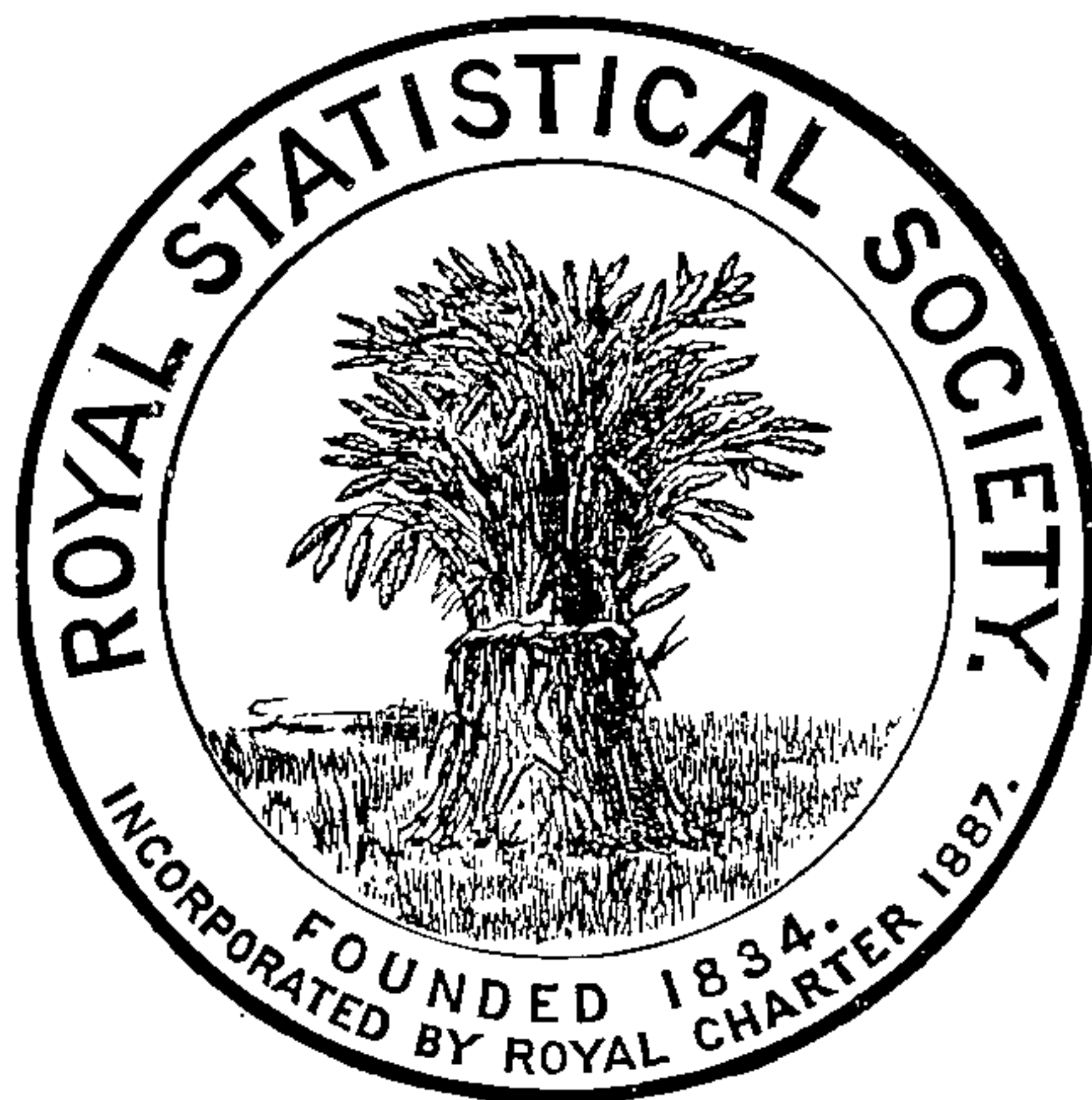


ON
PRISON ETHICS AND PRISON LABOUR.

BY
THE PRESIDENT, F. J. MOUAT, F.R.C.S., LL.D.,

FORMERLY INSPECTOR-GENERAL OF JAILS, BENGAL, AND
JUSTICE OF THE PEACE FOR CALCUTTA, ETC.



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ROYAL STATISTICAL SOCIETY:

AN OUTLINE OF ITS OBJECTS.

THE *Royal Statistical Society* was founded, in pursuance of a recommendation of the British Association for the Advancement of Science, on the 15th of March, 1834; its object being, the careful collection, arrangement, discussion and publication, of facts bearing on and illustrating the complex relations of modern society in its social, economical, and political aspects,—especially facts which can be stated numerically and arranged in tables;—and also, to form a Statistical Library as rapidly as its funds would permit.

The Society from its inception has steadily progressed. It now possesses a valuable Library of more than 27,000 volumes and a Reading Room; Ordinary Meetings are held monthly from November to June, which are well attended, and cultivate among its Fellows an active spirit of investigation: the Papers read before the Society are, with an abstract of the discussions thereon, published in its *Journal*, which now consists of fifty-three annual volumes, and forms of itself a valuable library of reference.

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Nomination Forms and any further information will be furnished, on application to the *Assistant Secretary*, 9, *Adelphi Terrace*, Strand, W.C., London.

On PRISON ETHICS and PRISON LABOUR. By the PRESIDENT,
F. J. MOUAT, F.R.C.S., LL.D., formerly Inspector-General of
Jails, Bengal, and Justice of the Peace for Calcutta, &c.

[Read before the Royal Statistical Society, 17th March, 1891.
Sir RAWSON W. RAWSON, a Past President, in the Chair.]

CONTENTS:

	PAGE	PAGE
1. Introduction	1	15. Industrial and Financial Sta-
2. The Ethics of Prison Labour .	2	tistics
3. The Limits of Pain in Pun-		24
ishment.....	4	16. Conclusion
4. The natural consequences of		28
Imprisonment	5	
5. The Maxim of Pope Clement	6	APPENDIX A.
6. The Disciplinary Action of		Table I.—Analysis of the Occupa-
Prison Labour	9	tions of the Prisoners admitted
7. Why the Question of Jail		to the Jails and Lock-ups of the
Labour is still unsettled	9	Lower Provinces, during the
8. Economic Objections to Pro-		Quinquenniad 1861-65 inclusive
ductive Prison Labour.....	11	29
9. Legislative Intention of La-		Table II.—Disposal and Employ-
bour Sentences.....	13	ment of the Prisoners.....
10. Indulgences to Criminals as		30
the Reward of Good Conduct	14	Table III.—The Out-turn of the
11. Is the State Control of Prison		Five Years
Labour preferable to Farm-		31
ing it out as a Commercial		Table IV.—Value Realised from
Enterprise?	14	the Work
12. History of the Question of		32
Prison Labour	16	Table V.—Net Profits, inclusive
13. Industrial Statistics of the		of the Alipore Jail Press
Prisons of Lower Bengal		33
for the Five Years 1861-65		Table VI.—Gross and Net Cost
inclusive	20	of Maintenance under every
14. Number and Classes of Pri-		Head of Charge
soners in the Jails during		34
the above-mentioned Years	21	Table VII.—The same information
		for Prisoners
		35
		APPENDIX B.
		Extracts from Bengal Jail Code of
		1864—
		(a.) Labour and Employment
		of Convicts
		36
		(b.) Rewards for Well-con-
		ducted Convicts
		39

1. WHEN unexpectedly called upon to furnish a paper for the Introduction. March meeting of the Royal Statistical Society, with no time for original research, it struck me that it was several years since any branch of the management and discipline of prisons

had been specially considered by the Society, and that an evening might profitably be devoted to that important subject. I remembered also that a Penitentiary Congress had met in St. Petersburg in June last, to which I was nominated as a delegate of the Society, but which I was unable to attend from sickness, and that I had put together some notes on one of the chief matters to be discussed, which I had intended to submit to the Congress in person had I been able to put in an appearance.

In the second section of the proposed programme of the Congress were three questions relating to prison labour, and an illustrative exhibition of the results of prison industry was intended to be held. The nature of this latter I am unacquainted with, as the report of the Congress has not yet been published, but I sent them an account of the first exhibition of the kind ever organised—that by myself in Calcutta in 1856.

The first question was regarding the regulation of prison labour; the second had reference to its bearing on free labour, with a consideration of the best means of avoiding any injurious competition in the matter; and the third dealt with the encouragements which may be allowed to a convict in the disposal of his earnings, without prejudice to the maintenance of good discipline.

These notes I intend to utilise this evening; and as a very beneficial and, in my opinion, accurate view of the importance of prison labour as an instrument of punishment, reformation, and profit, is now taken by the prison authorities in this country, under legislative sanction and the able direction of Sir Edmund Du Cane, it seems to me to be desirable to place on record the reasons why I have long considered it to be the most rational, humane, and effective system of punishing and preventing crime which has yet been put in practice.

2. In considering all such questions, and in particular those which have been, and still are in some degree, the subject of so much controversy as that of the proper and effective punishment of crime, it is as well, I think, to consider first the ethics or principles and laws regulating the procedure to be adopted, and then to apply them to their practical uses, to ascertain by their results how far the practice is in accord with the principles.

Among the purposes of the St. Petersburg Congress, not the least interesting was to do honour to the memory of the illustrious prison philanthropist and apostle of humanity, in celebrating the centenary of his death in Russia. We need go no further back to ascertain his views than to refer to the great work of John Howard on the "State of the Prisons in England and Wales," which appeared in 1777.

When writing of the prisons of Holland, he mentions that "the States do not transport convicts," but men are put to labour in the task-houses, and women to proper work in the spin-houses, upon this professed maxim, "Make them diligent, and they will be honest."

In Holland, even in those days, the children of malefactors who were executed, and of those who were sentenced for long terms to the task or spin-houses, were sent to the orphan house, and were there brought up in industry, and not left destitute vagabonds to become unhappy victims to the wickedness and folly of their parents.

In the hospital of San Michel, in Rome, visited by Howard in 1778, in the department used as a prison for boys and young men, he copied two inscriptions which embodied, as he rightly conceived, "an expression of the grand purpose of all civil policy "in relation to criminals."

On the door was inscribed:—

POPE CLEMENT XI.
For the correction and instruction
of profligate youth,
That they who when idle, were injurious,
When instructed might be useful
to the State.
1704.

In the room itself appeared the following sentence; both were in Latin:—

It is of little advantage
To restrain the bad by punishment,
Unless you render them good
by discipline.

Now, the best method of accomplishing this desirable end is not yet settled. There are still advocates of each of the two leading systems, based on opposite theories of the uses of imprisonment as a punishment and prevention.

The oldest is that a prison should be rendered a terror to evil doers by the infliction of as much pain as can be inflicted without direct injury to health or risk to life. The other is a graduated system of punishment, from which the direct infliction of pain is eliminated, and the prisoner is allowed to work his way to freedom and mitigation of sentence by good conduct in jail, supplemented by industry in the tasks assigned to him, in accordance with his crime and sentence.

In the first plan, the moral improvement of the prisoner is either altogether ignored, or subordinated so entirely to the object of rendering his prison life burdensome, as to be practically lost sight of. This system seems to me to be founded on an erroneous

view of human nature, which has, in my belief, caused its failure wherever it has been rigorously enforced.

Solitary confinement for various periods, deprivation of all sources of enjoyment, prolonged enforced silence, and their gloomy accompaniments, aimless, dispiriting, and exhausting tasks, have often produced their natural results in wrecking both mind and body. I doubt if they have exercised the smallest influence upon the habitually criminal classes in determent of crime. The reason of this appears to me to be simple and obvious. Pain is a sensation, and has no immediate connection with a moral sentiment. Pain, again, is confined to the individual made to suffer it, and can scarcely be fully realised by other persons, even in its active manifestations. The mental and bodily torture of long continued solitary confinement, unrelieved by a ray of the sunshine of humanity, is never seen by the outer world, and even if witnessed by others whom it is intended to deter, would have no active terrors, for it is a passive state. The painful scenes witnessed at public executions when the laws were savage in their severity, and brutal in their exhibition, had no effect whatever in deterring from crime, and simply demoralised those who thronged to gloat over the sufferings of the victims of perverted justice.

In our Norfolk Island, the system of unrelenting severity in its most repulsive form, succeeded in converting rational beings into unreasoning fiends, and failed so entirely to deter from the commission of the most appalling crimes, as to lead to its abandonment as a scandal and reproach to humanity itself.

3. Mr. Herbert Spencer, in one of his most thoughtful essays, tells us that in all such matters we should consult first principles, and not cling to unreasoning empiricism. In his well reasoned essay on Prison Ethics, he has shown to what extent the coercion of a criminal is legitimate, and the limits to which such coercion can, in consequence, properly be carried. All beyond what absolute morality countenances, is, in his opinion, as unnecessary, inexpedient, and unjustifiable, as it is useless. The necessities of civilisation require no gratuitous infliction of pain, no revengeful penalties. "Complete life being the end of morality, and the conditions it insists on being such as to make possible this complete life to all members of a community, we cannot rightly abrogate these conditions, even in the person of a criminal, further than is needful to prevent greater abrogation of them . . . Freedom to fulfil the laws of life being the thing insisted on, to the end that the sum of life may be the greatest possible, it follows that the life of the offender must be taken into account as an item in this sum, and that we must permit him to live as completely as

"consists with social safety. It is commonly said that the criminal loses all his rights. This may be so according to law, but it is not so according to justice. Such portion of them is only justly taken away as cannot be left to him without danger to the community. Those exercises of faculty, and consequent benefits, which are possible under the necessary restraint, cannot be equitably denied. If any do not think it proper that we should be thus regardful of an offender's claim, let them consider for a moment the lesson that nature teaches us. We do not find that those divinely ordained laws of life, by which bodily health is maintained, are miraculously suspended in the person of the prisoner. In him, as in others, good digestion waits on appetite. If he is wounded the healing process goes on with the usual rapidity. When he is ill, as much is expected from the *vis medicatrix naturee* by the medical officer, as in one who has not transgressed. His perceptions yield him guidance, as they did before he was imprisoned, and he is capable of much the same pleasurable emotions."

With much more to the same effect, Mr. Spencer says, "Is it not clear that neither by absolute morality, nor by nature's precedents, are we warranted in visiting on him any pains besides those involved in remedying, as far as may be, the evil committed, and preventing other such evils;" and he goes on to show that the natural consequences of imprisonment, when rigorously enforced, are quite severe enough, and quite as much as absolute morality demands.

The natural consequences of imprisonment.

4. What, then, may be regarded as the natural consequence of imprisonment?

Bentham classes the consequences under three heads, viz.: the necessary inconveniences, the accessory inconveniences, and those which are abuses.

The necessary inconveniences (or consequences) are—loss of liberty, with all the consequences arising from this loss; disruption of family and social ties; destruction of business; a compulsory state of existence in all matters, and the necessary conformity to strict regulations, in which no freedom, even of will, can be granted.

The accessory pains are—a compulsory diet, uncomfortable means of repose, exclusion of society (except at brief intervals under strict regulations), forced association with undesirable companions (where association is unwisely allowed), absence of the means of communicating with the outer world, and enforced labour in uncongenial pursuits, or what is still more difficult to bear, compulsory idleness. Now, if these necessary and accessory inconveniences are strictly enforced, they are quite as severe in the way of punishment, as society has any right to impose. All

in excess of these, veil it as you will, is simply torture in disguise, and as such not sanctioned by or consistent with our civilisation, our Christianity, or our laws human and divine, or in accordance with the doctrines preached and practised by Howard.

The last authority I shall quote on this point is Beccaria, the enlightened Italian jurist, whose work on crime and punishment is still one of the most sound, logical, and valuable of all the contributions to this great and important branch of criminal law.

He says that, "If it can only be proved that the severity of punishments, though not immediately contrary to the public good, or to the end for which they were intended, viz., to prevent crime, be useless, then such severity would be contrary to those beneficial motives which are the consequences of enlightened reason, which induces the sovereign to wish rather to govern men in a state of happiness and freedom than of slavery. It would also be contrary to practice and the social compact."

The general opinion of the Penitentiary Congresses which have of late years brought the experts of all nations together, has been, with singular unanimity, to condemn all proceedings of mere harshness and repression, as unnecessary and useless.

A reference to the causes of the great majority of crimes in all countries, and in all stages of civilisation, would show conclusively the reason why it should be so; and why the *à priori* doctrine is borne out by the *à posteriori* conclusion, for there is, in my opinion, no real antagonism in the two schools of morality on this cardinal point of criminal practice, viz., that as Herbert Spencer puts it, "the commands of absolute morality shall be obeyed as far as possible, that we shall fulfil them up to those limits beyond which experiment proves that more evil than good results. Experience and experiment have now shown, all over the world, that the most successful criminal discipline is a discipline of decreased restraints and increased self dependence; and the evidence proves the success to be greatest where the nearest approach is made to the arrangements prescribed by abstract justice."

5. This brings me again naturally to the maxim of Pope Clement, The maxim of Pope Clement. "that it is of little advantage to restrain the bad by punishment, unless you make them good by discipline."

But, before considering this, I will discuss as briefly as possible the other theory and practice of punishment and repression, to which I have referred above.

It may be, and has been argued that the State, in assuming the control of an offender, is not bound to become his moral preceptor; and that if it incurred this responsibility, it should, as some philanthropists of our time and country imagine, undertake the

cure of vices of all sorts: those which are beyond the pale of penal laws, as well as those which, for the protection of society, it punishes.

There is, however, an essential difference between the two cases. The criminal has, by the crime for which he has been tried and convicted, forfeited his liberty, and with it, during his period of imprisonment, his rights and privileges of citizenship. The State has, therefore, per force become his guardian during the period of his compulsory removal from society, and is bound to discharge the trust in the manner most beneficial to him, and to the society to which he is to be restored on the completion of his sentence.

The vices of the free man, on the other hand, could not be controlled by the State without what we regard in England as a dangerous interference with personal liberty. It is, in my humble judgment, somewhat visionary to attempt to reduce all social relations to a state of constant interference by legal restraints, whilst they can, and ought, on the other hand, to be dealt with by the agency of education, religion, parental control, and the standard of civilisation adopted by every nation, in its domestic and social relations.

The other system is that which I have advocated ever since I became a prison official, viz.: the conversion of prisons into schools of industry, as it steers a middle course between the extremes of all other plans. It fulfils the immediate objects, as well as the ends of imprisonment, and if properly carried out, should relieve the taxpayers of all countries of much, if not most, of the cost of the maintenance of the judicial, police, and penitentiary agencies, necessary for the repression of crime and protection of society.

The character of the labour assigned to convicts must depend Influence as discipline. upon the objects which it is intended to fulfil. If it be designed simply to be a means of coercion, and to harass, vex, and worry, without any thought of benefiting or humanising the convict, it seems to me that the mere exercise of brute force, or employment in dull, dreary, wearisome, and monotonous tasks, will altogether fail to act as a real deterrent, or to cause the prisoner on his release to regard every form of industry with any other feeling, than one of strong aversion. Moreover, in my humble judgment, and I saw abundant proofs of it during my connexion with prisons, the causation by the plan I object to, of pain, misery, and humiliation, excited feelings of angry resistance, which rendered necessary the infliction of disciplinary punishments, of which I strongly disapproved.

Again, I venture to appeal to the views of the well known

English jurist, Jeremy Bentham, on this point. He says: "The policy of giving a bad name to industry, the parent of wealth and population, and setting it up as a scarecrow to frighten criminals with, is what I must confess I cannot enter into the spirit of. I can see no use in making it either odious or infamous. I see little danger of any man liking work of any kind too well; nor, if by mischance it should fail of providing him in suffering enough, do I see the smallest difficulty of adding to the hardness of his lot, and that without any addition to the hardness of his labour. Do we want a bugbear? Poor, indeed, must be our invention, if we can find nothing that will serve but industry. Is coarse diet nothing? Is imprisonment—is loss of liberty in every shape—nothing? To me it would seem but so much better, if a man could be taught to love labour, instead of being taught to loathe it. Occupation, instead of being the prisoner's scourge, should be called, and be made as much as possible, a cordial to him. It is in itself sweet in comparison with forced idleness; and the produce of it will give it a double interest. The mere exertion, the mere natural energy, is amusement, when lesser ones are not to be found. Taken in this point of view, industry 'is a blessing; why paint it as a curse?'"

If a punishment be in excess of the degree of severity sufficient to deter others from the commission of crime, it is not only unjust, but hardens men, and thus defeats its own intention. To torture or torment an individual guilty of a breach of the criminal law, will not undo the crime he has committed; it will not deter others, for he cannot communicate the sensation which he experiences to any one else, in such manner as to enable it to be realised.

Beccaria also says that: "Punishments are to be estimated not by the sensibility of the individual, but by the injury done to society, and in all cases those penalties are least likely to be productive of good effects, which are more severe than is necessary to deter others." It is the certainty rather than the severity of punishment, which influences the criminal classes.

The best, the surest, and the least fallible of all the proofs of amendment, is afforded by the labour test. So long as a prisoner works well, completes his task in the regulated time, acquires skill as a workman, and is generally well behaved, I am satisfied that his imprisonment is attended with benefit, and that he will not be likely to relapse into crime when restored to liberty. The discipline then of well regulated labour, I hold to be the system most likely to secure the desired end of imprisonment, viz., the just and humane punishment of crime, and the protection of society.

6. Assuming that the proper penalty for the conviction of a criminal consists in the necessary, and most of the disciplinary action of prison labour. the accessory inconveniences of imprisonment, in what way does prison industry act as a measure of discipline? I have no difficulty, from personal knowledge of its effects, in answering the question. By occupying the whole of the prisoner's time in works of usefulness, which from their regularity, continuance, and the impossibility of evading any portion of the daily task, from any other cause than sickness, must be extremely distasteful, and in entire opposition to the ordinary habits of criminals. That they effectually take all desire for mischief out of those employed in the workshops, was seen in those of my prisons which were well managed. Most of the prisons I refer to were unfortunately not on the cellular system, and, in former times, when work was spasmodic or irregular, and no fixed or continuous tasks were exacted, the moment the wards were locked up for the night, and the prisoners placed in the dangerous association which is the destruction of all moral feeling, there ensued a continuous buzz of conversation which lasted well into the night. At the time the prisons passed from my charge, although the same soul and body destroying association continued, when the convicts were counted, and the doors closed, the silence of sleep stole over the whole place, and scarcely a sound was heard to break the stillness of the night. Tired nature needed repose, and it was at once sought.

7. It appears to me to be somewhat singular that the question of prison labour should be still unsettled. I am disposed to think that most of the opposition—outside its economic aspect—to the general introduction of industrial occupations in jails, is founded in the erroneous belief that they are not penal in character, do not afford hard labour, and therefore do not fulfil the intention of the laws. Lord Macaulay, and the Bengal Prison Discipline Committee, of 1838, considered that the labour of prisoners should be dull, monotonous, and wearisome; and many persons suppose that nothing can be regarded as penal labour, that is not associated with severe and sustained muscular exertion.

Upon this point again Bentham says: "That an occupation is a series of acts of the same kind tending to the same end. An occupation considered in itself may be painful, agreeable, or indifferent, but continued beyond a certain length of time, it will always become disagreeable. This is true of all tasks without exception, and particularly so of those which are pleasant at first, and ultimately become more disagreeable than those which are naturally disagreeable."

“ To render the time of a man’s occupation agreeable, he must be able to pass from one to another, according to his taste, all compulsory occupation is, therefore, painful.”

Now, an inseparable condition of all prison labour is that it *is* and must be *compulsory*; that it not only compels the convict to do that which must be distasteful to him, but prevents his occupying his time in any other manner that may be more agreeable. “ The net value of the pleasure which an individual loses by a fixed occupation, is equal to the sum total of all the pleasures he might be able to pursue, had he been a free agent.” Judged by this standard, all prison occupations when continued from day to day in fixed tasks for ten weary hours in dull monotonous succession, must be regarded as penal, however small may be the actual muscular power exerted in each step of the labour. Those which involve great muscular exertion can only be continued for short periods, with intervals of rest. They leave a large margin of unoccupied time, which is about the worst feature that can characterise any description of prison labour. Hence I believe the tread wheel, the crank, the shot drill, and all purely aimless tasks, to be not only a waste of time that might and ought to be devoted to some useful end, but they tend to harden and degrade the individuals subjected to them. The dogged resistance to authority, and the feelings of resentment caused by all such kinds of labour, are destructive of the feelings and influences which lead to reformation. Of the descriptions of labour which act equally in producing physical exhaustion, that which results in some useful work is, and must be of far more use as an agent of reformation, than that which ends in nothing but a wearied frame and an angry heart.

Some years since, it was objected to my system that it was not deserving of the name of hard labour. I, in consequence, instituted a series of experiments to determine the exact amount of muscular power exerted in various prison manufactures.

I found that each convict in the Alipore jail, when fairly skilled as a gunny weaver—an amount of proficiency acquired in a few months—is bound to weave 20 yards of gunny cloth in an ordinary day of ten hours. The work was executed with the hand loom of the country.

Each yard of sackcloth requires an average of 365 threads for weft, necessitating 7,300 pulls of the beam for the full task. Direct experiment showed that each pull required an amount of muscular force equal to lifting a weight of 8 lbs. a foot from the ground. The daily labour of each proficient weaver was thus found to be equal to raising a weight of several tons, a foot from the ground. Several other descriptions of prison labour were

found to be equally severe, some of them so much so as to be used only as corrective labour for breaches of prison rules.

I am of opinion then that there is no sound or tangible objection to the employment of prisoners in handicrafts on the ground of their not being disciplinary in character, or providing the hard labour required by the law.

8. The second question of the second section is as to the extent Economic objections to productive prison labour. in which prison labour is prejudicial to free industry, and how it can be so organised as to avoid, as much as possible, the inconveniences of the competition.

Before an answer to this question can be correctly given, it is necessary to consider the ethical conditions underlying it.

It may be admitted at once that industrial employment in prisons must, and does undoubtedly in a limited degree, come into competition with free labour of the same class; and I maintain that it has a perfect right to do so. Prisons are a charge against the public revenues of every country, and it is just and proper this should be lightened as much as possible.

It seems to me to be wrong in principle, and opposed to all sound maxims of public economy, that the interests of small sections of any community, should be protected injuriously, at the cost of society at large. It should not, moreover, be forgotten that the criminal, had he not taken to evil courses, would himself have competed with others of his own class or trade in the labour market. To teach him an industrial art that will enable him to gain an honest livelihood on release, is merely to restore him to his natural position, and surely it is an unmixed gain to society to convert by this means an unprofitable consumer into a profitable producer. We thereby create nothing new; we merely transform an instrument of evil into one of good. It is not quite certain also that society is not itself in a great measure responsible for some of the evils inflicted upon it by crime and ignorance—twin children of an unnatural parent; and I hold that society, through just and equitable laws, is bound by every principle of morality and self interest to repair the injury, and to prevent its recurrence by every means in its power.

When I was in charge of the prisons of Bengal, the manner of employment of convicts in the Alipore jail in handicrafts, and the introduction of machinery for the purpose, were alleged to interfere injuriously with branches of industry which needed encouragement and protection. The commercial infant which needs such dry nursing must be a puny, sickly child, whom it would be of no permanent interest to the commercial family to rear. Upon the presentation of a petition to the Secretary of State for India, an inquiry was ordered into my proceedings, and

I succeeded in satisfying the Chamber of Commerce in Calcutta, by a personal examination at the Alipore jail, of the groundlessness of the objection, for in all the prisons in the province together but 5 per cent. of the raw material used were converted into marketable commodities, against 95 per cent. exported to other countries in the raw state.

The introduction of a printing press was also objected to, but this objection was at once withdrawn when it was found that the printing was strictly restricted to work for the State, for few dispute that every State has a right to utilise the labour compulsorily placed at its disposal, in its own service.

Another reason at that time urged, was that "to teach a criminal an honest trade, and to restore him to society a skilled workman, is to turn the prison into an artizan's stepping stone to fortune, and to make the honest labourer anxious to graduate in the same productive school of industry."

There is a very transparent fallacy contained in this contention. The advantage is remote and uncertain. The pains and penalties involved in compulsory separation from society in strictly regulated task work, in a rigid denial of all the indulgences that sweeten labour and render life agreeable, the terrible monotony of the same walls and the same work day by day, month after month, and year after year; the complete absence of all control over their own acts, the unvarying sameness of the dietary, even if more ample and superior in quality to the homely fare of the honest free labourer; the early resting and early rising in unchanging succession, are immediate, positive, and palpable evils, easily imagined and readily realised. There is then a heavy balance against every well managed prison as a desirable school of industry.

Speaking of Great Britain only, from the resolutions passed at trades union congresses, which represent fairly the views of the labouring classes, I gather the prevailing feeling to be against *unfair* competition of prison labour with free industry, and not against the State supplying its own wants and charitable institutions, at cheaper rates than obtain in the open market. This I think is a perfectly fair objection; I would go even further, and prevent any selling at unremunerative rates at any time, or for any purpose. It is economically unsound. I am quite aware that economic science has not yet obtained a sufficient degree of exactness for its data to be received with unquestioned confidence, particularly by any classes whose immediate interests are supposed to be affected by the operation of any economic law. It is unreasonable to expect that any other interest than self interest will govern the individual or collective actions of any class of those

who live by labour, particularly as we now see in nearly all countries how closely all interference with such matters on the part of Governments is watched by the proletariat.

Even supposing the objections to prison as opposed to free labour to be in any way sound, the influence it can exercise in the open market in any country is infinitesimal, from the small numbers engaged, and the exceptional circumstances in which it is exercised.

9. The obvious intention of all legislatures in adding labour to sentences for crime is, not only to increase the severity of the punishment, but to mark its sense of the relatively greater moral turpitude of the offence.

A simple misdemeanour, or an offence of any kind that is supposed to inflict a slight injury on society, is visited with a fine or a short term of imprisonment, without labour.

To all offences attended with greater injury to society, and which are associated with a lower moral standard, is added a provision of hard labour. Thus prison labour is at once associated in the public mind with an element of degradation, which is not only injurious, but founded on false principles, as I have already endeavoured to show.

If the motives which lead to the commission of crime could be gauged with precision, and the infinite and obscure combinations of human actions that inflict injury on society could be calculated with any approach to mathematical accuracy, a scale of punishment might possibly be framed that would fit closely each criminal act.

But, as such precision in legislation is impracticable, and, if practicable, would be of doubtful efficacy, it is a matter of concern to all engaged in prison reform to exercise an influence on legislation in their respective countries to prevent the law itself from opposing any obstacles to the reformation of convicts, by judicial sentences. Such an obstacle I hold to be the degradation of labour by the courts, and the addition to the severity of sentences in prison regulations and practice by the enforcement of aimless tasks, and the exercise of mere unreasoning physical strength in cranks, tread wheels, and similar devices. Labour is one of the greatest blessings conferred upon man by the Creator, and the one which, in its continual exercise, lifts him high above all other created beings. To attach a sense of degradation to it in our penal system, seems to me, therefore, to be an error of principle. It is peculiarly so in relation to the criminal classes, because by far the greater number of crimes against property, and no mean proportion of those against the person, originate in the idleness which is the principal motive of both vice and crime. The natural corrective of this idleness, is industry. Hence the importance

which the question of prison industry acquires in connection with the administration and execution of the criminal laws.

10. The third question of the second section asks what indulgences can be allowed to a convict in the interests of discipline, and particularly to what extent he can freely dispose of any portion of his earnings.

This question was very carefully considered in framing the regulations of the Bengal jail code, in which a special section was devoted to rewards for well conducted convicts.

The chief indulgences shown were in placing them in subordinate positions of trust and confidence in the prison, which carry with them a relaxation of the discipline to which they were previously subjected, and by which the inculcation of habits of subordination and self-control could not fail to be of use to them on release.

As respects the disposal of a portion of their earnings, all convicts of long sentences, or term prisoners, were allowed 50 per cent. of the estimated value of their overtime work, to be paid to them on release. For life prisoners a similar amount was allowed to be expended, at the discretion of the officer in charge of the prison, in the purchase of additional food, clothing, or any such harmless indulgences as would not interfere with the good order and discipline of the jail. (Rule 17.)

I am of opinion that it would, from its liability to abuse, neither be safe nor prudent to go further than this in the same direction.

The employment of convicts as prison officers is, I believe, if not altogether, to a great extent unknown and unpractised in Europe. It worked well so long as I was in charge of the prisons of Bengal, and if properly practised, with the requisite extreme care in selection, would be an instrument of great use in the maintenance of good discipline. No such prison subordinate officer was ever known to return to jail after release, by relapsing into crime, in my time. I do not hold myself responsible for anything which has happened in relation to those prisons since my departure, as a different theory of prison discipline was entertained by the next ruler of the Province, and carried into effect under his orders.

11. The first question of the second section, that of the relative value of responsible or State control of prison labour, as compared with the farming out of such labour as a commercial enterprise, is a matter of which I have no personal acquaintance, and must speak of therefore with all reserve.

I can imagine no system so absolutely erroneous in principle, and so subversive of everything deserving of the name of main-

tenance of order and discipline in a prison, than the admission of any portion of the outside public within its walls, with the authority which they must be allowed to exercise over the labour and employment of convicts on a contract system. It is difficult enough, as it is, to maintain order, prevent irregularities, and render prison regulations effective, by the rigorous exclusion of private enterprise in such a matter. It would, in my humble opinion, be absolutely impossible to introduce a contract system, which would necessarily carry with it some sort of personal supervision, without opening a flood gate of abuse, which would render nugatory any plan of discipline which has yet been invented or tried. The very first rule of the Bengal code regulating the labour and employment of convicts declared imprisonment to be intended for punishment, and therefore that the first thing to be looked for in labour was not that it should be remunerative, but that it should render a residence in jail a matter of dread, apprehension, or avoidance.

The practice of placing the labour of convicts at the disposal of private persons was forbidden by a circular order of the Government of Bengal, issued so long back as 1852.

I have appended to this paper the two sections of the prison rules enacted in 1864 in Bengal, a quarter of a century ago, regarding the regulation of prison labour and the bestowal of rewards for good conduct in jail. They were advisedly drawn up in advance of the means of enforcing them in their entirety, because they were intended to establish a standard to be aimed at, when the means were at hand to apply them with effect. The chief value of the whole body of these regulations now is to show how completely all these matters were then thought out, and to prove how thoroughly they are in accord with the principles of Howard, the views of our prison congresses, and as respects prison industry, the legislative enactments upon which the regulation of our prisons at home is now based. In all countries then in which prison labour in industrial pursuits is enforced as an instrument of discipline, or for any other purpose, special rules, adapted to local circumstances, should, I think, be laid down for its proper regulation. This should, in my opinion, never be left to the discretion of the officer in charge of the prison. Such discretionary powers are always liable to variation, which may or may not be injurious in character, but are invariably a source of difficulty to all conscientious officers, and are seldom or never satisfactory in their results.

There is much, of necessity, in rules framed for Indian prisons that is not adapted for such institutions in Europe. It is only for the principles of action contained in them that I contend, for such

principles, if correct, must be based on those motives and feelings which are common to all nations and are universal in their incidence, whether in fair skins or dark skins, in high or low forms of civilisation. They are the motives of world wide benevolence and philanthropy, of which John Howard was an apostle and exemplar.

12. Having given the views of some of the greatest thinkers on the ethics of the question, Bentham, Beccaria, and Herbert Spencer, as well as remarked on the history of the question of prison labour, the questionnaire of the late Prison Congress, a brief historical review of the labours of the workers in the reduction to practice of the ethical precepts inculcated, will show how far they are correct in their application to the management of prisons, and effective in securing the chief ends these institutions are intended to serve. The data being thoroughly reliable, and the beneficial results beyond dispute, they may fairly be considered to settle a question, which is still a subject of discussion with those, a fast diminishing number, who continue to believe in the doctrine of hard fare, hard labour, and harsh treatment, as the measures best calculated to repress crime, reform criminals, and protect society.

For our own country the steps, legislative and executive, by which the present excellent state of the prisons of Great Britain has been attained, are so well, succinctly, and clearly passed in review in the work on the punishment and prevention of crime, by Sir Edmund Du Cane, in the series of publications known as "The English Citizen," as to render it necessary only to refer to the remarkable little volume in which they are contained. I am familiar with most of the literature devoted to such subjects, and I have no hesitation in placing the condensed and lucid contribution of the present superintendent and distinguished chief of the prison department of England at the head of them all. With some of the minor details of the home system I am however somewhat at issue, and I consider that too much credit is given to the supposed deterrent effect of the discipline enforced as a chief cause of the undoubted diminution of crime.

For the rest of Europe, the analyses by the late Dr. Wines and Mr. Pears, of the transactions of the Prison Congress of London, held in 1872, are the most condensed and reliable authorities known to me. The subsequent Prison Congresses have thrown some light on the question, but cannot be compared with the first of the series in the practical results following them. There is too great a tendency in these bodies to indulge in a lavish profusion of academic essays, which are valuable enough in their way, but enunciate no new principles of action, record no such results as have been attained in England, and leave matters very much as they

find them, in ponderous tomes, which few, if any, have leisure to wade through in the high pressure life of the times in which we live.

The question of the employment under sentence, of prisoners in India, has for many years past been much and carefully considered in that great empire, and what is known there respecting it is so little known and appreciated here, that I desire, as the last occasion on which I shall ever have, to refer to it again somewhat in detail, as showing how far those of us charged with the immediate government of Indian prisons were in advance of public opinion at home, although we had not the means of giving full effect to our views, from causes over which we could exercise no personal control.

Prior to 1838, as stated in my report on the prison system of India, contained in the transactions of the Penitentiary Congress of 1872, the chief occupation of prisoners sentenced to labour was extra-mural, either in making roads or in station improvements. In the former they were employed in great gangs, were encamped or hutted, and were in charge of engineer officers. In the latter they were under the immediate control of the district magistrates. Such employment was found to be a most unhealthy proceeding, to be liable to, and attended with much abuse; was characterised by an entire absence of penal discipline; and whilst of questionable advantage to the State, was abundantly detrimental to the criminals.

The intra-mural employment of convicts was originally one likewise of much abuse—such as to lead the Prison Discipline Committee of 1838, presided over by Lord Macaulay, to recommend 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 of pain as could be borne without injury to health, which latter condition however no great pains were taken to gauge or prevent. Among other devices, tread wheels and cranks were introduced tentatively; but they failed, and were soon abandoned. At that time the doctrine of making prisons a terror to evil doers by measures of undeviating severity was in full force, and reformation altogether ignored.

In 1843, the introduction of remunerative industry in Indian prisons was enjoined by the government of Lord Ellenborough. Rules for its correct performance were enacted and observed, and the results were so successful that in 1856, shortly after being placed in charge of the prison department, I was able to organise an exhibition of jail manufactures in Calcutta. Thirty-six prisons in the lower provinces, and ten in the north-western provinces, contributed to the exhibition. The articles exhibited were cotton

cloths, carpets, blankets, horse clothing, gunny cloth, paper, carpentry, iron works, bricks and tiles, bamboo and reed fabrics, pottery, shoes, and a few other articles. With a few exceptions the exhibits were the ordinary manufactures of the prisoners, the exceptions being fabrics of finer qualities, specially made as samples of the skill attained by some convict workmen, but for which there was no local sale.

Some of the convicts were members of different crafts prior to imprisonment, and were proficient workmen, but the greater number were agriculturists, who had no prior knowledge of any handicrafts, and were taught entirely in the jails. The Sonthals, an aboriginal tribe of central Bengal, became skilled weavers; the Thugs attained celebrity as carpet weavers, dyers, and tent makers in the industrial prison of Jubbulpore; and numerous other prisoners entirely ignorant and uninstructed, attained remarkable skill as printers, lithographers, paper makers, brick makers, potters, carpenters, blacksmiths, and masons.

The exhibition was visited officially and reported on by the Chamber of Commerce of Calcutta, of which the President at the time was the Consul-General of America, and they were agreeably surprised by the extent and variety of the exhibition, and the quality and perfection of workmanship exhibited by several of the articles. They made a suggestive report, the outcome of which was to recommend the establishment of a trade museum in Calcutta, to assist in the development and extension of the industrial and commercial resources of British India, a precursor of the Imperial Institute. The occurrence of the Sepoy mutiny a few months afterwards caused the non-fulfilment of these proposals, and they have not since been revived in India, so far as I know.

In my own report to the Government on the exhibition, I indicated the principles which should regulate prison industry as an instrument of punishment, reformation, and profit, and I followed them up, as far as the means at my command permitted, during the whole subsequent tenure of my office. They were, that convict labour should be penal, profitable, and reformatory; that it should be strictly intra-mural work, controlled and directed by special officers; that every prisoner sentenced to labour should be made to repay to the State as much as was practicable in each case, of the cost of his punishment in jail; and that prisons should be made as much as possible schools of industry, without any relaxation of the justifiable severity of discipline, and as combining more completely than any other system in use, the punishment of the offender with the protection of society.

The mention of the above matters outside of the official reports, which are unknown in England, is contained in the "Journal of the Society of Arts of London," for February, 1872, prior to the holding of the Prison Congress in the same year, and is noticed by the late Dr. Wines at p. 96 of the *Compte Rendu* of the Penitentiary Congress of Stockholm, held in 1878.

There have been two other exhibitions of prison manufactures: one at Rome, the other at St. Petersburg.

In 1864 a second special Prison Commission was appointed, during the vice-royalty of Lord Lawrence, to consider 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. Of this Commission I was a member. Its recommendations referred to juvenile delinquents and reformatories; female prisoners and their treatment; the non-deterrent nature of the existing system, as shown by the great number of reconvictions; the length of sentences as tending to nullify their effects; the want of settled principles of jail management; the necessity of a graduated system of labour, punishment, and rewards; 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 only points of special interest in connection with the present paper, are those regarding the want of settled principles of jail management; and the necessity of a graduated system of labour, punishments, and rewards.

A special sub-committee, consisting of myself, Surgeon-General J. P. Walker, and the late Dr. Farquhar, was appointed to report upon the subject of a jail manual for all India, and upon the adoption of a uniform system of returns of all details of prison administration. My own rules for the prisons of the province under my charge were taken as the basis of our inquiry. In them several details were modified, but the leading principles contained in them were unchanged. These rules again were subject to the scrutiny of two other special committees of judicial officers, and finally of the Government of the Province, when they were embodied in a legislative Act: Act II (B. C.) of 1864.

Before concluding this brief historical record, I deem it right to record an example of the successful application of the true methods of treating crime and criminals which preceded by many years the investigation of the question by Lord Macaulay's Commission in 1838, and the action of the Government of India in 1843. In the interesting and valuable account of transportation contained in the fifth chapter of Sir Edmund Du Cane's work, the

reason of the failure of the system in all but one portion of the Australian colonies is clearly pointed out.

In 1851 I visited the Straits Settlements, then under the rule of my friend Sir Orfeur Cavenagh, and found in existence a system of industrial training of convicts superior to anything we had at that time on the continent of India. It was said to have been inaugurated by the celebrated Sir Stamford Raffles in 1825, when Singapore was first selected for the transportation of convicts from India, and to have been subsequently organised and successfully worked by General H. Man and Major F. McNair. The ticket-of-leave system was in full and effective operation, and very important public works were constructed by means of convict labour, chief amongst them St. Andrew's Cathedral, a great system of waterworks, a palace for the Governor, and most of the roads of the province.

The ticket-of-leave convicts were said to be a well conducted industrious lot, who very rarely committed fresh crimes, who all earned an honest livelihood, and were regarded as respectable members of the community amongst whom they dwell.

The public works were creditable examples of prison industry and skill. St. Andrew's Cathedral, built by Major McNair, of the Madras Artillery, from plans prepared by Colonel Macpherson, entirely with convict labour, struck me as one of the finest specimens of ecclesiastical architecture which I had seen in the East, and I believe there exists in no other country a more remarkable example of the successful industrial training of convicts. Photographs of some of the works referred to are on the table.

13. I will now submit to you a brief analysis of the work accomplished in the prisons of Bengal during five consecutive years of the latter period of my direction of those institutions. I collected them with special care to secure accuracy in all the figures connected with every branch of prison administration considered necessary in the department of judicial statistics by the International Statistical Congress held in London in 1860, under the presidency of the late Prince Consort, and I selected the years 1861-65 because I had then got the department into fair working order so far as the instruments and agencies at my disposal permitted.

Industrial statistics of the prisons of Lower Bengal for the five years 1861-65 inclusive.

14. The whole number committed to prison during that period was 302,274, as shown in the subjoined table:—
Number and classes of prisoners in the jails during the above-mentioned years.

	1861.	1862.	1863.	1864.	1865.	During the whole Five Years.
Committed to jail by the magisterial authorities of the district	36,832	44,945	46,383	49,832	56,709	234,701
Committed by order of civil, revenue, and abkharry authorities of district	1,112	1,776	1,896	2,375	2,694	9,853
Committed under sentences of courts martial	26	47	28	40	35	176
Committed under special orders of Government	—	3	9	12	73	96
Committed by Dacoity Commissioners	299	179	—	—	—	478
Recaptured after escape in previous years	131	145	142	155	136	709
Transferred from one district to another	591	535	585	408	222	2,342
Total committed	38,991	47,630	49,044	52,822	59,868	248,353
Transferred for confinement	—	—	338	2,001	3,033	5,642
" banishment	968	998	56	—	—	2,002
" transportation	741	495	971	1,021	1,384	4,612
" benefit of health	65	237	32	9	7	350
" release	229	290	266	346	185	1,316
" special reasons	453	641	713	10	18	1,835
" after recapture	14	14	21	26	9	84
" sub - divisional lock ups	7,049	7,195	7,355	6,503	7,070	35,171
In transit from one district to another	116	635	760	622	773	2,906
Total removed by transfer	9,635	10,505	10,492	10,538	12,745	53,919
Total admitted	48,626	58,135	59,536	63,360	72,617	302,274

Of the above 302,274 prisoners, 291,761 were males, and 10,513 females, or in the proportion of 28 of the former to 1 of the latter.

As respects religion, 181,073 were Hindus, 109,628 were Mahomedans, and 3,181 were Christians. The remainder were of various denominations, which it is worth while to enumerate now that the census returns of Bengal are becoming more exact and minute, as they will admit of determining, with greater precision than has been heretofore possible, among what classes or sections of the population crime is increasing or diminishing. They also exhibit the strange multitudes, speaking many tongues, and representing divers forms of civilisation, which people our Indian prisons.

They were:—

Sonthals	1,637	Bhutiahs	263	Meerees	23
Coles	923	Konchs	249	Lodaks	20
Cacharees	874	Burmese	166	Rubbahs	15
Garrows	874	Khasiahs	139	Arabs	13
Mughls	830	Meekirs	77	Ghonds	11
Hill Men	750	Kapemlos	63	Khonds	10
Nepaulese	508	Koshs	52	Lalocoongs	8
Ahoms	491	Chinese	44	Hadjees	9
Dhangas	305	Madrasas	37	Jew	1

Of the above 302,274 prisoners there were—

Released from all causes during the quinquennium	230,003, or 70.53 per cent.
Escaped	1,232 „ 0.37 „
Died	6,790 „ 2.09 „
Executed	266 „ 0.08 „

In all 73.07 per cent. were discharged, and the remainder, amounting to 26.92 per cent., remained on the last days of the several years, making a grand total of 388,136 prisoners.

Of the prisoners convicted of crime, 11,447 were for terms carrying with them labour sentences, and 84,614 had short terms of imprisonment, extending to a year, which exercised an adverse influence on their industrial employment.

I hoped to have been able to reproduce the tables in my official report showing the daily average numbers in each prison engaged in the several branches of industry practised—35 in number—but it was impracticable to reduce the tables to the dimensions required by our small 8vo. pages.

The greatest numbers were employed in weaving coarse and fine cloths, blankets, towelling, and carpets, brick making, carpentry, printing. Every prison contributed something, however small, to the general result.

Before proceeding to record the industrial and financial results of the quinquenniad, I wish to make special mention of the origin of the system of appointing well conducted prisoners to offices of trust and responsibility in the jails of Bengal.

It was inaugurated originally by a distinguished civilian, the late Mr. Samuels, in the Alipore jail, of which he was at the time the magistrate in charge, and I found it in effective operation when the control of the prison department was entrusted to me. The original intention of the measure was to have a trustworthy agency to look after the most troublesome and refractory prisoners when locked up at night. The plan had succeeded so well, that I obtained the sanction of the Government to its general introduction in the other prisons of the province. In 1861 the number so employed was 153, and they were without exception well conducted.

The statistics of the working of the measure for the four succeeding years are contained in the subjoined table:—

1861 to 1865.	Number of Prisoners Employed as				Sex.		Conduct.				Ratio per Cent. of Ill Conducted to Total Number Employed.	Ratio per Cent. of Well Behaved to Total Number Employed.	Ratio per Cent. of Total Employed to Mean Population in Jail.	
	Work Overseers.	Warders.	Guards.	Total.	Males.	Females.	Very Good.	Good.	Bad.	Indifferent.				Very Bad.
1861.....	No details			153	153	—	—	—	—	—	—	—	100.00	0.94
'62.....	50	142	157	349	349	—	349	—	—	—	—	—	100.00	2.00
'63.....	90	255	269	614	611	3	481	114	—	3	—	—	80.94	3.42
'64.....	222	310	155	689	676	11	589	25	24	—	—	—	92.87	3.77
'65.....	326	310	173	809	806	3	669	73	4	20	—	—	88.01	4.29
Total	688	1,017	754	2,612	2,595	17	2,241	212	28	23	—	—	89.93	2.94

Of the convict guards, work overseers, and warders 90 per cent. were well conducted. The 10 per cent. who proved unsteady were prisoners who ought never to have been selected, and who owed their position to the corruption of the jailers, and the negligence of the officers in charge, who allowed the selection to fall into the hands of their subordinates. As a measure of economy the plan had proved eminently successful, and as a measure of reformation I was satisfied it had been attended with good effects up to the time I was in India. All those who were degraded for misconduct felt the disgrace keenly, as I ascertained during my inspections, from the earnest manner in which they pleaded to be reinstated, on the ground that they had been wrongfully charged with misdeeds not committed by them.

Now that the prisons in England have been placed under the control of a responsible prison board, uniformity of system, a graduated scale of labour, rewards, and punishments have been introduced, I see no reason why the plan should not be tried at home. It would, I am satisfied, be attended with success, as a mode of recognising the advantages of obedience and industry, and as a means of inculcating habits of self-control and self-reliance, such as could not fail to be useful to those who had passed successfully through the ordeal, when restored to liberty.

The rules on the subject of rewards to well-conducted convicts, extracted from the Bengal jail code, are contained in the Appendix.

I also introduced, and the Government under which I served sanctioned, in the jail code above referred to, a tentative plan of intermediate improvement, so far as it could be adopted without cellular prisons, based somewhat upon that of Sir Walter Crofton, which I had seen in operation in Ireland.

The privilege in 1865 was only granted to six of the 20,000 inmates of the prisons. One of them was an European. Four of them had been work overseers or convict guards, and two had long discharged the duties of clerks in the offices of their jails. The reports of the officers in charge of their respective prisons stated that their conduct was unimpeachable during the period of probation, that they fulfilled faithfully the conditions imposed on them, and that the scheme had already produced good effects on the other prisoners in stimulating them to good conduct and increased industry.

15. These I collected with great care, and in considerable detail to secure accuracy, and to throw a light upon the efficacy of the plan which I then considered, and still believe, to be best adapted for the threefold purposes of imprisonment, viz., the punishment of crime and protection of

society, the reformation of the offender, and his restoration to society a wiser and better man, and the repayment of as much as could be effected by prison industry of the cost to the State of the maintenance of prisons and the expensive agency connected with them.

The motives which guided me, when by personal examination of the prisoners and institutions under my charge I was able to form a judgment on the subject, were—

1st. That idleness was the chief cause of by far the greater part of the constant war upon property waged by the habitually criminal classes.

2nd. That ignorance is the inseparable companion of idleness, and its great ally crime.

3rd. That as respected the inhabitants of Bengal generally, ignorance, superstition, and a low standard of morality, combined with ethnological conditions imperfectly known, because little studied, were the exciting causes of the majority of crimes against the person.

Except in the case of Thugs, and probably of professional prisoners, the habitually criminal classes in my circle of superintendence were those who preyed upon property without acts of personal violence, unless when disturbed or resisted in their proceedings, or when likely to be identified.

Those engaged in affrays attended with homicide, murder from jealousy, revenge, and other uncontrolled passions, and all criminals guilty of such like crimes, formed a very small proportion of the inmates of my prisons. The number of persons sentenced to be executed in the five years 1861-65 was 147, viz., 138 men and 9 women, which is very small amongst a population of 60 millions, in some sections of which human life is held in little regard, and the temptations to acts of lawless violence are very great.

Ninety per cent. of the prisoners were men who would not work, who sought the means of gratifying their evil passions by theft and fraud, and to whom continuous labour in any form was utterly distasteful.

The correction of this condition appeared to me to be compulsory labour, and I early ascertained that the maintenance of discipline was strictly consistent with the conversion of prisons into schools of industry. The teaching of handicrafts and the formation of habits of industry, supplemented by a humane and judicious system of rewards and punishments, constituted in my judgment the best and soundest measure of reformation in a country where religious influences cannot be brought to bear as an instrument of correction upon character and conduct.

It was charged against this system that punishment was subordinated to reformation, and that both were sacrificed to profit from the labour of the convicts.

I then pointed out that I regarded punishment and reformation as standing very much in their relation to each other as curative and preventive measures in medicine. The former only acts as pain does, on the individual; the latter may influence whole communities. This view I hold to be in strict accordance with the recent legislation of most countries on the subject of prisons and prisoners. The infliction of mere physical pain and personal suffering had long been abandoned in the taming of animals, and was still less applicable to the treatment of the moral disorders which make prisons a necessity of civilisation.

Of two descriptions of labour which act equally in causing physical exhaustion, that which resulted in a marketable commodity I considered to be of far more use as an instrument of reclamation, than that which was an entire waste of physical power.

If calculated in the manner known to physiologists, for example, the weaving of coarse fabrics, press work, and other remunerative hard labour were found by direct experiment at the end of a long day's work, to have caused as much wear and tear as the tread-wheel and the crank. The dogged resistance to authority and the feelings of resentment produced by all aimless descriptions of labour are altogether destructive of the feelings and influences that lead to reformation. The conversion of a hardened offender, who is really an unproductive consumer, into a productive self supporter, as I have already stated, is no mean result obtained from the teaching of a handicraft which will enable a prisoner to earn an honest livelihood on release.

Of the prisoners with labour sentences, numbering 114,447, 88,614 were for short terms extending to a year. These were of necessity put to simple tasks, in which no training or mechanical skill was needed. Of those sentenced for long periods a daily average of 258 were employed in the Alipore Jail Press. The disposal of the remainder is shown in Table II of the Appendix.

About 60 per cent. were employed in handicrafts or in garden cultivation, nearly 10 per cent. as jail servants, and $2\frac{1}{2}$ per cent. as convict warders and work overseers, for whom no money charge was credited. A very small proportion were engaged in out-door labour and on public buildings, nearly 5 per cent. were constantly sick, and an average of 12 per cent. were unoccupied on Sundays and holidays.

The handicrafts pursued were chiefly weaving of cloth, blankets and gunny, carpentry, smiths' work, brickmaking, pottery, paper making, oil pressing, printing, lithography, and bookbinding.

The most remunerative of all the industrial occupations was the printing carried on at the Alipore Jail Press, in which the greater part of the form work of the Government of Bengal was performed at a slightly lower rate than the ordinary charges of private printing presses. The rates were fixed by a committee, consisting of myself, the leading private printer of Calcutta, and an officer of the Government secretariat, who was a practical printer.

After paying all charges, including the cost of type, presses, chases, &c., the net profit realised in the five years was estimated at 79,000*l.*, as detailed in Table V of the Appendix.

The general out-turn of the quinquenniad realised a net profit of 193,000*l.*, which was returned to the State by the utilisation of the labour of 63 per cent. of the prisoners sentenced to rigorous confinement.

The Alipore and Hooghly jails were continuously self-supporting. The prisoners employed in six other prisons earned more than the cost of their maintenance.

Including the cost of constabulary guards, the repairs and additions to the buildings by the public works department, and the cost of general superintendence, added to the actual outlay for the maintenance of the prisoners under all other heads of charge, was 56 rupees, and the net cost 30 rupees, or 5*l.* 12*s.* and 3*l.* respectively—the rupee being at that time calculated at 2*s.* All the particulars connected with these results are contained in Tables VI and VII of Appendix A.

All this was realised with a very defective construction of many of the prisons, and in many places no markets for the sale of such of the products of prison industry as were not utilised in the prisons themselves. The defects were all duly reported to the Government as they came under observation, in accordance with a stringent order of the Lieutenant-Governor of the time, Sir J. P. Grant, to the effect that "it is only by frequent and thorough inspection, and by an unsparing exposure of all defects in jails, that a strict observance of rules can be enforced, and that the Government can be kept aware of what is required on its part to bring the system and practice in every jail up to the proper standard."

The analysis of the occupation of the 302,000 prisoners confined in the five years, contained in Table I of Appendix A, shows the very unpromising nature of the material which had to be trained to industrial pursuits.

Sections 3 and 4 of the rules exhibit the classification of labour, and the proportion of the class of labour assigned to each class of prisoners according to sentence, in order that those

sentenced for short terms, usually first convictions, and for minor offences, should be deterred from offending again.

16. So far as I had the means of judging from the reports of those of the officers of the department who took an interest in the matter, very few of the convicts who became skilled artizans or had served as prison subordinates ever returned to the jails in which they were trained, or committed fresh crimes. The means we then possessed of identification were confessedly imperfect, but I had no reason to doubt the general accuracy of the information furnished to me.

The maintenance of discipline was accomplished without inhumanity, so far as I could ascertain in my inspections, but disciplinary punishments were much too frequent, and chiefly caused by the insecurity of many of the prisons. A more liberal policy in dealing with this difficulty by placing more funds at the disposal of the local governments was shortly afterwards inaugurated by the late Lord Mayo.

It was originally my intention to have considered together the ethics of crime and punishment, so as to trace the connection of the career of the convict with the crime committed by him, the punishment suffered by him, and the means best adapted for his restoration to society when a free man. I found, however, that it would be impossible to adopt this course from its unmanageable extent, and the absence of the details necessary to its right understanding in the case of most crimes. I found also that the specific and detailed information required for gauging the efficacy of the means employed by prisoners' aid societies, prison missions, and police supervision, to prevent relapse into crime, were non-existent. The main object of discipline in prison is to render the convict self-reliant, and to furnish him with the means of working out his own redemption when he has regained his freedom, so as to prevent his relapse into crime. Is it quite certain that the effect of much that is done for him by well meaning philanthropy is not more or less antagonistic to this, and calculated to cause him to rely more upon others than upon himself? This, I think, should be clearly ascertained in the only manner in which such questions can be determined. I am unable to undertake it, hence I advisedly restricted my contention to the interior of the prisons.

With these remarks I take my final leave of a question which occupied so many years of my official life, in the performance of responsible and onerous duties, in the which I invariably received the cordial support and approval of the authorities under whom I served.

APPENDIX A.

TABLE I.—*Analysis of the Occupations of the Prisoners admitted to the Jails and Lock-ups of the Lower Provinces, during the Quinquennial Period 1861-65.*

Of the 302,274 admissions into the jails of the Lower Provinces during the quinquennial period 1861-65, there were as regards occupation prior to imprisonment:—

Agriculturists	206,974	Malies, gardeners	178	Drummers	13
Coolies	46,551	Ghatwals	158	Markmen	13
Shopkeepers	11,574	Butchers	141	Distillers	13
Chowkeedars, peons, } and other watch- } men	3,486	Cowherds	120	Sailmakers	13
Seamen, boatmen, } manjees, &c. }	3,041	Potters	115	Bookbinders	11
Weavers	3,032	Jewellers, goldsmiths ..	109	Scholars	11
Servants	2,901	Undertakers	97	Money lenders	10
Beggars	2,344	Saltpetre manu- } facturers	89	Gilders	9
Fishermen	2,014	Budmashes or vagrants ..	85	Stone cutters	9
Writers, mohurers, } gomastahs, sircars, } &c. }	1,994	Woodcutters	84	Sugar manufacturers .	7
Zemindars, talook- } dars, landholders, } &c. }	1,769	Mooktears	83	Lamplighters	7
Milk sellers	1,753	Grass cutters	80	Sirdars	7
Shoemakers	1,190	Bheesties	79	Idol makers	7
Carpenters	1,077	Printers, compositors, } pressmen	73	Stationmasters	6
Basket makers	965	Lattials, pulwans	69	Farriers	6
Priests	961	Dufteries	62	Stewards	6
Washermen	728	Ghuramies	60	Postmasters	5
Barbers	707	Artisans	57	Fortunetellers	5
Methers	649	Engineers, engine dri- } vers, tindals, firemen }	54	Gasfitters	5
Blacksmiths	600	Tinsmiths	47	Tea planters	4
Goldsmiths	546	Salt manufacturers	45	Opium and gunja } sellers	4
Prostitutes	491	Teachers, moonshees	44	Signallers	3
Oil sellers	464	Blanket makers	42	Sunkho (shell) sellers	3
Shepherds	432	Punkha sellers	39	Coopers	3
Tailors	400	Beetle sellers	34	Princes	2
Domes	373	Overseers	26	Mountebanks	2
Durwans	369	Churundars	26	Tobacconists	2
Sepoys, soldiers	353	Vegetable sellers	24	Banker	1
Toddy sellers	311	Midwives, dais	23	Boilermaker	1
Koberajes, native } doctors, com- } pounders, &c. }	280	Hatmakers	23	Pleader	1
Bhandaries	259	Confectioners	23	Preventive officer	1
Cooks	245	Painters	23	Slave	1
Mason, bricklayers ...	213	Sawyers	22	Stamp vendor	1
Firewood sellers	215	Braziers	22	Nujeel	1
Songsters, dancers, } musicians, nugdies, } &c. }	193	Dyers	22	Astrologer	1
Brokers	191	Umbrella sellers	21	Indigo planter	1
		Lunatics (occupation } unknown)	21	Captain of a ship	1
		Belders	20	Clockmaker	1
		Fukeers	19	Musalchee	1
		Bakers	19	Gunner	1
		Dewans	18	Hatmaker	1
		Poets	17	Jockey	1
		Goraites	14	Editor	1
				Total	302,274

Of the above, 181,073 were Hindoos; 109,620 Mahommedans; Christians, 3,181; the remainder, between 6,000 and 7,000, were of various denominations, including Chinese, Burmese, Nepalese, and some aboriginal tribes.

TABLE II.—Disposal and Employments of the Prisoners.

Employment of Prisoners.	1861-62.		1862-63.		1863-64.		1864-65.		1865-66.		During the Quinquennial Period 1861-62—1865-66.	
	Daily Average Strength.	Ratio per Cent. on Average Strength in Confinement.	Daily Average Strength.	Ratio per Cent. on Average Strength in Confinement.	Daily Average Strength.	Ratio per Cent. on Average Strength in Confinement.	Daily Average Strength.	Ratio per Cent. on Average Strength in Confinement.	Daily Average Strength.	Ratio per Cent. on Average Strength in Confinement.	Daily Average Strength.	Ratio per Cent. on Average Strength in Confinement.
Employed in ordinary manufactures—												
Manufactures—												
Garden	7,819	58.65	8,397	59.88	8,312	61.50	8,889	62.21	8,303	59.30	41,720½	60.30
Employed in the Alipore Jail Press	824	1.38	867	1.59	921	1.79	582½	1.84	1,126	1.82	4,388½	1.69
Hired by the Department of Public Works	204	0.97	246	0.42	269	0.20	281	0.34	290	0.37	1,290	0.87
Hired by other departments	143½	2.36	65	2.31	80	1.94	51½	1.09	377	0.58	665½	1.67
Employed as jail servants	348½	11.56	358	9.21	300½	8.55	166½	9.12	93	8.85	1,268.75	9.44
Employed as jail servants, warders, and guards	1,7.4	0.96	1,425	1.93	1,283	3.03	480	3.15	1,407	3.55	7,027	2.54
Employed on the roads	141.25	0.71	290	6.25	450.75	0.63	73	0.48	27	0.17	337	0.44
Employed on the roads, miscellaneous duties	104	5.22	713	4.61	487	2.91	395.50	2.60	682	4.29	2,995.50	3.92
Employed in light work, weak, old, and convalescents	—	—	194	1.26	263.75	1.78	234	1.54	226	1.42	917.75	1.20
Inefficient from age	298	6.20	773	4.99	819	5.45	589	3.87	633	3.98	3,727	4.88
Excused labour on Sundays and holidays	1,469	5.97	1,770	11.44	1,760	11.73	2,004	13.16	2,045	12.84	9,045	11.85
Total	14,737	100.00	15,472	100.00	15,013	100.00	15,225	100.00	15,902	100.00	76,349	100.00

TABLE III.—The Out-turn of the Five Years.

	In 1861-62.				In 1862-63.				In 1863-64.			
	Prisoners—204.		Prisoners—246.		Prisoners—204.		Prisoners—246.		Prisoners—269.		Prisoners—269.	
	R.	A. P.	R.	A. P.	R.	A. P.	R.	A. P.	R.	A. P.	R.	A. P.
Total out-turn of the years			2,89,426	8 6			2,25,123	4 -			3,32,584	15 6
Value realised out of outstanding amounts.....	1,10,536	7 6			20,410	1 10			1,17,313	- 9		
Balance of outstandings ...	36,715	11 6			64,824	9 9			—			
Value of stock in store at the close of each year.....	18,698	5 -			6,199	5 1			4,018	14 6		
Gross out-turn			1,65,950	8 -			91,434	- 8			1,21,331	15 3
Deduct charges.....			4,55,377	- 6			3,16,562	4 8			4,53,916	14 9
Net out-turn			83,519	8 3			81,863	1 8			1,09,760	10 -
Deduct amount unrealised at the close of each preceding year...	1,47,252	3 -			85,234	11 7			1,17,313	- 9		
Value of stock in store at the close of each preceding year	15,000	- -			18,698	5 -			6,199	5 1		
Net profits.....			1,62,252	3 -			1,03,933	- 7			1,23,512	5 10
			2,09,605	5 3			1,30,766	2 5			2,20,643	14 11

	In 1864-65.				In 1865-66.				During the Quinquennial Period 1861-62 to 1865-66.			
	Prisoners—281.		Prisoners—290.		Prisoners—281.		Prisoners—290.		Prisoners—1,290.		Prisoners—1,290.	
	R.	A. P.	R.	A. P.	R.	A. P.	R.	A. P.	R.	A. P.	R.	A. P.
Total out-turn of the years			1,50,522	12 3			1,50,239	1 4			10,21,345	14 -
Value realised out of outstanding amounts.....	19,742	14 3			9,824	4 9			2,77,826	13 1		
Balance of outstandings ...	—				—				—			
Value of stock in store at the close of each year.....	—				1,712	5 2			1,712	5 2		
Gross out-turn			19,742	14 3			11,536	9 11			2,79,539	2 3
Deduct charges.....			1,70,265	10 6			1,61,775	11 3			13,00,885	- 3
Net out-turn			37,207	8 11			32,180	11 3			3,44,531	8 1
Deduct amount unrealised at the close of each preceding year...	15,723	15 9			9,824	4 9			1,47,252	3 -		
Value of stock in store at the close of each preceding year	4,018	14 6			—				15,000	- -		
Net profits.....			1,9,742	14 3			9,824	4 9			1,62,252	3 -
			1,13,315	3 4			1,19,770	11 3			7,94,101	5 2
Average earning per prisoner											615	9 3 8

TABLE IV.—Value Realised from the Work.

	In 1861-62.			In 1862-63.			In 1863-64.		
	R.	A.	P.	R.	A.	P.	R.	A.	P.
Value of manufactured articles sold, for which money was realised and paid into the Treasury	3,76,129	15	7 $\frac{3}{4}$	3,85,731	11	7 $\frac{1}{2}$	4,01,223	-	1 $\frac{3}{4}$
Value of manufactured articles used for public purposes	8,806	12	2 $\frac{1}{4}$	7,511	14	2 $\frac{3}{4}$	11,561	3	6 $\frac{1}{2}$
Value of manufactured articles in store at the close of each year	64,691	10	9 $\frac{1}{2}$	81,328	5	4 $\frac{1}{4}$	1,70,252	10	4
Total	4,49,628	6	7 $\frac{1}{2}$	4,74,571	15	2 $\frac{1}{2}$	5,83,036	14	9 $\frac{1}{4}$
Deduct value of manufactured articles in store at the end of each previous year	75,284	15	10	59,367	10	9 $\frac{1}{2}$	1,36,246	6	5 $\frac{1}{4}$
Gross receipts of the year	3,74,343	6	9 $\frac{1}{2}$	4,15,204	4	5	4,46,790	7	7
Deduct cost of raw materials, &c.	1,70,444	9	10 $\frac{1}{4}$	1,98,385	3	1 $\frac{3}{4}$	2,27,018	12	7 $\frac{3}{4}$
Net profits, exclusive of the profits of the Alipore Jail Press	2,03,898	12	11 $\frac{1}{4}$	2,16,819	1	3 $\frac{3}{4}$	2,19,771	10	11 $\frac{1}{4}$

	In 1864-65.			In 1865-66.			During the Quinquennial Period 1861-62 to 1865-66.		
	R.	A.	P.	R.	A.	P.	R.	A.	P.
Value of manufactured articles sold, for which money was realised and paid into the Treasury	4,84,759	7	- $\frac{1}{2}$	4,77,375	6	3 $\frac{1}{2}$	21,25,219	8	9
Value of manufactured articles used for public purposes	5,912	-	11	10,671	8	2	44,463	7	- $\frac{1}{2}$
Value of manufactured articles in store at the close of each year	1,06,164	8	5 $\frac{1}{4}$	1,52,477	4	2	1,52,714	4	5
Total	5,96,836	-	4 $\frac{3}{4}$	6,40,524	2	7 $\frac{1}{2}$	23,22,397	4	2 $\frac{1}{2}$
Deduct value of manufactured articles in store at the end of each previous year	98,431	1	6 $\frac{3}{4}$	1,06,164	8	5 $\frac{1}{4}$	83,863	-	-
Gross receipts of the year	4,98,404	14	10	5,34,359	10	2 $\frac{1}{4}$	22,38,534	4	2 $\frac{1}{2}$
Deduct cost of raw materials, &c.	2,84,021	8	1 $\frac{1}{4}$	3,23,167	2	11	12,03,037	4	8
Net profits, exclusive of the profits of the Alipore Jail Press	2,14,383	6	8 $\frac{3}{4}$	2,11,192	7	3 $\frac{1}{4}$	10,35,496	15	6 $\frac{1}{2}$

TABLE V.—Net Profits Realised, inclusive of the Alipore Jail Press.

	In 1861-62.			In 1862-63.			In 1863-64.			In 1864-65.			In 1865-66.			During the Quinquennial Period 1861-62 to 1865-66.		
	R.	A.	P.	R.	A.	P.	R.	A.	P.	R.	A.	P.	R.	A.	P.	R.	A.	P.
Net profits on ordinary manufactures	2,03,898	12	11 $\frac{1}{4}$	2,16,819	1	3 $\frac{3}{4}$	2,19,771	10	11 $\frac{1}{4}$	2,14,383	6	8 $\frac{3}{4}$	2,11,192	7	3 $\frac{1}{4}$	10,35,496	15	6 $\frac{1}{2}$
Net profits from the printing department of the Alipore Jail	2,09,605	5	3	1,30,766	2	5	2,20,643	14	11	1,13,315	3	4	1,19,770	11	3	7,94,101	5	2
Amount credited to this department for value of convict labour hired to the Department of Public Works	4,319	14	5	2,421	6	4	1,035	4	6	1,020	3	2	10,783	5	6	19,580	1	11
Amount received for value of convict labour lent to other departments	7,383	6	3	11,904	9	3 $\frac{1}{2}$	9,295	13	1 $\frac{1}{4}$	10,756	1	5	9,016	8	9	48,356	6	10 $\frac{1}{4}$
Amount in fines in commutation of labour	27,306	15	-	2,751	-	-	3,135	12	-	2,275	2	2	1,415	4	-	36,884	1	2
Total value	4,52,514	5	10 $\frac{1}{4}$	3,64,662	3	3 $\frac{3}{4}$	4,53,882	7	6	3,41,750	-	9 $\frac{1}{4}$	3,52,178	4	9 $\frac{1}{4}$	19,34,418	14	7 $\frac{1}{2}$

TABLE VI.—Gross and Net Cost of Maintenance under every Head of Charge.

	1861-62.				1862-63.				1863-64.					
	Prisoners—16,611.				Prisoners—17,761.				Prisoners—18,168.					
	R.	A.	P.		R.	A.	P.		R.	A.	P.			
<i>Food.</i>														
Rations	3,31,786	5	11½		3,53,528	8	3		3,57,432	8	-			
Money allowance														
				3,31,786	5	11½		3,53,528	8	3		3,57,432	8	-
<i>Establishment.</i>														
Fixed executive staff and } warder establishment }	1,11,881	13	11		1,07,619	9	6		85,617	3	10			
Extra burkundauze guards }	29,259	13	4½		18,424	10	5½		20,173	1	10½			
				1,41,141	11	3½		1,26,044	3	11½		1,05,790	5	8½
<i>Hospital Charges.</i>														
Bazar medicines	3,171	-	½		3,223	12	1½		3,807	-	3½			
Sick diet	4,191	6	7½		4,885	13	7½		4,915	4	7½			
Furniture	171	5	6		686	5	2		1,011	10	5			
				7,533	12	2		8,305	14	11		9,733	15	4½
<i>Clothing.</i>														
Cloth, bedding, and } blankets				36,506	12	10½		44,088	-	1½		54,794	2	2
<i>Public Works Charges.</i>														
Additions, alterations, } and repairs				8,432	11	6½		10,924	13	4		9,883	5	10½
<i>Contingencies.</i>														
Contingent expenses, in- } cluding stationery ... }				26,485	9	11½		27,730	-	½		27,508	-	7½
Gross cost of maintenance				5,51,886	15	9		5,70,621	8	7½		5,65,143	5	8½
Deduct value of labour ...				4,56,803	3	7½		3,64,662	3	3½		4,53,902	10	3
Net cost of maintenance...				95,083	12	1½		2,05,959	5	3½		1,11,240	11	5½

	1864-65.				1865-66.				During the Quinquennial Period 1861-62 to 1865-66.					
	Prisoners—17,961.				Prisoners—18,811.				Prisoners—89,312.					
	R.	A.	P.		R.	A.	P.		R.	A.	P.			
<i>Food.</i>														
Rations	4,48,429	6	4		5,90,557	9	9½		20,81,734	6	4			
Money allowance														
				4,48,429	6	4		5,90,557	9	9½		20,81,734	6	4
<i>Establishment.</i>														
Fixed executive staff and } warder establishment }	96,238	3	10		1,43,920	4	9		5,45,277	3	10			
Extra burkundauze guards }	16,876	14	10½		12,759	14	9		97,494	7	4			
				1,13,115	2	8½		1,56,680	3	6		6,42,771	11	2
<i>Hospital Charges.</i>														
Bazar medicines	3,535	15	6½		3,560	10	1		17,308	6	1			
Sick diet	6,579	1	8		7,698	10	2½		27,770	4	9			
Furniture	507	15	9		213	-	-		2,590	4	10			
				10,623	-	11½		11,472	4	3½		47,668	15	8
<i>Clothing.</i>														
Cloth, bedding, and } blankets				78,555	14	3½		77,918	-	3½		2,91,863	13	8
<i>Public Works Charges.</i>														
Additions, alterations, } and repairs				10,385	13	5½		21,090	-	6½		60,716	12	9½
<i>Contingencies.</i>														
Contingent expenses, in- } cluding stationery ... }				37,860	6	-		42,628	13	2		1,62,212	13	9½
Gross cost of maintenance				6,98,969	11	9		9,00,346	15	7½		32,86,968	9	5
Deduct value of labour ...				3,43,287	13	1½		3,54,150	2	10½		19,34,418	14	7½
Net cost of maintenance...				3,55,681	14	7½		5,46,196	12	8½		13,52,549	10	9½

TABLE VII.—Gross and Net Cost of Maintenance per Prisoner under each Head of Charge.

	1861-62.			1862-63.			1863-64.						
	Prisoners—16,611.			Prisoners—17,761.			Prisoners—18,168.						
	R.	A.	P.	R.	A.	P.	R.	A.	P.				
<i>Food.</i>													
Rations, including money allowance	19	15	9'8	19	14	5'6			19	10	9'		
<i>Establishment.</i>													
Fixed	6	11	·1	6	-	11'3	4	11	4'8				
Extra	1	12	2'4	1	-	7'2	1	1	9'2				
				8	0'5		7	1	6'5		5	13	2'0
<i>Hospital Charges.</i>													
Bazar medicines	-	0'7		-	2	11	-	3	4'2				
Sick diet	-	·5		-	3	11'4	-	4	5'3				
Furniture	-	-	·9	-	-	7'4	-	-	10'7				
				-	7	2'9	-	7	5'8		-	8	7'9
<i>Clothing.</i>													
Cloth, blankets, and bedding			2'2			2	7	8'6			3	-	3'1
<i>Public Works Charges.</i>													
Additions, alterations, and repairs			9	9'8		-	9	10'2			-	8	7'4
<i>Contingencies.</i>													
Contingent expenses, including stationery			-	1'5		1	8	11'8			1	8	2'7
Total	33	4	2'7			32	2	0'5			31	1	8'5
Net cost per prisoner	11	7'5		11	9	6'4			6	1	11'5		

	1864-65.			1865-66.			During the Quinquennial Period 1861-62 to 1865-66.						
	Prisoners—17,961.			Prisoners—18,811.			Prisoners—89,312.						
	R.	A.	P.	R.	A.	P.	R.	A.	P.				
<i>Food.</i>													
Rations, including money allowance	24	15	5'6	31	6	6'3			23	4	11'2		
<i>Establishment.</i>													
Fixed	5	5	·7	7	10	5'6	6	1	8'2				
Extra	-	15	0'4	-	10	10'3	1	1	5'5				
				4	9'1		8	5	3'9		7	3	1'7
<i>Hospital Charges.</i>													
Bazar medicines	-	3	1'8	-	3	0'3	-	3	1'2				
Sick diet	-	5	10'4	-	6	6'6	-	4	11'7				
Furniture	-	-	5'4	-	-	2'2	-	-	5'5				
				-	9	5'6	-	9	9'1		-	8	6'4
<i>Clothing.</i>													
Cloth, blankets, and bedding			4	5	11'8		4	2	3'6		3	4	3'4
<i>Public Works Charges.</i>													
Additions, alterations, and repairs			-	9	3'0		1	1	11'4		-	10	10'6
<i>Contingencies.</i>													
Contingent expenses, including stationery			2	1	8'7		2	4	3'3		1	11	11'2
Total	38	14	7'8			47	14	1'6			36	11	8'1
Net cost per prisoner	19	12	1'1			29	2	6'9			15	2	3'6

APPENDIX B.

*Extracts from Bengal Jail Code of 1864.**Labour and Employment of Convicts.*

1. The law intends imprisonment to be a punishment, and therefore the first thing to be looked to in labour is, not that it should be remunerative, but that it should render a residence in jail a matter of dread, apprehension, and avoidance. Labour is the principal means of enforcing discipline in jails. Suitable provision for intramural labour shall be made in all jails. All extramural labour, except that in the jail garden, is strictly prohibited.

2. The class of labour on which every prisoner sentenced to rigorous imprisonment shall be placed shall be determined by the Medical Officer, with reference to the state of health of the prisoner at the time, and his ability to undergo hard labour. Great care shall be taken that the precautions necessary for the exemption of physically weak and diseased prisoners from the prescribed scale of labour be not improperly exercised, to the undue mitigation of the sentence.

3. Jail labour is divided into three classes, as follows:—

FIRST CLASS.

- | | |
|---------------------------------|--|
| 1. Oil pressing. | 12. Sawing wood. |
| 2. Lime grinding. | 13. Cleaning privies and carrying night soil. |
| 3. Flour „ | 14. Bowing wool. |
| 4. Paper pounding. | 15. Making bricks or drain tiles by machinery. |
| 5. Pounding bricks for soorkee. | 16. Blacksmith's work. |
| 6. Paper polishing. | 17. Sifting flour, at 5 maunds per man daily. |
| 7. Printing (press work). | 18. Breaking stones for metalling roads. |
| 8. Bookbinding (press work). | |
| 9. Digging and carrying earth. | |
| 10. Drawing water. | |
| 11. Cleaving firewood. | |

SECOND CLASS.

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|-------------------------------------|--------------------------------------|
| 1. Masonry. | 9. Cleaning yards and wards. |
| 2. Stone cutting. | 10. Washing paper pulp. |
| 3. Paper making. | 11. Brick and tile making. |
| 4. Blanket weaving. | 12. Cooking and parching grain. |
| 5. Gunny „ | 13. Supplying masons with materials. |
| 6. Cotton cloth weaving. | 14. Storing and weighing grain. |
| 7. Basket making. | 15. Carrying or pumping water. |
| 8. Dworee, rug, and carpet weaving. | 16. Carpentry. |
| | 17. Compositor's work. |

THIRD CLASS.

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| 1. Tailoring. | 6. Barber's work. |
| 2. Dyeing. | 7. Spinning twine or thread. |
| 3. Cloth printing. | 8. Leather work. |
| 4. Folding and stitching books. | 9. Sizing and drying paper. |
| 5. Reading proofs and lithographic writing. | 10. Weeding and removing decayed vegetation. |

4. The proportion of each class of labour allotted to a prisoner shall be regulated according to the length of his sentence as prescribed in the following table:—

Duration of Sentence.	1st Class.	2nd Class.	3rd Class.
Not exceeding 12 months.....	The whole term		
Exceeding 12 months but not exceeding 18 months.....	$\frac{2}{3}$ of the term	$\frac{1}{3}$ of the term	
Ditto 18 months ditto 2 years	$\frac{5}{8}$ „	$\frac{3}{8}$ „	
Ditto 2 years ditto 3 years	$\frac{1}{2}$ „	$\frac{1}{2}$ „	
Ditto 3 years ditto 4 years	$\frac{1}{2}$ „	$\frac{1}{2}$ „	$\frac{1}{3}$ of the term
Ditto 4 years ditto 5 years	$\frac{1}{2}$ „	$\frac{1}{2}$ „	$\frac{1}{10}$ „
Ditto 5 years ditto 6 years	$\frac{1}{2}$ „	$\frac{1}{2}$ „	$\frac{1}{6}$ „
6 years and upwards.....	$\frac{3}{7}$ „	$\frac{3}{7}$ „	$\frac{1}{7}$ „

5. The transfer of a prisoner sentenced to first class labour, from that class of labour to work of the second class, and afterwards of the third class, is to be regarded as an indulgence dependent on conduct, and not as a right. Time spent in hospital by labouring prisoners is to count as third class labour.

6. The labour of all working prisoners shall be regulated as much as possible by task work, the task of each day being at least that performed by a free labourer of the same craft in the district.

7. Every labouring prisoner shall be required to perform a specific task estimated at ten hours of work daily, exclusive of the time occupied at meals; and the Medical Officer of the jail may recommend a proportion of gardening work, in substitution of a corresponding proportion of handicraft employment, for any prisoner for whose health it may be necessary. Convalescent and aged prisoners shall only be employed on such light work as may be determined by the Medical Officer.

8. Any prisoner not compelled to labour by his sentence, or any person committed for trial who is willing to work rather than remain in idleness, shall be permitted to do so provided his consent is *freely* given. In all such cases the prisoner shall be allowed to select the work on which to be employed, and shall be entitled to the full labouring rations of the class or nationality to which he belongs, and to all privileges to which good conduct entitles labouring prisoners. He shall further be allowed, when set at liberty, to receive half the net profits of his entire earnings.

9. All the menial and other duties of the jail which can properly be delegated to prisoners, shall be assigned, at the discretion of the officer in charge of the jail, to labouring convicts, care being taken that no such work shall be assigned to, or exacted from, a Hindu prisoner to whom it may really be objectionable on the ground of caste. Equal care must be observed that no prisoner on a false plea of caste is permitted to evade any labour which he may consider to be onerous or disagreeable. All such cases shall be reported to the Inspector-General of Jails, who, after making due and proper inquiry, shall determine whether the plea advanced is valid or otherwise, and issue instructions accordingly.

10. The proportion of servants and hospital attendants shall on no account exceed 10 per cent. of the prisoners in custody, except in epidemic visitations of disease, when the number of attendants may be increased on the requisition of the Medical Officer, the same being duly reported to the Inspector-General of Jails, whose orders on the subject shall be final.

Scale of servants and hospital attendants. Excess on fixed scale when allowed; all such excess to be reported.

11. All jailors are entitled, in addition to their fixed salaries, to a fixed commission of 10 per cent. on the net profits of manufactures, such net profits being calculated by deducting all charges (except the cost of maintenance of the prisoners) incurred in the production of the manufactures, such as the building and repair of work sheds, tools, machinery, raw materials, pay of work overseers and guards, &c., from the sum realised by the sale of the products of jail industry. No commission shall be claimed or allowed on any unsold article, or on any article of which the cost has not been realised and paid into the local treasury. Two-thirds of this percentage, calculated on an average of the realised net profits of the three previous years, shall be paid in advance and drawn monthly in the contingent bill of the jail.

Rate of commission to jailor; mode of calculating it; advance of commission how arranged.

12. All contracts for the purchase of raw materials, and all handicrafts introduced into the jails, shall be strictly subject to the sanction and approval of the Inspector-General of Jails, without which such contracts shall not be valid, and such changes in the labour of the jail shall not be permitted. As a general rule no handicraft that is neither penal nor profitable, nor of the nature required for weak and sickly prisoners, shall be introduced.

Contracts for supplies not valid unless sanctioned by Inspector-General of Jails. Introduction of new handicrafts to be reported. Handicrafts not penal nor remunerative, or unsuited to weak or sickly prisoners, not to be introduced.

13. In times of epidemic visitations of disease, or whenever from excessive heat or similar causes, it may be absolutely necessary to limit or modify the labour of convicts in jail, a special report of the nature and extent of the modification or limitation considered to be necessary shall be made by the Medical Officer to the officer in charge of the jail, who shall act at once upon the recommendation of the Medical Officer, reporting the matter, with his own observations regarding it, for the information and orders of the Inspector-General of Jails, whose orders on the subject shall be final.

Regulation of labour in times of epidemic visitations of disease, &c. Modifications to be reported.

14. Labouring prisoners refusing to work, neglecting to perform the tasks assigned to them, executing those tasks in a slovenly or careless manner, or wilfully spoiling or destroying tools, machinery, materials, or work, shall be punished in the manner laid down in the regulations regarding punishment for breaches of jail discipline.

Punishment to labouring prisoners refusing work, &c.

15. Except in menial offices and works of necessity, no labouring prisoners shall be compelled or required to work on Sundays.

No work on Sundays. Exception.

16. All prisoners shall wash their own clothing and bedding, and shall bathe at such time and in such manner as the officer in charge of the jail may direct, so as to interfere as little as possible with the ordinary work of the jail.

Rules for ablution and washing of clothes, &c.

17. Any skilled labouring prisoner employed in handicrafts is exempt from further work as soon as his daily allotted task is completed.

Prisoners exempted from labour after task-work is completed.

18. The sum required for the purchase of raw material and machinery, building of worksheds, &c., shall be settled annually by the officer in charge of the jail in communication with the Inspector-General of Jails, and due provision for it shall be made in the budget, a special note of all changes being made for the information and final orders of the Government.

Budget provision to be made for cost of carrying on manufactures.

Inspector-General of Jails, and due provision for it shall be made in the budget, a special note of all changes being made for the information and final orders of the Government.

Rewards for the Well Conducted Convicts.

1. To encourage convicts—male and female—to a strict obedience to jail discipline, and to good conduct generally, those prisoners whose behaviour has been exemplary throughout, and who have completed the prescribed term of labour of the first-class, may be rewarded by employment in the undermentioned subordinate offices in the jail, viz. :—

Nature of indulgence to well conducted convicts. Conditions.

discipline, and to good conduct generally, those prisoners whose behaviour has been exemplary throughout, and who have completed the prescribed term of labour of the first-

- I. Convict Work-overseer.
- II. Convict Warder.
- III. Convict Guard.

2. That the position of these convict work-overseers and guards may not be misunderstood either by themselves or others, the performance of their duties shall be counted as enforced labour of the 2nd class, for which no gratuities of any kind should be allowed.

Abuse of indulgence to be corrected as enforced labour of the 2nd class, for which no gratuities should be allowed.

misunderstood either by themselves or others, the performance of their duties shall be counted as enforced labour of the second class, for which no gratuities of any kind should be granted.

3. No convict shall be employed in any subordinate office in the jail establishment until after the expiry of time of labour of the first class prescribed in the note on the subject.

First-class labour to be completed, before employment in jail establishments.

ment until after the expiry of time of labour of the first class prescribed in the note on the subject.

4. The work-overseers, warders, and guards selected from among the prisoners, shall continue to wear their jail dress, with the addition of a brass badge, on which shall be inscribed the name of the jail and the grade of the wearer.

Convict servants of above classes to wear jail dress; to be allowed a badge; nature of inscription thereon.

shall continue to wear their jail dress, with the addition of a brass badge, on which shall be inscribed the name of the jail and the grade of the wearer.

5. Convict work-overseers, warders, and guards should be treated with the consideration befitting the positions of trust to which they have been elected; their shortcomings should be temperately reprovved apart, so as not to degrade them in the sight of the prisoners over whom they have been placed, otherwise their influence will be nullified.

Rules for the treatment of convict servants of the above classes.

consideration befitting the positions of trust to which they have been elected; their shortcomings should be temperately reprovved apart, so as not to degrade them in the

6. Convict work-overseers, warders, and guards shall not suffer corporal punishment on any summary inquiry.

Not to suffer corporal punishment.

shall not suffer corporal punishment on any summary inquiry.

7. Convict work-overseers, warders, and guards shall be liable to degradation by the officer in charge of the jail for any serious misconduct or failure of duty, a detailed report in each case being made at the time to the Inspector-General of Jails. It is apprehended that this extreme measure will rarely be required, if the prisoners have been well selected for these appointments of trust, their duties thoroughly explained to them, their conduct habitually supervised by the officer in charge of the jail, and charges against them carefully inquired into, to prevent them becoming the scapegoats of negligent jail officers, or the victims of vindictive fellow prisoners. If from the frequency of degradation their tenure of office be rendered uncertain, they will be afraid to do their duty.

Above classes of servants may be degraded; when degraded, report to be made to Inspector-General of Jails. Proviso.

by the officer in charge of the jail for any serious misconduct or failure of duty, a detailed report in each case being made at the time to the Inspector-General of Jails. It is apprehended that this extreme measure will rarely be required, if the prisoners have been well selected for these

8. The aggregate number of convict work-overseers, warders, and guards shall never exceed 10 per cent. of the number of prisoners confined in the jail.

Scale of convict servants of above classes.

9. All appointments by the officer in charge of the jail of well behaved convicts to subordinate offices on the jail establishment shall be submitted, for approval and confirmation, to the Inspector-General of Jails, who shall be furnished, for his guidance, with a copy of the appropriate leaf of the "Prisoners' Historical Register" relating to each convict provisionally appointed. From this his antecedents, in all that relates to his crime, sentence, labour, conduct, &c., in jail, will be apparent, as well as certain information regarding his position in life, residence, occupation, and family, before imprisonment.

Appointment of convicts to office in jail establishment to be reported to the Inspector-General of Jails for confirmation, accompanied by "Prisoners' Historical Register."

10. A convict work-overseer, warder, or guard degraded for misconduct, is permanently ineligible for re-appointment.

When once degraded, cannot again be re-appointed.

The duties of the convict subordinate officers were also strictly defined, and a system of intermediate imprisonment, similar in character but greater in extent than that of Sir Walter Crofton, was also introduced.

(Extract from Rules for the Superintendence and Management of Jails in the Lower Provinces of the Bengal Presidency, made by the Lieutenant-Governor of Bengal, in accordance with the provisions of Act II (B.C.) of 1864.)

DISCUSSION ON DR. MOUAT'S PAPER.

THE CHAIRMAN said Sir EDMUND DU CANE, Director of Prisons, had been prevented, very much to his own disappointment, from being present, but had furnished the following memorandum which perhaps the Society would accept as the expression of his views upon this subject:—

"I should like first to observe that the paper which has just been read affords a remarkable instance of the wide field of experience which we Englishmen have to draw from in discussing our affairs, in consequence of a large part of the earth which in one form or another we govern; and of the able administrators which our Indian Empire develops and sometimes returns to us to help in regulating our affairs at home, among whom Dr. Mouat is a distinguished example.

"In the soundness of the principle advocated in the paper, that industrial labour should form a main feature in prison treatment, I entirely agree. In convict prisons this has always been adopted; except for special purposes, and for very short terms, no other sort of labour has ever been enforced in them.

"We have employed convicts, as is well known, in executing very large public works at our dockyards and naval stations, on works of fortification, and in farming, and they have done very

valuable work in building their own prisons. These works have afforded a great variety of industries. We have also done work in making boots and clothing for our own use and for the police, and certain other manufacturing work for other public departments, and have tried to find other employment with more or less success.

"But finding suitable labour for all is very difficult, and it was largely for the purpose of getting some suggestions from outside on this point that I read a paper at the Society of Arts in 1872—not, however, I am sorry to say, with the result I hoped for. But as convicts under sentence of penal servitude remain in prison long enough to learn a trade, one of the great difficulties which we have to contend with in the case of the short sentence prisoners is in their case absent. Here, nevertheless, a good deal has been done, especially of late years. After 1865, the local prisons were, until 1878, regulated in the main under an Act passed in the former year, of which a leading provision is that all male prisoners over 16 years of age, sentenced to hard labour, shall for the whole of their imprisonment, if under three months, or for at least three months, if their sentence is longer, be employed at hard labour of the treadwheel type. If the visiting justices thought proper they might be so employed for the whole of their sentences however long.

"These provisions did not recommend themselves to all the prison authorities of those days; some of them thought they led to great waste of labour, and it was arranged that in practice mat making, if a heavy beater was used, might be considered to satisfy the conditions of the Act. It was thought also that if the treadwheel was turned to a useful purpose, as in grinding corn or pumping water, the objections would be met.

"Before the passing of the Prison Act, 1877, Mr. Cross (now Lord Cross) consulted me on the subject of this clause in the Act of 1865, and I advocated reducing the term of this sort of labour to one month, which was accordingly done by the Prison Act, 1877. But grinding a treadwheel or a crank is not an employment which in any way appeals to the faculties which one wishes to develop or to work on in reforming a prisoner, and it may be asked why not do away with it altogether. There are two reasons. One is that a very large number of the prisoners who are received in our local prisons are under very short sentences, such as seven days to twenty-eight days, and a very large proportion of them know no trade which could be practised in prison, and under the conditions of prison life. Time is too short to teach them anything, and there is nothing for it in the case of these sentences but labour of the kind I have described as of the treadwheel type, varied perhaps by oakum picking. Then for the sake of treating all prisoners alike, and because it is an advantage to make a man feel that industrial labour is a privilege to be gained, the prisoners whose sentences are longer are passed through a similar stage of penal labour, after which they are employed at any higher kind of labour we can find for them.

"Since the Act of 1877 a very great variety of employments

have been introduced into the local prisons, in supplying our own wants and those of other government departments where we have succeeded in persuading them to give us work, in which however we have not been very successful.

"We are driven therefore to the manufacture of articles for sale to the public, and the principal article we make is mats. In this matter we are beset by a chronic agitation of master manufacturers and their workmen in the form of a protest that the wages of free mat makers are kept down by the competition of prison labour. As we have during the last thirteen years reduced the number of our mat makers in order to satisfy this complaint from upwards of 3,000 to under 1,000, whose labour being very unskilled is thought not to be equal to more than one-fourth or one-fifth of the same number of free men, and as free wages have not apparently been improved thereby, but the number of new firms of mat makers has considerably increased, it is more than doubtful whether our small competition has any effect at all on the wages. Certainly the same reason as makes it suitable for prisoners and for blind institutions, &c., viz., the facility with which it can be acquired, will always keep wages low in this trade, and the cessation of mat making as a prison manufacture will not prevent but rather encourage the foreign competition which is now springing up on the continent of Europe, in India, and in our colonies, by which the English mat trade will lose the foreign market even if foreign makers do not compete with those in England.

"Nor can I think that with the small dimensions our trade is now reduced to, the profits of the master manufacturer would be increased even by our totally ceasing the employment, though they no doubt think otherwise.

"The prison system is of course only one of several agencies by which crime is repressed, but inasmuch as in former years, when crime was increasing, the principal part of the blame was attributed to the defects of the mode of carrying out penal sentences, so now that crime is decreasing in a most remarkable way we may fairly say that the prison system contributes to the result.

"I send with this two diagrams, of which one shows the extraordinary and continual decrease in the average prison population every year since 1878, and the other which shows the fluctuations of the prison population during the course of each year. It will be seen that in January, 1891, we touched a lower level by 1,500 than had ever before been known, and the population was then 6,600 lower than the lowest population on the average of the five years 1878-83. The reports of the commissioners and directors of prisons show that the decrease in the population of the prisons is coincident with a diminution in the number of persons sentenced, and is not due solely to shortened sentences; and the fact that this is due to a decrease of crime is corroborated by the very large decrease in crime reported in the police returns and in the number of habitual criminals known to the police, and also in the number of disorderly houses.

"I trust therefore that this may be taken to show that our prison system is now on the right tack, though we must always

hold ourselves ready to consider and adopt such improvements as can be devised."

Mr. F. S. POWELL, M.P., said there was one remark and one only in the interesting paper of their President to which he must take exception, and which he believed had been heard with a unanimous protest, and that was where he said that with this paper he took his final leave of a question which occupied so many years of his official life. He hoped they were not concluding words, but on the contrary introductory words to many most interesting and valuable contributions. The subject of penal discipline would, he believed, be discussed during many years to come, as it had been debated during many years in the past. Its difficulty and complexity must always be large, because the causes of crime must always be varied. They had to deal with crimes the result of passion in its various forms, and he doubted whether crime of that character could be checked by any other agency than that of the most stern and severe repression. Another class of crime perhaps more complex in its character, was where a criminal was, according to his position in the world, well to do, and yet from a morbid desire of gain committed an odious offence. A case of that sort had recently occurred in which a clerk in a commercial house, apparently in the receipt of a fair salary, committed frauds to the extent of 70,000*l.* The most prevalent class of crime in this and all other countries, while assuming various forms, arose, when they came to the root of the matter, from the weakness and debility of human nature. His experience in the West Riding as a visiting justice and more or less as a magistrate, led him to that conclusion. It was a common saying there that no one would live by crime who could live by anything else; and taking that as a doctrine, and he believed it to be in the main a sound doctrine, their policy in prison discipline was to build up the character in such a way that weakness might be removed, and the tendency to crime, owing to the inability to derive livelihood from any other resource, might cease to exist. Discipline must be at once deterrent and reformatory. Any system which left out of sight these principles was unsound and must lead to failure. To put the case in a concrete form, he should say the duty of society towards a criminal was at once negative and positive. A man who stole a watch must be taught that he was not to steal a watch again; that was the negative side. The positive side was that he must be taught by discipline that it was better and wiser to resort to such a course of industry that he might produce by his own benefit and the good of society a watch of his own. These few words contained the whole of the doctrine on which they must work; the prisoner must be taught that jail was such a place that he was not to go there again, and at the same time he must if possible have placed in his possession such power of earning his livelihood that he might have no reason or occasion to resort to practices which led him to jail. As practical politicians they must pay attention to what had been referred to by Sir Edmund Du Cane, viz., the shortness of their sentences. What were they to do with a young

person who had fallen into crime when the sentence only extended over a month? They could not change the character of a young person in a month; all they could do was to give an experience of sharp discipline, and to excite in the mind a wholesome dread and a determination that the discipline should not again be experienced. If on the other hand they had control of a person during a long period, an effect might be produced on his character which they could never hope to achieve in the course of a month or the like. Reference had been made to the competition of free labour. The President in his valuable paper used the words "unfair competition." The whole question turned upon that word "unfair." He could not see why a prisoner, who by his circumstances was withdrawn from doing his duty to the community, should not in prison continue to contribute to the national resources. If they were to produce an artificial depression of prices and cause labour outside the jail to be unremunerative, then they had to deal with a totally different condition of affairs; but he maintained that so long as labour in jail was paid for at a fair market price, the outside public and the community at large had no cause to complain. How far the complaints made respecting mat making were just or not must depend upon the circumstances of the case. At the time when, owing to the passing of the Prisons' Act, he ceased to be visiting justice at Wakefield, the number of mats produced was such that there was no market for them, and it became a serious question whether the jail authorities were justified in continuing a production which was at times coincident with a surfeit of the market. The effect produced on the public mind at that time was such that mat making if not entirely abolished, was at any rate most largely reduced. Dealing with the more general view of the question, he said there must be in prison discipline at once gentleness and firmness. There must be gentleness to avoid creating in the mind of the prisoner that antagonism to authority which was enlarged upon with so much force by their President; and at the same time firmness to teach the prisoner that the course of life to which he had resorted in the past could not be continued. Just as in childhood it was by discipline that the boy was taught to govern himself by gentleness and firmness combined, so in the case of the grown up children who peopled their jails there must be firmness and gentleness acting together, gentleness which might soothe and console, and at the same time firmness which might give robustness and decision of character to resist temptation and prevent the occurrence of breaches of the law.

Captain A. D. H. HELBY, R.N., said he did not feel qualified to discuss at a moment's notice such a large subject as this, although of course from long personal experience he might have some opinions upon it. The result of his experience was to confirm very emphatically most of the propositions laid down by the author; in practical working, however, difficulties would arise, one of which had been suggested by Sir Edmund Du Cane, viz., the impossibility of providing industrial labour for prisoners undergoing sentences of one, two, or three months, or teaching them any

part of a trade that could possibly be turned to any remunerative purpose, or to their own advantage after discharge. The prison system of the present day was in the main carried out upon the lines of Dr. Mouat's paper. Within the last twenty years there had been a wonderful change of opinion upon the subject. He had twenty-five years' experience of prison matters, and when he first entered the prison employment it was the prevailing opinion amongst county magistrates that simple punishment was all that was required (except, of course, the moral influence exercised by the chaplains), and that industrial employment was unnecessary and sentimental, and rather against than for the diminution of crime. The Prison Congress of 1872, held in England, opened the eyes of many upon the subject; it certainly did his own, and he had the pleasure of submitting some results of what he had heard to his own visiting justices, who permitted him to introduce a system of industrial labour into a prison where there had been nothing of the sort before, and with the very best results. His experience led him to say that mere penal labour was neither deterrent nor reformatory. On the other hand, he had seen instances of the stimulus which could be given to prisoners towards good conduct and industry, by encouragement in the way of allowing them to perform more than the regulation task and to get some little benefit by it.

Mr. F. HENDRIKS said the statistics brought forward by the author of the paper were of great interest. They were no doubt twenty-five years old, but prices did not vary so much in India as in England, and therefore the figures might be considered as fairly indicative of what was applicable to the present day. In the first place, they showed the cost of feeding, lodging, clothing, guarding and doctoring something like 15,000 prisoners on the average during five years. The average cost under these items collectively was about $2\frac{1}{4}d.$ per head per diem. By the productive labour of those prisoners the net expense had been reduced from this total cost of $2\frac{1}{4}d.$ to the low one of $1d.$ per day, showing a saving, through the productive work of the prisoners, of $1\frac{1}{4}d.$ per day. That was a very important result, and he would have been glad if Sir Edmund Du Cane had brought forward any statistics of the like character with regard to the productive industry of prisoners in England. The saving in India through this system was five-ninths, or say $55\frac{1}{2}$ per cent of the total cost. The statistics were also interesting as showing at what a low cost the maintenance of life could still be preserved in their Indian Empire. In the sixteenth century they learnt from the statements of English travellers, that a man who had about $3l.$ a year in India at that time was in a position of affluence as to the necessaries of life; and as prisoners could now be maintained, watched, clothed, and doctored, for $3l. 16s.$ a year, it showed that there had been no great change in the cost of life in India since the sixteenth century. On the question of competition between open industry and forced labour, the author had shown that the profit or net value of the labour in jails of an average number of 15,269 prisoners was about $38,688l.$ per annum.

Such a sum must be a mere drop in the ocean as compared with the annual return from labour of the vast population of Bengal, and the economical part of the question was therefore not worth considering, and ought not to be any impediment to the promotion of prison labour. In Bengal the profits from that kind of labour not having exceeded 39,000*l.* a year for the whole province, this result was far too insignificant to come into effective competition with the open labour of the general population. He held it to be quite unreasonable to say that jail labour could practically anywhere interfere prejudicially with the general work of any country. Sir Edmund Du Cane's communication appeared to refer to mat making as almost the only class of manufacture to which prisoners' work was devoted in England. In India the author had shown there was a great variety of different kinds of labour to which the work of prisoners was applied, printing, making of pottery, and various industrial occupations. They had much to learn in England from what had been done in India. If in the United Kingdom the work of prisoners was divided amongst a great number of industries, it would diminish the outcry of undue competition from any particular branch of industry. It was clear that when nearly all the productive prison labour was applied to the making of mats, it came into collision with one particular class of manufacturers, who were not very large in number. That certainly seemed to deserve attention and remedy. He concurred with preceding speakers in thanking Dr. Mouat for his most admirable essay.

The CHAIRMAN asked whether Captain Helby could give some information as to the extent to which the employment of prisoners had diminished the cost of their maintenance.

Captain HELBY said there was great difficulty in ascertaining accurately what was the value of industrial prison labour in England, because most of the articles made were made either for use in the prisons, or for some other public department, and there was a system of accounts which allowed only the merest modicum of profit to be charged against the Government. The consequence was the marketable value of the industrial turn out of the prisons could not be accurately ascertained, and was probably very much under estimated in the returns. With regard to the percentage of return from industrial labour in India, estimated at 55 per cent. of the cost of the prisoner, no such results could be shown in any English, or probably in any other prisons in the world but those of India. It must simply arise from the cheapness of maintenance, that their diet was so very cheap that industrial labour became a good set-off to the cost. If the system of employing prisoners as overseers of other prisoners prevailed largely, that would considerably reduce the cost of the establishments. He was afraid he could not throw much more light upon it than that.

Major CRAIGIE said he regarded the diagram, prepared by Sir Edmund Du Cane which had been handed round the room, with a certain amount of satisfaction, because although the question was

one he had had nothing to do with for a great many years, it so happened in the year immediately preceding 1877, when the transfer took place of local prisons to the State, it was his duty to look very closely into the figures of the number of prisoners, and cost of their maintenance. He had the opportunity of pointing out the extreme want of economy by which their system of numerous and often nearly empty local prisons was then characterised, when, as in the county of Lincoln, over 100*l.* per annum was spent on each individual prisoner. He remembered being told afterwards that he had done great harm to the neighbourhood by helping to deprive certain localities of the luxury of their separate prisons; but if any justification were wanted for legislation which consolidated our local system, it was found in the diagram to which he referred, for nothing could be more striking than the fall in the average prison population that had taken place since they substituted for independent county jails a system of uniform management in a reduced number of concentrated central establishments. The total daily prison population in the year 1877 appears to have been 20,400; it had now been reduced to an average of 14,000, and that decrease in the face of an increasing population was so very remarkable, that whatever other factors were at work, some considerable portion of the change must be due to the change of the system adopted at that time. The abolition of the numerous small prisons, where discipline was sometimes loose, and arrangements for labour defective, and the substitution of larger institutions regulated under one consistent management and from one centre, had remedied a very objectionable state of matters. When the Prisons Bill was being discussed in the House of Commons, it was stated that persons who committed crimes positively deliberated whether they should commit their misdemeanour on one side of a hedge or the other; the treatment was so varied in degree between particular counties, that it really was a matter of some concern where they should run the risk of being caught. That had all been happily abolished, and ample justification for the action then taken was found not only in great economy effected, but also in a most remarkable diminution in the number of their prison population.

Mr. F. B. GARNETT said it might be worth consideration whether the decrease in the criminal population was not rather due to the greater enlightenment of the people than merely to modifications in the prison management of the country. No one, however, could have heard Dr. Mouat's paper without regretting that owing to change in the views of the administration which succeeded the period of his management of the prisons in India, they had no means of testing the efficacy of the reforms which he introduced, and the efforts that he made in conjunction with others to procure by means of the industrial employment of the prisoners a means of permanent reformation of their characters. They had the authority of antiquity in favour of industrial occupation for the reformation of disorderly persons. Dr. Mouat had referred to a sentence of Howard with regard to the men in the prisons of Holland being "put to labour in the task-houses, and women to

proper work in the spin-houses," which might remind them of the discussion which had lately taken place as to what was known as "the spinning house case" at Cambridge. "Punch" only the previous week, under the head, "What's in a name?" had written—

"Will some one gifted with the *nous*,
Explain the 'why' of 'Spinning House.'"

There was no doubt that the designation "spinning house" at Cambridge, meant practically a spinning house, to which women who were committed to confinement for disorderly conduct were sent to spin. Of course in the 302,000 convicts enumerated by Dr. Mouat, females were included as well as males, and it would have been interesting if they could have known the proportions of the sexes, especially when they had to consider the industrial occupations in which they might respectively engage. It was a curious fact that in different countries the proportions were so diverse in regard to the sexes of criminals. In a book lately published by Mr. Morrison, of Wandsworth Prison, on "Crime and its Causes," allusion is made to the fact of the larger proportion of women in the criminal population of Scotland than there are in England, and it is stated that "in all countries where women are accustomed to share largely in the active work of life with men, female crime had a distinct tendency to reach its maximum . . . and that the more women were driven to enter upon the economic struggle for life, the more criminal they will become." He did not profess to say whether there was any real foundation for that argument, but still it would be curious to be able to compare the statistics of other countries on this point.

Mr. ROWLAND HAMILTON said he should be very sorry to attribute the whole improvement that had taken place in any section of society to any one method in particular. He had long hoped that their public elementary schools, duly extended, would on one side be in touch of the jail and reformatory, and it was most satisfactory to learn how very largely the remedial element obtained in these institutions, regarded rather as reformatories than as exclusively places of punishment. There was indeed some hardship in the fact that hitherto better means of instruction had in certain cases been afforded in jails than had been available to the poor who were struggling to maintain an independent condition, but that he hoped would shortly be a thing of the past, and also that technical institutions, polytechnics, and other practical modes of industrial training, would remedy that anomaly in our system. He quite agreed with Dr. Mouat that it never would have been tolerable to cut off prisoners from industrial occupations on the ground of interfering with the special interest of individuals. In India it will be seen a very large number of occupations are open, but the preponderance given to mat making showed that as a rule only the roughest forms of labour had been available in English jails. The comparisons of relative cost instituted were often very fallacious. As far as the prices of commodities in Europe deter-

mined those of exports from India, the rate of exchange might afford some help in forming a comparison, but apart from this the range of local prices in India is not influenced by foreign demand, and turning the "anna" into "sterling" gives no satisfactory indication at all of what comparison the cost of supporting criminals would bear to the total resources of the country. It was only in cases where the measure of value was made the same to any two countries by the efficient operation of trade, that these comparisons were otherwise than misleading.

Dr. MOUAT, in reply, said there was little for him to answer in the remarks made, as they chiefly referred to the subject of crime without the prison, which he had advisedly excluded from his paper for the reasons stated, and which had recently been treated exhaustively in the excellent contribution on the subject by Mr. Grosvenor of the Home Office.

The general principles of prison discipline advocated by Dr. Mouat had apparently been accepted, and the only point referred to had been the difficulty of dealing with short sentences in a deterrent and disciplinary sense. The same difficulty had been experienced in India, where in the province of Lower Bengal only, labour sentences for periods up to and under one year amounted in the five years selected by him to no less than 84,614, of whom 81,940 were males and 2,665 females. Similarly sentences of simple imprisonment without labour amounted to 27,828, of whom 872 were females and the rest males.

For the former provision was made, as far as practicable, in the jail regulations contained in the Appendix. From these it will be seen that all prisoners of sentences not exceeding twelve months were placed on first class or hard labour, of which class out of eighteen varieties there were ten which needed no previous training, and could be applied to all who were physically fit to be subjected to them. The avowed object was to make a residence in jail for first offenders as distasteful as possible, without injury to health or risk to life.

There could be no comparison between the cost of prisoners in England and in India, as the conditions of life from climatic, ethnic, and other well known conditions were so totally different as to afford no ground for comparing them.

He concluded by thanking the meeting for the kindly manner in which his paper had been received.

The CHAIRMAN said his task would be a very easy one, that of offering to Dr. Mouat their thanks for his very interesting and valuable communication. He would only contribute two facts with regard to the cost of living which had come under his own observation. In Barbadoes, about eighteen years ago, he had occasion to ask his head butler about the cost of living with reference to the wages of a servant, and the reply was that the man could live very well upon $2\frac{1}{2}d.$ a day. That very nearly corresponded with the cost of living in India. His experience as governor in the colonies, where it had been his duty to visit the

jails, led him to express his entire accord with Dr. Mouat in the principle of not employing men upon unproductive labour if they wished to reform them. This was particularly so with regard to English soldiers, in whose case the humiliation of shot drill left the prisoners worse men than before. He quite agreed with Dr. Mouat and Sir Edmund Du Cane, that the moral effect of teaching men the advantages of industry and self control under the discipline of industry, would be the means of weeding out the criminal population and of raising up a generation that would, with other reformatory influences that were spreading in all directions, give their children the opportunity of seeing a happier, a more prosperous, more contented, and more virtuous race in this part of the empire.



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