconscious of his proud place in the world's affections. He had felt the sweetness of the recognition which his country's Parliament had accorded him ; and he valued the love and reverence which he could not conceal from himself, that he everywhere, except in France, received from the nations and peoples he visited. But he was justly sensitive to all efforts to make him in any way a party to his own glory. His self-respect was too nice and high to allow him to receive any honours which partook of the nature of flattery, or which it was within his own will to decline. He justly suspected the kind of machinery with which people, often only with an eye to their own importance, enter into schemes for promoting the honour of public benefactors. How vain, to a man of his prodigious services and his conscious self-devotion, must have seemed the doubtful honour of a statue erected in his lifetime in the city of London ! He had, too, from the very beginning a somewhat mercantile sensibility to any application of other people's money to the furtherance either of his journeys, his charities or his personal honour. Wages, salary, gifts, he had obstinately refused under all circumstances, and a subscription of money for a statue in his honour wounded the most sensitive chord in his proud and self-sustained, or heaven-sustained, nature. He wrote his friends letters full of entreaty and remonstrance, begging them, if they had any regard for his feelings, to stop the subscription ; and disowning and for-

bidding the use of his name in connection with it. It *was* stopped, and a large part of the money returned to the subscribers. A portion which the donors refused to receive back—for they could not appreciate his scruples, and thought his delicacy ought to be forced—was afterwards used in liberating fifty-five poor debtors; while another portion, after Howard's death, went towards the erection of the statue—the first in St. Paul's—\*which gratefully and properly commemorates England's gratitude for his unparalleled services, and her pride in his spotless name and exalted humanity.

Howard could do nothing but hope that the reports of his son's condition had been exaggerated. He suffered severely from parental distress and anxiety, but it was not his nature to indulge feelings that had no vent in action, and lead only to paralysis of will or waste of strength. He committed his son to the mercy and care of the God he wholly trusted. His anxieties did not prevent him from a minute thoughtfulness about his tenants, and detailed directions as to the little sums he wished appropriated to the relief of the neediest and most deserving among them.

Armed with his costly experience, laden with plans and with knowledge, Howard now started for home. At Vienna, where he was reluctantly detained by his weakness, he had an interview with Joseph II., creditable in its directness, simplicity, and earnestness to both parties—and in which it would be difficult to say which took the more kingly part.

Howard then hastened home, and reached Cardington in February 1787 to find his son a maniac. He did not even recognise his father, and the only resource was to leave him in the hands of private keepers, while Howard went up to London, to prepare and publish his work on the lazarettos.

This was not done, however, until Howard had spent a year and a half in a final inspection of all the jails in the British Islands. In six months more, during which his son's insanity

\* Charles Lamb, in his description in one of the papers of 'Elia,' of 'Christ's Hospital five-and-thirty years ago,' after describing the cruelty practised upon children, in confining them for small offences in a solitary cell, with little light, broken only by a chastisement twice a week he was called out to receive, puts, in a foot-note, this aspersion on Howard—'This fancy of dungeons for children was a sprout of Howard's brain: for which (saving the reverence due to Holy Paul) methinks I could willingly spit upon his statue.'

only increased in hopelessness, he had completed his second volume. His son, who never improved except for a deceptive moment, lingered on and died in a lunatic asylum, long after his father's decease, on April 24th, 1799.

Howard's home had been so desolated that there was nothing now but the memory of his wife to hold him to it. He could not be idle nor fail to use the remnant of his strength in the old science, and he therefore resolved to go abroad again upon a perhaps wider tour of observation than he had previously accomplished. Russia, Turkey, and the East, were within his scope. He undertook this new journey under a deep sense of duty, but also with a prevision that he should not return from it to his native land. He did not deceive himself as to his impaired vigour, however much his calmness and freedom from all complaints may have misled his few personal friends. He took a tender farewell of Cardington and his old tenants, made his will, dated May 24th, 1787, providing for the poor in Cardington and Croxteth, and leaving in trust a handsome sum for the relief of poor debtors and prisoners, besides perpetuating his schools. His landed estate, left in trust for his son, should he recover, was, in failure of that improbable event, to go to the next heir, Howard Channing (names one loves to see together). In fact, the estate finally fell to C. Whitbread, Esq.

His partings with his old servants and his few choice friends, like Price and Aiken, were patriarchal in simplicity and full of religious submission, though haunted with a too fateful foreboding.

On July 5th, 1789, he left England. By way of Amsterdam, Hanover, Brunswick and Berlin, Königsburg and Riga, he reached St. Petersburg, and visited all the hospitals there and on the way. Having become deeply concerned at the destructive effects of the military system of Russia upon the lives of soldiers in barracks and on forced marches, he repaired to Kremenschuk, a town on the Dnieper, to visit a new hospital lately erected for their relief. Greatly dissatisfied with his observation, he went down the river to Cherson, to pursue his inquiries in other military hospitals. His comments on the sufferings of the soldiers give rise to one of the few very tender and discursive passages not on a strictly religious theme, to be found in his remains. (See p. 388, 'Dixon's Howard.') A war

between Russia and Turkey was now in active process, and Cherson was crowded with officers on leave, who had been permitted to quit the winter-embargoed army at Bender, just fallen into Russian hands. But the gay city, amid its Christmas festivities and military galas and rejoicings, was suddenly smitten with a virulent and infectious fever. Howard could not but feel himself in his natural element in this peril, and he devoted himself to the poor, who were the easiest victims of the fever. He reluctantly, however, allowed himself to be drawn out of town twenty-four miles to visit a young lady, whose friends, losing all hope of her recovery from the physicians of the place, had piteously implored his medical attendance.

Howard, like Wesley, whom in so many respects he resembles, had an unhappy confidence in his medical experience, fortified by many lucky escapes of patients in his unscientific hands. He could not resist the appeal to his humanity, fortified by this appeal to his medical vanity, and went, against his judgment and with a doubtful economy of his time and strength, to see the patient who had so lately been an ornament of the ball-rooms of Cherson. She seemed to profit by his prescriptions; but after he left, in a day or two, relapsed into a more dangerous condition than before. Howard was notified of her condition and earnestly summoned to her side. The message did not reach him for eight days. The night was dark and the rain fell in torrents, but he set forth on a dray-horse, in the absence of all other conveyance, and rode to the place to arrive thoroughly drenched and benumbed with cold. His patient was dying, but he attempted to save her by exciting perspiration, and watched, some hours, the effect of his medicines. It was supposed afterwards that he inhaled the poison of his patient's disease, by solicitously hanging over her couch. Howard thought he knew just when he breathed in the infection. The patient died the next day.

Howard showed no immediate signs of having contracted disease. He was weary and weak, but he dined with Admiral Mordvinoff a few days after, and stayed later than was usual with him. On returning to his lodgings he felt unwell and took his usual restorative, a dose of *sal volatile* in a little tea. He was not relieved, and repeated the dose at four in the morning without effect. He was worse during the day, and

by night under the influence of a violent fever, which he treated with 'James's powders.' On January 12th, he had a fit and was insensible for half an hour. By this time his friends were concerned enough to secure him the highest medical skill in the city. Prince Potemkin, Catherine's favourite, sent him his own physician.

Howard grew worse in spite of all this care, and felt his danger. 'I am faint and low,' he says 'yet, I trust in the right way pursuing, yet too apt to forget my Almighty friend and God,' yet he evidently still believed he might rise up from his attack. On the 17th, he had a second fit, and his fate seemed to himself sealed. On the 20th, Admiral Priestman—an Englishman who had entered the Empress's service—found him not in bed, but sitting up and hugging a small stove in his bed-room, very weak and low. Still, he could not believe his death was near, and tried to divert him. Howard rebuked him. He would not be deceived, and he trusted his own judgment to the last more than that of physician or friends. He said he had reduced his habitual living too low to enable him to fight the fever successfully by any additional abstinence—that death was at hand;—and the thought of it was without terrors, and conversation about it the most agreeable of themes. He designated the spot, near by, where he wished to be buried, and begged Priestman to see that no pomp attended his funeral, 'nor let,' he added, 'any monument nor monumental inscription whatsoever be made to mark where I am laid; but lay me quietly in the earth, place a sun-dial over my grave, and let me be forgotten.' He begged the Admiral to go at once and solicit from the proprietor of the spot he had selected for his funeral room for his grave. Reluctantly he went, not half persuaded of the necessity of any such melancholy arrangement, but driven by Howard's urgency. In his brief absence came a letter to Howard, giving bright hopes of his son's recovery. It was his dying consolation, next to his perfect faith. He prayed earnestly for his son, and sent him tender messages by his servant. Priestman returned successful towards evening, and found Howard sensible, but too weak to converse. Taking the letter he had just received from his bosom, he said, as the Admiral glanced at its contents, 'Is not this comfort for a dying father?' He ejaculated a few

words only after this, but remained quiet, seemingly unconscious, but with now and then an indication of knowing what was said and done, until about eight o'clock the next morning, January 20th, 1790, when John Howard gave up the ghost.

On his birthday, June 1787, Wesley writes, 'I had the pleasure of a conversation with Mr. Howard, I think one of the greatest men in Europe. Nothing but the mighty power of God can enable him to go through his difficult and dangerous employments.'

That Wesley impressed Howard in much the same way is evident from what he said to Alexander Knox. 'I was encouraged by him (Wesley) to go on vigorously with my own designs. I saw in him how much a single man might achieve by zeal and perseverance; and I thought, why may not I do as much in my way as Mr. Wesley has done in his if I am only as assiduous and persevering? and I determined I would pursue my work with more alacrity than ever.' Howard in early life had heard Wesley preach in Bedfordshire, and was deeply impressed with his discourse. In 1789, he called at Wesley's house in London, to present him with his latest publication, 'An Account of the principal Lazarettos in Europe,' in quarto; but Wesley was not at home. 'Present,' said he, 'my respects and love to Mr. Wesley; tell him I had hoped to have seen him once more; perhaps we may meet again in this world, but, if not, we shall meet, I trust, in a better.'\*

There are two characters belonging to the last century, who may be said in different ways to have left a stronger impression on the world than any other two men of their time, who were not connected with political, scientific, economic, or literary affairs; both Englishmen, both cosmopolites, and both originators of movements that have swept over the whole face of the earth, and drawn the admiration and sympathy of successive generations to their respective undertakings; but men whose influence continues and increases; who have taken their places among the permanent ornaments and benefactors of their race—John Wesley and John Howard. Wesley, the elder, was born in 1703 and died in 1791. Howard was born in 1726 and died 1790, one year only before his great contemporary. They re-

sembled each other even in person, both being men of light weight, spare, under-sized, and of ascetic and self-denying habits. Both were men unconformed to the world, and living habitually in view of another state of being; both intensely religious and Christian in faith and temper; both eaten up with a zeal for the welfare of their fellow-creatures; both self-subsistent and self-relying men, so far as dependence on human sympathy is concerned. Both were men of immense powers of work, who never spared themselves when personal sacrifices of ease, sleep, food, society, friendship, could advance their unselfish aims. Both possessed unflinching courage, and met the prejudices, passions, and perils of unpopular causes, and of rude and violent classes, with the firmest, calmest, and most controlling will. Both were equally marked by invincible convictions, a single and undeviating aim, an indomitable resolution which success could not intoxicate nor opposition tame. Both were practical men of great executive ability, aiming at clear and definite ends, with clear-cut purposes, and little embarrassed by speculative misgivings, self-distrust, or deference to others' opinions. Both relied mainly upon their own personal judgment, their own personal exertions, their own self-sacrificing spirit and labours for their success. Both were intensely protestant in their principles and intensely papal in their sense of infallibility—men who could only lead, not follow; govern, not obey. Both were wholly consecrated to their aims, above the temptations of riches and honours; holding pomp, place, ostentation, ease, money, applause, in contempt, and freely spending all they possessed or created, at the service of the needy. They both lived on horseback, and were, in an age of obstructed intercourse, ubiquitous—travelling by night and by day, with a speed practically equal to that which even modern facilities afford to self-indulgent travellers; careering through these three kingdoms, and into the remotest parts of the islands, in a way to make themselves equally at home in city and hamlet, among the rich and the poor.

Wesley is computed to have journeyed a quarter of a million of miles on his voluntary itineracy, chiefly on horseback; and Howard probably travelled in the same way, in a life twenty years shorter, half as far. But what he lacked in miles was made up in the variety of the countries he visited, the scope of

\* See Tyerman's *Life of Wesley*, vol. iii. p. 495.

the circuits he made, the character of the obstacles and perils he encountered, and the solitary nature of his pursuits. Considering that his public work was confined within sixteen years, was begun in middle life, and ended at the natural period of human existence, he perhaps exceeded in the intensity of his labours and sacrifices, for the time he was engaged in it, any equal period in Wesley's laborious life. But Wesley began his work at twenty-six, and continued it to eighty-eight, with almost equal spirit and activity from the beginning to the close—an unexampled miracle of toil and persistency.

Wesley encountered personal passions, hatred, scorn, violence, ignorance, and contempt, was pelted with stones and garbage, with lampoons and polemic abuse; had knives and pistols drawn upon him; encountered mobs and soldiery—was in frequent danger of his life. Howard faced dangers more fearful to brave men—gaol-fever, pestilence, plague, and the apathy of all the best portion of society. Mobs and persecution might have supported his courage by the anger and defiance they rouse, but he needed no such stimulants. He was brave, without witnesses or visible enemies; without excitement or organised opposition: not braver than Wesley, for who could be? but as brave under more depressing circumstances. Wesley's weapon was his tongue, cloven with the flame of the Holy Spirit. With it alone he carried his way through all opposition, calming tumultuous mobs with its spell; subduing violent and wicked spirits with its divine meekness and power, and converting, like the first apostles, thousands in a day. And what his never-silent nor weary tongue did not accomplish, his ever-active pen did—keen, plain, with less ink and more blood in it than any pen that ever wrote so much—a pen that uttered things not words, terse, unornamented, wholly to the purpose, vigorous and decisive. Howard had no cunning in his tongue nor in his pen: not a man of thought nor of words, but a man of action; his weapon was an eye to see, to search, to penetrate to the very bottom, to pursue into every hiding-place the evil and curse that had aroused his mingled sense of justice and humanity. He hunted down the prison wrongs of the world with the chivalric devotion of a Spanish knight, or the spirit of Sir Lancelot, in solitary pursuit of the Holy Grail. He collected facts with the zeal, the labour,

and the patience of a modern Darwin, in solitary explorations in distant countries whose tongues he did not speak, and from the deepest dungeons, the most poisoned plague-spots, the dreariest and most hateful holes, in which the moral and social fungi, whose natural history he sought, were to be studied and described. Slow and deliberate, cautious and intent, he spared no pains, he shunned no dangers, he left unturned no stone, he hurried to no conclusion, he repeated his observations, he examined and re-examined his facts; and then, without art, circumlocution, rhetoric, or self-display, mainly by the aid of others, laid them calmly before the little world who then read books and left them to work their effects.

Wesley was an organiser of the first order. He knew how to win, how to hold, and how to use other men. Solitary in plan and purpose, he was eminently social in method and co-operative in means. He builded as fast as he collected materials. It was no disembodied, uninstituted work, the diffusion of ideas as a spirit, that occupied his formative and shaping brain. He was a churchman in every fibre, and he aimed at visible, methodic ends—the great methodist, who swept thousands of the ablest and most earnest souls of his generation into the ranks of his cause, organised them with an almost military drill, uniformed them with precise opinions, badged them with similar phrases and methods, and left them a distinct corps in the Church Militant, with a polity of their own, to make conquest at last of twelve millions of people, who are destined to multiply into scores of millions before the life Wesley gave them has found any superseding rival or absorbent. Howard was a prophet and not a priest; a prophet of action, no organiser, no founder; an impulse, an example; an alarm-bell; a trumpet heard in the night. He was a sort of John Baptist, his meat locusts and wild honey, crying in the wilderness, 'Repent, repent.' Solitary, difficult to work with, and wholly lonely in labours and in aims, he built up no work—he laid the foundations of no scheme—he became the architect of no system. But he drew the attention of the world and fastened it upon the cruelties, the inefficiency, and the inhumane and unchristian character of the dark prison territory. Nay, by his exalted devotion, the noiseless enthusiasm of his labours, the purity and intensity of his zeal, his absolute, uncalculating humanity,

he made his name not only a landmark but an inextinguishable voice—which has ever since sounded through the nations—demanding attention to prisoners' rights and claims. He who can thus gild his own name with mercy and truth, until it shines over all lands with the glory of an unsetting constellation—who can turn its very letters and syllables into a universal language, until it becomes a spell, a synonym for humanity, a rally for the prisoner's relief—has joined the small company of the immortals in human history, and is among the saints, apostles, martyrs, who stand nearest to the Head of the glorious company in heaven.