

Observations on prison discipline : exemplified by the tread-mill & dietary adopted in the Nottinghamshire House of Correction, at Southwell / by Benjamin Hutchinson.

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8

OBSERVATIONS
ON
PRISON DISCIPLINE,
EXEMPLIFIED BY THE
Tread-mill & Dietary

ADOPTED IN THE
Nottinghamshire House of Correction,

AT
SOUTHWELL.

BY BENJAMIN HUTCHINSON,
SURGEON TO THE ESTABLISHMENT;
FELLOW OF THE ROYAL COLLEGE OF SURGEONS,
AND OF THE MEDICAL SOCIETY, OF LONDON.

NEWARK:
Printed and sold by S. & J. Ridge;
SOLD ALSO BY BALDWIN, CRADOCK, AND JOY,
PATERNOSTER-ROW, LONDON.

TO THE
REV^D. JOHN THOMAS BECHER,

Prebendary of the Collegiate Church of Southwell ;

AND A VISITING JUSTICE OF THE
NOTTINGHAMSHIRE HOUSE OF CORRECTION,
AT SOUTHWELL.



Dear Sir,

Having by your advice communicated to the public my sentiments respecting the influence of the Tread-wheel upon the health of the prisoners confined in the House of Correction at Southwell, I again conform to the dictates of your opinion, as you have been pleased to intimate that the republication of these letters might prove conducive to the establishment of truth, and the advancement of Prison Discipline, to which your life has been long and indefatigably devoted. Actuated by my accustomed respect for your suggestions, as well as by a high

estimation of that friendship which I have enjoyed from the commencement of my professional practice to the present hour, I submit this publication with the utmost deference, to yourself, the magistracy of the County of Nottingham, and the public.

I have the honour,

Dear Sir,

to remain

Your obliged and obedient Servant,

BENJⁿ. HUTCHINSON.

Southwell, Nov. 22, 1823.

OBSERVATIONS

ON THE

TREAD-MILL,

ADDRESSED TO

THE REV. JOHN THOMAS BECHER,

Prebendary of the Collegiate Church of Southwell;

AND WILLIAM WYLDE, ESQ.

Visiting Justices of the Nottinghamshire House of Correction,

SOUTHWELL.

GENTLEMEN,

HAVING had the honour of holding the important and highly responsible situation of Surgeon to the Nottinghamshire House of Correction, at Southwell, during the last twenty-eight years, I cannot but feel peculiarly interested in every circumstance, however minute, connected with the improvement and preservation of the health of the unfortunate inhabitants of that excellently managed prison.

Influenced by these impressions, I have the honour of addressing to you such ob-

servations, as have been elicited by a recent perusal of Sir John Cox Hippisley's "Supplementary Note on the use of the Tread-Mill in Prisons;" and I trust you will allow me to add, that these few remarks are submitted to your perusal with every delicacy of feeling, resulting from the well-known and highly respectable character of the author of this "Supplementary Note."

I believe the axiom is universally admitted, that bodily exercise is essentially requisite to the preservation and improvement of health, so long as the bounds of moderation are not exceeded. It is also equally manifest, that exercise taken too violently, is attended with the same disadvantages as a total want of it. On this subject I am convinced that I need not fear any opposition of opinion, and it will therefore be unavailing to dwell longer on its discussion.

The first objection of a medical character to the use of the tread-wheel, in the "Supplementary Note" above alluded to,

states that, in the Coldbath-fields prison, “there was scarcely an individual of the group who did not complain of pain in the back of their legs, in their shoulders, thighs, and in the parts in conjunction with the groins.” I freely admit that the operation of the wheel is productive of certain muscular pains, the natural effect of considerable muscular exertion ; not, however, to an extent exceeding that which, I imagine, is not only highly salutary, but in every respect truly desirable. As to the accident on the machinery, by which the boys at work on another wheel in the same prison had their feet miserably crushed, I can only affirm, that accidents of this description have not happened in the Nottinghamshire House of Correction ; neither do I see any probability of their occurrence, excepting by the extreme carelessness of those on the wheel.

I confess myself happy in this opportunity, of adding my feeble testimony to the justly merited eulogiums contained in Sir John Cox Hippisley’s “Supplementary Note,” on the talents and erudition of Dr.

Mason Good, with whose professional writings I have been long and well acquainted, and from which I have derived very important information: they fully entitle him to the grateful feelings of his brethren, and to the literary credit so fairly and honourably awarded him. It cannot, therefore, be otherwise than a matter of regret, to be compelled to differ essentially from his opinion on a subject, neither admitting nor embracing any speculative or theoretical argument, but depending solely on accuracy of statement and attentive observation. I shall therefore, I trust, Gentlemen, stand excused for thus noticing what I conceive to be the erroneous opinions of Dr. Good, on the much agitated topic of the use of the tread-wheel, as an instrument of punishment in our prisons.

Dr. Good agrees in opinion with the gentlemen composing the Committee for Prison Discipline, that, the tread-wheel is an object of peculiar terror. I also am of opinion with Dr. Good, that the objects incurring this punishment, have a dread

of its fatiguing labour, probably in the exact proportion that was wished and expected by those who suggested this highly beneficial mode of obviating the repetition of crime. One among the multitude of Dr. Good's objections to the use of this mill is, "the tortuous and irksome attitude of treading upon the Toes up an endless and nearly perpendicular hill; the heels, which should chiefly bear the weight of the body, rendered useless; the natural line of gravity dislocated; the hands forced into a rigid and benumbing grasp; and the extensor muscles of the legs forever on a painful, and necessarily therefore, on a mischievous and morbid stretch." My answer to these strong observations of Dr. Good is the result of an accurate and most attentive inspection of the effects produced by the exercise of the Tread-Mill: I must therefore be excused in offering an opinion of a diametrically opposite nature. I am compelled to declare that the attitude is neither "tortuous" nor "irksome," and that by an examination of the prisoners on the tread-mill, it will uniformly be observed that the weight of the body by no

means rests on the toes, excepting by the will of the prisoner ; but that on the contrary, nearly two-thirds of the length of the foot are engaged in performing this exercise of ascent,—very essentially relieving, therefore, the muscular and tendinous exertion and extension which would be requisite, were the toes only made the points of the superincumbent weight : and indeed, I am fully prepared to state that exercise, conducted in the manner pointed out by Dr. Good, could be continued but a very short time, and would be productive of never-ending lameness and misery to the prisoner who had suffered this torture. A very great relief is also afforded to the experienced mill-treader, an experience fully obtained by the practice of a very few hours, in his ability to change at pleasure his position on the wheel, to a lateral, dorsal, and semi-dorsal position. In the lateral position of his body, he is enabled to place the whole length of his feet on the stepping-boards, thereby affording very great relief from fatigue to the various large muscles and tendons of the thighs, legs, and feet, and securing him from any

severe spasmodic contraction of those parts, the probable consequence of long-continued exertion. The natural line of gravity, during the operation of the tread-mill, is by no means dislocated: in many instances, indeed, I have observed that it has not been in the slightest degree interrupted, the body preserving the same line as in any other act of locomotion. It has never occurred to me to hear any complaint of the hands being forced into a rigid and benumbing grasp: neither, from the degree of force requisite to support the body, can I imagine that any such effects can ever be produced. My experience has also taught me that the extensor muscles of the legs have never sustained any "mischievous and morbid stretch;" and I must beg permission to declare, that, from a long and attentive consideration of the effects of muscular motion, it is impossible to conceive that any such inconveniences are at all likely to be the result. That the tread-wheel is an instrument of peculiar terror, cannot but be considered an argument of the most forcible kind in its favor. So long as punishments excite no dread,

their efficiency in the prevention of crime cannot be otherwise than comparatively trifling and nugatory. The concluding observations of Dr. Good, in Sir John Cox Hippisley's "Supplementary Note," are followed by a letter from one of his distinguished medical friends, senior physician to the King, and formerly a physician in the navy. This gentleman, Sir Gilbert Blane, is in no respect adverse to the use of the tread-wheel; he merely thinks that there can be no necessity for making this the exclusive mode of punishing the inmates of our prisons: he appears to imagine that the tread-wheel might operate as a severe punishment for offences of a more aggravated nature, and the hand-crank, or winch-machinery, for those of minor atrocity.

The Surgeon of the Prison at Shipton Mallet entertains some fears that the operation of the tread-mill, may render the prisoner unable to work at any other labour for some time after his discharge from prison, from the effects produced not only upon his arms, but upon the principal

muscles of the body. After the most attentive examination of the prisoners who have laboured at the tread-mill, I deem myself fully authorized to assert that no such pernicious effect need to be apprehended. The extension of the muscles of the arms is neither so great nor so long continued, as to produce any morbid or deranged action in these important parts of the human frame. These remarks are the result of accurate observation, and not elicited by any preconceived theory, or predilection for the instrument of punishment under consideration.

With your permission, I will now, Gentlemen, beg leave to make a remark on the extract of a letter from the chairman of the Quarter Sessions of the County of Surry, dated the 30th of December, 1822, intimating that he had made inquiry of the governor of the House of Correction at Brixton, whether he ever knew, or heard from any of the prisoners under his care, that the labour of the tread-mill had affected their limbs or muscles in any way so as to be injurious to them? That his re-

ply was prompt and distinct; he said he never heard of such a complaint, nor indeed of any complaint of the kind, from any of them; and that a woman, who went to work with a rheumatic complaint, had declared that her rheumatism was completely cured. On this particular case I have to remark, that a man of the name of Pearson, a prisoner in the Nottinghamshire House of Correction, made a complaint to me, about ten days past, of suffering most severely from chronic rheumatism in one of his lower limbs, accompanied with some tumefaction of the joints, and indeed of the whole structure of the limb. Among other means of relief proposed, I told him that he should be excused from the labour of the tread-mill for a few days; and I was giving the necessary directions to the turnkey, when the man particularly requested that he might be allowed to continue his exercise on the wheel, as his pains were very considerably alleviated during this movement of the limb; and he has regularly continued it with manifest advantage.

I perfectly concur in opinion with the Surgeon of the Brixton House of Correction, that varicose veins of the lower extremities are much more likely to be prevented than produced by exercise of this description; that herniæ or other injury to the bodies of the prisoners, cannot be the consequence of the tread-mill exercise, more frequently than labour of any other description, is equally clear; the muscles and other parts of the human frame, the seats of these accidents, sustaining no violence, and no unnatural action of any description.

Dr. Good again, in an extract of a letter dated January 17th, 1823, says, that “ Mr. —, the Surgeon of the Brixton House of Correction, will never advise the discipline he has recommended, that of walking on tiptoe up high and almost perpendicular hills to any patient of his in his private practice.” I shall again take the liberty of repeating that, had Dr. Good attentively examined the real state of the mode of stepping on the tread-wheel, he would immediately have discerned that

what I have before advanced is the plain and positive fact, that two thirds of the foot are engaged in performing this labour of ascent; that walking on tiptoe up high and almost perpendicular hills, is not the exercise produced by this instrument; and that accidents, of any description, can be the effect only of the extreme of carelessness and inattention on the part of the prisoners. On this subject, the opinions of Sir Gilbert Blane, Sir William Blizard, and of Dr. Good, are entitled to, and will doubtless obtain, that share of attention and respect to which their talents and characters confer so just and well-merited a claim. My own sentiments and assertions are the result of actual observation, and of close and diligent enquiry during my professional attendance and duties on the sick prisoners of the Nottinghamshire House of Correction. They are respectfully offered, Gentlemen, to your consideration, under the assurance of your interest in every matter connected with the discipline and the health of these unfortunate offenders against the laws of their country.

I believe it to be the almost unanimous opinion of the medical officers of the navy, with many of the most respectable of whom I have had frequent opportunities of conversing, that seamen are not more subject to varicose affections of the legs, or to herniæ, than any other class of people accustomed to the laborious exercise of their muscles ; and the fair and very impartial statement of Sir John Cox Hippisley on this particular point appears in perfect unison with my own observations.

The copies of the communications made to the Secretary of State for the Home Department, respecting the use of treadwheels in goals or houses of correction, which were ordered by the House of Commons to be printed in March 1823, consist of communications from twenty different counties, in which the use of the treadwheel had been then adopted. The result of this mass of most respectable evidence speaks loudly in favour of the highly salutary and safe operation of this mode of preventing a repetition of crime. It very clearly points out the absence of any of the

most insignificant accidents, but what were the effects of carelessness on the part of the prisoners ; and that this species of labour tends to the preservation and improvement of the health of the prisoners, rather than in any respect to injure it, either by inducing herniæ, varicose swellings of the legs, pectoral diseases, or internal affections of any denomination.

In a statement ordered to be printed by the House of Commons, the 2d of May, 1823, entitled “ Further Papers relating to the Penitentiary at Milbank,” Mr. Copland Hutchinson gives the following testimony in favour of the operation of the tread-mill:—“ I consider it my duty, therefore, to make this statement to the committee, and to refer them to my Quarterly Report, dated October 4th last, where it will be found that I have adverted to this subject, and also in communications to the committee of an earlier date. The pump and mill now in operation in the Penitentiary give exercise only to the muscles of the arms and trunk ; whereas such a machine as the tread-mill would give exercise

to every voluntary muscle of the body, and in my opinion, would greatly contribute to the preservation of the health of the prisoners in this establishment."

Allow me, Gentlemen, to conclude with the assurance, that, in giving you the trouble of perusing this letter, I am actuated solely, I trust, by a proper sense of my duty as medical attendant of the Nottinghamshire House of Correction : a part of which duty I believe myself to be discharging, by submitting to you my opinion of the salutary operation of the instrument in question. I am fully aware that I am opposing the sentiments and assertions of gentlemen whose talents I must admire, and by whose labours and learning I have been essentially instructed. Yet permit me to repeat, that I trouble you with a detail of facts only ; the subject admitting neither of discussion nor argument.

I have the honor to subscribe myself,

Gentlemen,

Your obedient Servant,

BENJ^N. HUTCHINSON.

Fellow of the Royal College of Surgeons,

Southwell, June 1, 1823.

To the Editor of John Bull.

SOUTHWELL, Notts. Oct. 4, 1823.

Sir,

Observing that within the last few weeks my name has had the honour of being repeatedly mentioned by your correspondents, on the subject of the tread-wheel, I shall esteem myself under an obligation, if you will notice in your ensuing paper, that Sir John Cox Hippisley's letter addressed to the Editor of the London Medical and Physical Journal, and published in the last number of that useful work, as well as in a late one, of your highly interesting John Bull, will be very fully answered in the November number, of the London Medical and Physical Journal, to the highly respectable Editor of which, the ingenious Doctor Macleod, my reply has been already transmitted. This letter of Sir John Cox Hippisley contains a commentary on my observations stated three months ago in the Medical Journal, and must be acknowledged by every candid and unprejudiced reader to make a feeble effort

to resist the force of plain facts and positive truths, by assertions supported only by illusive hypotheses and vague conjectures.

As a period of two or three weeks will elapse prior to the publication of my reply in the Journal above alluded to, and as my silence may possibly be construed into an acquiescence with the opinions of Sir J. Cox Hippisley and Dr. Good, permit me to mention through the medium of your truly impartial and widely circulated paper, that in confirmation of my sentiments heretofore given to the public on this very important subject, under the direction of the Rev. J. T. Becher, a visiting justice of the prison of Southwell, and one of the chairmen of the Quarter Sessions, attended by Mr. Mole, the Governor, and myself, fifty prisoners have undergone a strict and impartial examination, so as to ascertain individually and collectively their unbiassed and uncontrolled opinions respecting the comparative severity of the exercise, and its sensible effects, on the different muscles called into

action, for the purpose of enabling me to investigate the truth by determining from representation as well as inspection, its morbid effects upon the human frame. These important questions, and equally important answers, with some general observations, I have arranged in a tabular form, under an assurance that they must carry with them, even to the minds of their most determined opponents, a conviction of the mildness, the utility, and salubrity of the exercise imposed by the tread-mill.

With every sentiment of deference for the high respectability of Sir John Cox Hippisley, and the scientific attainments of Dr. Good, I can neither abandon the unequivocal testimony of my senses, nor admit the existence of imaginary evils, which are controverted by the statement of fifty prisoners practically competent to speak the truth, but personally disposed from motives of self-interest to conceal it, as well as by daily observations upon visible occurrences attaching to the health of

prisoners intrusted to my care and medical superintendence as a surgeon, in which profession I have assiduously and extensively practised for nearly thirty years.

I remain,

Sir,

Your faithful Servant,

BENJ^N. HUTCHINSON,

Fellow of the Royal College of Surgeons,
And Surgeon to the Nottinghamshire House of Correction,
AT SOUTHWELL.

TO THE EDITORS OF

The London Medical and Physical Journal.

Gentlemen,

It must be allowed that the public equally with ourselves, who are bearing the very easy weight of a very amicable controversy, feel much indebted to you for the admission into your Journal of observations, which, on a first and superficial view of the subject, might appear foreign to the general and professed objects of your useful and excellently conducted work. When, however, we take into our consideration the improvement of the

health of the numerous inhabitants of our prisons, both physical and moral ; and that the question of the tread-mill's expediency or inutility is deeply involved in this inquiry ; all sentiments of that nature must completely give way to the gradual establishment of truth and positive facts, and to the exclusion of all hypotheses and preconceived theories.

I beg thus publicly to thank Dr. Good for his donation of Sir John Cox Hippisley's "Correspondence on Prison Discipline," and for the candour and liberality with which he has received my remarks. The careful perusal of this "Correspondence" has not produced the slightest change in my sentiments on the subject which has so seriously and laudably engaged his closest attention. My personal and daily observations of the excellent and efficient operation of the tread-mill, as far as regards the health of the prisoners in the house of correction, at Southwell, tend to impress on my mind a conviction of the accuracy and truth of my statements in the communication which you did me the

honour of publishing two months back, and which will be further illustrated in the course of this letter by an experimental inquiry, made before the Rev. J. T. Becher, one of the visiting justices of the House of Correction, at Southwell.

Although I cannot attach that importance to my omission of dates and numbers, which Dr. Good considers as points of the utmost moment in the present inquiry, I shall nevertheless undertake to furnish the Doctor with the information he solicits, which I have obtained through the permission of Mr. Becher. This information cannot be conveyed in a more distinct manner than by detailing the questions which were this day asked Mr. Mole, the active and intelligent governor of the prison, by Mr. Becher, and the replies which he made to them.

1. When was the tread-mill established? December 23, 1822.

2. What number of men have been employed on an average? Daily average,

from December 23, 1822, to 17th September, 1823, both days inclusive, $44 \frac{61}{74}$

3. What number of men are this day employed? Fifty.

4. What complaints have been made to you by any prisoner employed in this mode of discipline? None; not a single complaint.

5. What accidents have happened to the men, and what to the machinery? One man had his foot slightly bruised, but this occurred through his own wilful neglect in coming off the wheel. No accident has happened to the machinery.

6. At what periods are the men relieved? One man gets off the wheel every minute, allowing each never less than one fourth rest, and occasionally nearly one-half, according to the number employed at each wheel: thus: If twelve are employed at a wheel, nine are on the wheel, and three off, which gives one fourth rest. If ten are employed at a

wheel, seven are on the wheel, and three off, which gives nearly one-half rest ; one man getting off, and one on, every minute.

7. In what periods do the wheels revolve ? Two of the wheels on the ground-floor make two revolutions in a minute ; and the two wheels on the upper-floor make three revolutions while those on the ground-floor make four.

8. What is the rise of the steps ? Eight inches.

The Dietary of the House of Correction at Southwell cannot be considered as one of the highest class : but from this the prisoners on the wheel have received a sufficiency of nutriment to preserve the functions of the human machine in a state of healthful vigour. I have not found any necessity to increase the quantity or quality of the allowance, the Dietary remaining the same as before the tread-wheel was established in this prison. This dietary consists of a loaf of coarse wheaten bread, weighing one pound and three quarters, and

a pint of new milk to breakfast ; one pint of oatmeal-gruel at noon, and the same in the evening, and a quarter of an ounce of salt per day.

Awakened as the public mind has been to the subject of prison dietaries, by the parliamentary investigation which has lately taken place respecting the Milbank Penitentiary, I may perhaps be permitted, after an experience of twenty-eight years, to make some professional remarks upon this subject. I find it stated in the "Rules for the Government of Gaols," published by the Society for the Improvement of Prison Discipline :—" N. B. One pound and a half of good wheaten bread, and a quart of gruel or soup daily, or a ration equivalent to this, is considered quite sufficient for the maintenance of a prisoner employed in ordinary labour," (p. 41 ;) and Mr. Webbe, surgeon of the House of Correction in Cold-bath Fields, affirms. that half a pound of solid flesh every other day, with good animal soup in the intermediate day, besides a sufficiency of bread and other farinaceous food, is necessary : as, without this in-

creased diet, the workers on the tread-wheel would be soon in the situation of the convicts at the Milbank Penitentiary. My practical knowledge is at direct variance with both these dietaries ; for I pronounce our present dietary sufficient for any employment that can be exercised within the walls of a prison, having adequately sustained the prisoners while they were excavating the foundations of the treadmill in a treacherous soil, and digging and wheeling from a depth fifteen feet beneath the surface of the ground, as well as in other laborious occupations. Collecting my information from other gaols, when originally directed to determine the dietary, I proposed daily one pound and three-quarters of coarse wheaten bread, half a pint of gruel at breakfast, and one pound of boiled potatoes to dinner. Not being satisfied with the general state of health, I recommended the addition of half a pint of gruel before retiring to rest. Finding an improvement in the scale of health, though not completely corresponding with my wishes, and apprehending that a diet

strictly farinaceous, like that then in use, would admit of considerable improvement by introducing a substance partaking in some measure of the properties of animal food, I advised the substitution of one pint of milk daily instead of one pound of potatoes ; and it is gratifying to announce that the result has been completely satisfactory, and that I am enabled to state my conviction of its sufficiency both for the purposes of labour and general health,—not as a theoretical surmise, but as an indisputable fact falling within my knowledge, in discharging the duties of my official situation.—As surgeon of the establishment, the Visiting Justices allow me a discretionary power of improving the scale of diet according to the exigencies of particular cases ; which power I, of course, find an almost daily occasion to exercise among the patients sent to the infirmary : it has never occurred, however, in a single instance, that an improved diet has been rendered necessary from any excessive fatigue, or from any morbid derangement produced by the exercise of the tread-wheel.

In opposition to the assertions that the labour and mischiefs of this machine exceeded those of any invention which has hitherto undergone the test of experience, Mr. Mole, the governor, on questioning a prisoner in the presence of Mr. Becher, whether he would prefer breaking flax with the patent machine to the labour of the tread-wheel, gave a decided preference to the wheel, in consequence of the labour of the latter being so much less fatiguing than that of the former.—Dr. Good's question respecting the employment of female prisoners on the tread-wheel at Southwell, is answered in the negative; female delinquents never having been ordered, at present, by the Visiting Justices, to be subject to this punishment.

In reference now to Sir J. Cox Hippisley's correspondence, pages 11, 12, 13, and 14, I beg to state that his former objections to the use of the tread-wheel, (which I shall briefly recapitulate,) are completely and in the most satisfactory manner, contradicted by the personal communications of between twenty and thirty prison-

ers, who had been labouring for different periods at the tread-wheel. These objections consisted “ in treading on tiptoe up an endless hill, with the body bent forward, and with the hands rigidly and unremittingly grasping a rail for support ; that in consequence hereof, a most distressing thirst, debilitating perspiration, and actual loss of flesh, are often produced. That not only severe exhaustion, but strains upon the organs and muscles immediately called into exercise, in many cases highly injurious to health, have actually taken place on various occasions, and, in the opinion of a large body of physicians and surgeons of the highest rank and respectability, who have minutely examined into the subject, are necessarily threatened at all times. That the concurrent testimony of numerous medical practitioners, of high character and extensive experience, has proved that habitual labour of a like description, as that of mariners, and even of a lighter kind, as the ladder treading in thatching, and among masons, labourers, miners, &c. has a gradual tendency to produce ruptures and varicose veins, or

nodulous tumors on the legs; and in numerous instances has produced them. Whence it has been reasonably apprehended by other practitioners, of great talents and attainments, who have particularly attended to this machine and its effects, that a stated and longer employment upon it than has hitherto been experimented in any prison, in consequence of its being of novel introduction, will necessarily give a still greater tendency to the same injuries; and, in the end, more certainly and more extensively induce them among those who are sentenced to its morbid discipline. That, for these and similar reasons, the unhappy culprits have a horror of the mill, and would sooner undergo, as they all declare, any fatigue, or suffer any deprivation, than return to the house of correction, when once released."

In Dr. Good's letter to Sir J. Cox Hippisley, page 26 and 27 of the same volume of "Correspondence and Communications," are the following observations:

"From the tortuous attitude and uneasy

motion manifestly displayed in mounting the endless hill of this mighty cylinder, upon the toes alone, with the hands fixed rigidly on the horizontal bar, and the body bent forward to lay hold of it, I could not but conclude, not only that the prisoner is hereby deprived of all the healthful advantage of athletic exercise, but must be fatigued from the outset, and perpetually in danger of the cramp, breaking the Achilles tendon, and forming aneurismal and varicose swellings of the legs; and that, if females were to be worked at the wheel, the same common cause of irksome and distressing exertion operating on the loins and many of the abdominal muscles, must, of necessity in various instances, accelerate the period of menstruation; and, even where it does not force it forward before its proper time, render it excessive, and lay a foundation for many of the most serious chronic maladies with which the female structure can be afflicted. In the Cold-bath Fields prison, I found upon close inquiry, that the prisoners frequently complained of stiffness and numbness in their hands, of pains in the

loins and their legs, and that they were thrown into a profuse perspiration, and so completely exhausted in the course of a single round, or quarter of an hour's task-work, as to induce them to drink very largely of cold water, as soon as the fifteen minutes were completed, although it is calculated that this up-hill exercise does not exceed the average of two miles in six hours, and consequently does not amount to half a quarter of a mile in the course of the fifteen minutes to which the task-time extends: evidently proving that it is the nature of the labour, its quality, and not its quantity, that occasions such violent effects, and constitutes the terror with which the tread-wheel is contemplated. I do not know that any of these maladies, which from the recent use of the wheel, could not be of long standing, had produced any ill effects upon the constitution of the prisoners, or permanently undermined their health."

In page 32 of the same volume, Dr. Good describes his visit to, and his observations on the operation of the tread-wheel,

at the Cold-bath Fields prison ; of which I must beg leave to present a brief copy.

“ I inspected the men as they descended in rotation from the wheel, at the end of the quarter of an hour's task-work, and made room for fresh relays. Every one of them was perspiring, some in a dripping sweat. On asking them separately, and at a distance from each other, where was the chief stress of labour, they stated in succession, and without the least variation, that they suffered great pain in the calf of the leg, and in the ham : whilst most of them, though not all, complained of distress also in the instep. On examining the bottom of their shoes, it was manifest that the line of tread had not extended farther than from the extremity of the toes to about one-third of the bottom of the foot ; for in several instances the shoes were new, and between this line and the heel altogether unsoiled : a fact, however, that was as obvious from the position of the foot while at work, as from the appearance of the shoe at rest. Several of the workers seemed to aim at supporting their weight

by bringing the heel into action, the feet being twisted outwards ; and, on inquiring why this was not oftener accomplished, the reply was, that, though they could gain a little in this way, it was so painful a stress of the knees, that they could only try at it occasionally. The palms of their hands, in consequence of holding tight to the rail, were in every instance hardened, in many horny, in some blistered and discharging water. The keeper, who accompanied us, admitted the truth of all these statements, and added, that it was the ordinary result of the labour and that use did not seem to render it less severe: for those who had been confined long appeared to suffer nearly, or altogether, as much as those who were new to the work ; thus confirming a remark I long since took the liberty of making to you: I mean that, when an organ is directed to any kind of labour for which it is not naturally intended, no perseverance will ever give it facility of action, or take off the original distress."

I have taken the liberty of making

these copious extracts from Sir J. Cox Hippisley's volume, under the impression that the book is not in the hands of the majority of the readers of your Journal, many of whom would be unable to form a proper or just estimate of the arguments on each side of the subject, without some assistance of this description. My labour of refutation will be rendered very easy and compressed, by transcribing, in the first place, a letter published in the "John Bull" Newspaper, of September the 14th, from Mr. Jackson, the very intelligent surgeon of the Guildford house of correction, followed by the result of an examination of between twenty and thirty of the prisoners in the Southwell house of Correction, just taken from the wheel.

"To John Bull.

"Sir,

"I read with no small degree of surprise, in your paper of the 24th, of August, some observations relative to the

use of the tread-mill, together with copious extracts from Sir J. Cox Hippisley's work, in which a truly horrible account is given of the sufferings of the prisoners in the house of correction at Cold-bath fields. These observations and extracts are so completely at variance with the state of things as they exist in the house of correction at this place (Guildford,) more especially with regard to the effects of the wheel on the female prisoners, that I am induced to trouble you with an account of the weight of all the women who have been admitted into this prison between the 1st of May and the 1st of September; by which statement I trust I shall be able to shew that, if increase of weight be a proof of improved health, the women are in better case than when they were admitted."

(Here follows a statement of seventeen female prisoners, all of whom, with the exception of three, had gained, in the course of four months several pounds in weight,)

"By this statement you will perceive

that, with very few exceptions, the women have gained considerably in weight; and, of those who have lost weight, two were labouring under disease at the time of admission, on which account they were seldom put upon the wheel. I beg leave to add, that I have witnessed some of the bad effects of the wheel on the hands of the female prisoners, as mentioned in Sir J. Cox Hippisley's work: and, in regard to the dreadful consequences described by Dr. Mason Good, as likely to result from the labour of females on the tread-mill, I most positively declare that no such consequences have existed here. The prisoners, and more especially the women, are in good health. The few cases of sickness which have come under my care, have generally been chronic cases of long standing, and were so at the time of admission into this place; and I do most solemnly declare that I have, as yet, witnessed no bad effects on the legs, arms, or bodies, of the prisoners from the use of the Tread-mill.

“ My object in troubling you with this

is to elicit the truth, and to do away with what appears to me, judging from its effects in this place, a groundless objection to a humane, useful, and harmless instrument of punishment. If the above be deemed worthy of a place in your paper, you will oblige me by inserting it.

I am,

Sir,

Your obedient Servant,

“EDWARD JACKSON,

Surgeon to the House of Correction, Guildford.

“*September 2nd, 1823.*”

“ P. S.—On visiting the prisons this day, I found that the mill was not at work, on account of the want of corn : the men were in their different airing wards ; and the women all employed in needle-work, at which they appeared to be very expert, not one of them complaining of horny or blistered hands.”

The same number of “John Bull” contains a letter addressed to the “Editor of the London Medical and Physical Journal from Sir J. Cox Hippisley, with some remarks on my former communication to

you on the subject of the tread-wheel. Sir John appears to retain his former sentiments and antipathies, without, however, producing any new arguments in any way bearing upon the point in question, or in the slightest degree weakening the force of facts so formidably arrayed in opposition to delusive hypothesis and vague conjecture.

I shall now beg leave to state the result of the examination before alluded to at the Southwell house of correction, in full confirmation of the opinions I have so frequently offered. In this examination, I was most kindly and ably assisted by the Rev. John Thomas Becher, one of the visiting justices of this prison, and in the presence of Mr. Mole, the governor. The prisoners were distinctly informed that this examination would operate neither to their advantage nor detriment.

<i>Names.</i>	<i>Number of months or weeks on the wheel.</i>	<i>General Observations.</i>
W. Patman,	10 Months	His knees, legs, and thighs fatigued in an evening. No swellings in his legs, nor cramps. Walks with the greatest ease when fronting the wheel. The labour not greater than that of a common day labourer.
Wm. Allen,	5 Months	No pains nor swellings of any kind. Could step laterally on the wheel the whole day, but eases himself by changing his position.
W. Staniland	9 Months	Can walk laterally the whole day; or either in front or to the back of the wheel. No pains of any sort.
G. Cullen,	9 Months	Treads in front with the greatest ease, but often changes his position; can walk backwards; has no pains nor swellings.
W. Clews,	9 Months	Walks fronting the wheel the easiest; can also walk sideways and backwards.
B. Abbott,	5 Months	Treads in front with the greatest ease. No pains.
J. Hall,	5 Months	Treads easiest laterally, and could tread the wheel in that position the whole day.

<i>Names.</i>	<i>Number of Months or weeks on the wheel.</i>	<i>General Observations.</i>
W. Calton,	3 Months	Treads laterally, backwards and forwards. Complains of no pains but of weariness in the evening. Sleeps well.
J. Kirk,	5 Months	Treads laterally the easiest. No pains in his knees, nor weariness at night.
Wm. Torr,	3 Weeks	Treads fronting the wheel, No pains but wearied in an evening.
W. Simpson,	6 Weeks.	Treads laterally with the most ease. No pains.
T. Wheeler,	6 Weeks.	Laterally the whole day. Has been a soldier, and experiences the same fatigue as produced by a walking drill, but not so severe as a balance step. The exercise not so severe after he had been used to it. No pains.
J. North- wainer,	6 Weeks.	Agrees with the above. Compares it to the balance step, and the pains go off after rest.
J. Slack,	6 Weeks.	Treads the easiest in a lateral direction, can also tread backwards.
S. Hatter,	6 Weeks.	Does not think the exercise of the tread-wheel so severe as that of the walking-drill.

<i>Names.</i>	<i>Number of months or weeks on the wheel.</i>	<i>General Observations.</i>
Wm. Torr,	6 Weeks	treads the easiest on the front and has no pains or swellings. Treads laterally the easiest. Labour somewhat like the balance step, but more fatiguing. A feeble man.
R. Burns,	6 Months	Treads the easiest by changing his position. Not so laborious an employment as thrashing in a barn. No pains, swellings, nor much fatigue.
W. Wigley,	3 Months	Treads fronting the wheel more easily than laterally but can do either. The labour not so severe as getting ironstone. No pains.
J. Bliton,	3 Months	Treads laterally, in front, or in any direction, but prefers facing the wheel. No complaints of any kind, excepting fatigue in the evening.
J. Wilkinson	4 Months	The lateral tread is preferred. Without pain or complaint.
J. Orridge,	5 Months	Treads easiest facing the wheel, but has an advantage in a change of position. No complaints of pain nor of swellings, but of great fatigue in an evening.

<i>Names.</i>	<i>Number of months or weeks on the wheel.</i>	<i>General Observations.</i>
W. Omfield,	6 Months	The lateral position the easiest, and says that the labour is about as severe as that of sawing. He has varicose veins in his legs ; but had them previous to labouring on the wheel, or being committed to this prison.
J. Hallam,	11 Mon.	The lateral position the easiest, and has no swellings nor pains.
T. Cliff,	11 Mon.	Can tread almost in any direction. Complains of fatigue from the exercise ; but has suffered neither permanent pains, swellings, nor any deprivation of rest or appetite.

However diffident I may feel respecting my own judgment, I stand on this occasion supported by the concurrent opinion of those accustomed to minute and accurate investigation. After the twenty-four prisoners, whose depositions are here given, had been individually examined by Mr. Becher, without any previous knowledge of the purpose for which they were brought before him, and had, by their unanimous testimony produced a confirmation of my original statement, twenty-six fellow prisoners, who were also employed upon the tread-wheel, were summoned ; and the whole fifty being collected, were desired to state, without intimidation, whether they experienced any disorder, or any other sensations than those which are common to the soldier at his drill, the mechanic at his shop, or the labourer in his barn ? The result was, that every man, exercising what is denominated a laborious occupation, had frequently sustained, from a continuance, much severer and more distressing employment : that the sensations and pains were nearly allied to those succeeding a drill, especially at the balance

step ; and that the frame-work knitters and lace manufacturers of this county, who exercise an art requiring a peculiar flexibility of muscle and an extreme delicacy of touch, were not in the slightest degree prevented from resuming their usual employments after their discharge from the tread-mill,

Mr. Mole, the governor, I may take the liberty of mentioning, is a man of indefatigable vigilance and acknowledged humanity : his whole time is devoted to the duties of his office ; the prisoners while on the tread-wheel, are always immediately before his window. He was originally bred at Birmingham to the manufacture of arms ; after which he served as a lieutenant in the 32d Regiment for several years, with very considerable reputation. On leaving the army, he resumed the superintendence of a large manufactory at Birmingham ; and I leave it for the public to determine whether such a person is likely to be deceived in matters submitted to his daily and hourly inspection ; and whether his duty to the Magistrates, as

well as his own sentiments of justice and humanity, would not have impelled him long since to have made a formal representation, if all or any of the evils ascribed to this machine had existed within our prisons? With less circumspection in conducting the examination of the prisoners, it is neither impossible nor improbable that the hopes of reverting to that idleness which has disgraced our prisons, and drawn such multitudes within their walls, might have proved a powerful inducement to attempt delusion, by representation arising rather from interested motives than from actual suffering.

The question of the utility or of the injurious tendency of the tread-wheel being, in my opinion, satisfactorily determined by the testimonies offered in the preceding pages, as well as by the concurrent opinions in its favour of the respectable medical gentlemen, whose sentiments on this subject have been publicly and most impartially given, I shall beg permission to state the enviable degree of health which has been obtained at the Southwell House of

Correction, by the excellent system of ventilation, cleanliness, and general good management, adopted and enforced by the visiting justices of that prison. I will first mention that one death only has occurred during the last five years,—Robert Smith, who entered the House of Correction with symptoms of confirmed phthisis pulmonalis. So far, indeed, had structural disorganization advanced on his commitment, that he lived only a few days after his admission. The gross number of prisoners committed during that period (five years) amounted to 3227; and the average number of prisoners daily confined for the last year, commencing 25th June, 1822, and ending 24th June, 1823, both of the above dates inclusive, amounted to $81\frac{45}{73}$ the number on the sick list at this time is fourteen: many of these cases are of minor importance, and not one of them depending either on the effects of the tread-mill or of incarceration.

As to the abandonment of the tread-wheel by Parliament, in the recent Gaol Act, I can only affirm that among the several

Prison Bills, which during the last few years have been submitted to my inspection, I have not discovered that any such clause was ever adopted, neither am I acquainted with any provisions in any statute prescribing imperatively the particular mode of hard labour. The magistrates exercise their functions gratuitously in favour, and to the great obligation, of the public : it is, therefore, I conceive, more consonant with the respect due to their office, that Parliament should promulgate the general system to be adopted in prisons for the punishment and reformation of criminals, and that the details regulating the mode of carrying the intentions of the legislature into effect, should be governed by the judgment of the magistracy, according to local opportunities and existing emergencies.

Southwell, Oct. 1, 1823.

POSTSCRIPT.

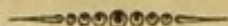
In the Courier of the 14th of November, I find an argument in the Court of King's Bench, intimately connected with the subject of these letters.

As the Opinions of the Lord Chief Justice and the other Judges amply confirm my reasoning, and absolutely legalize the sentiments which I had previously published in opposition to those of Dr. Good, I give the case as reported, conceiving that it must prove interesting to all persons pursuing this line of investigation.



COURT OF KING'S BENCH, *Westminster*, Nov. 13.

THE KING *v.* THE JUSTICES OF THE NORTH RIDING OF YORKSHIRE.



MR. SCARLETT moved for a writ of mandamus directed to the Magistrates of the North Riding of Yorkshire, commanding them to act on the report of Martin Stapleton, Esq. respecting certain abuses in the House of Correction for that district, and to inquire into and rectify such abuses. This application was grounded on the 4th Geo. IV. c. 64. s. 17, which authorised any Magistrate of a county or division to enter into and examine any prison within its limits, and if he should discover any abuses, to report the same in writing to the next Quarter Sessions; and which further provided, that "the abuses so reported shall be taken into immediate consideration by the Justices at Sessions; and they are hereby required to adopt the most effectual measures for inquiring into and rectifying such abuses as soon as the nature of the case shall allow." Mr. Stapleton, who was a Magistrate

and a gentleman of large fortune, had in pursuance of this Act, visited the prison, and had reported an important abuse which he observed; he reported the abuse to the Sessions, but they provided no satisfactory remedy, and he now made this application to the Court, to compel them to perform the duty cast on them by the Legislature.

The LORD CHIEF JUSTICE.—How can we inquire into the exercise of a discretion with which Magistrates are invested, and compel them to act in a particular course?

Mr. SCARLETT said the subject was of great importance, and deserving the utmost attention of the Court.

The LORD CHIEF JUSTICE.—Yes; but the importance of the subject cannot justify the interference of the Court when they have no power. Can you show us how we have power to direct the Magistrates in this case.

Mr. SCARLETT submitted that the abuse complained of was a plain violation of the statute, and yet the Magistrates had refused to afford effectual redress. The tenth section of the Act contained a series of regulations, among which were the following:—"Every prisoner maintained at the expense of any county or place shall be allowed a sufficient quantity of plain and wholesome food, to be regulated by the Justices in Sessions, regard being had (so far as may relate to convicted prisoners) to the nature of the labour required from them; and it shall be lawful for such Justices to order, for such prisoners of every description as are not able to work, or being able, cannot procure employment sufficient to sustain themselves by their industry, or who cannot be otherwise provided for, such allowance of food as the Justices shall from time to time think necessary for the support of health." The 37th Section of the Act pointed out the cases in which persons committed for trial may be employed in work; after reciting that persons in that situation were often willing to work, empowered one or more Visiting Justices to authorize the employment of such prisoners "with their own consent." It was perfectly clear from these regulations, that the Magistrates had no power to compel untried prisoners to work in any way, and still less to place them on the *tread-mill*; but Mr. Stapleton last year discovered that all the prisoners were indiscriminately forced to perform the irksome and humiliating drudgery of that machine. He mentioned the subject several times to the Quarter Sessions, but without effect; and at last made his report, succinctly stating the existence of this grievous abuse. The Magistrates took the subject into their consideration, and made an order, not countermanding the employment of prisoners at the tread-mill, but directing that those prisoners who would not work at the tread-mill should have no provision but bread and water. Mr. Stapleton felt that this was a grievous abuse, and therefore he brought it forward, imputing no dishonourable motive to the Magistrates, many of whom were his intimate friends, but feeling that they had greatly mistaken their duty.

The LORD CHIEF JUSTICE.—You do not say that they have prohibited prisoners who have resources to avail themselves of them?

Mr. SCARLETT replied, certainly not; but they were bound to find for all who were unable to support themselves by their industry, "wholesome and sufficient" food; and he contended, that bread and water alone were not "wholesome and sufficient" for the support of nature, even when given in proper quantities.

The LORD CHIEF JUSTICE.—Is there any statement in the affidavit, that bread and water are not wholesome and sufficient for the support of the prisoners?

Mr. SCARLETT replied, that Mr. Stapleton solemnly deposed to his belief, that, alone, they were very inadequate to the preservation of

health and strength. It was clearly ascertained, that the recent mortality in the Penitentiary at Mill Bank, arose from the want of nourishing provisions. Was it, then, to be suffered, that Magistrates, having no power to commit any untried Prisoners to hard labour, should compel them to the most distressing species of toil, on pain of being deprived of the means of healthful subsistence? They were directed to supply prisoners with food who could not earn their own subsistence; and was the tread-mill to be forced on them as if it were their own occupation and trade? Suppose a poor man, innocent altogether of crime, being quite able to support himself in his own trade if at large, deprived of the means of support by imprisonment, and offered necessary food only on condition of mounting the tread-mill; would not this be a case of intolerable hardship? How many men were committed to prison for assaults and petty offences, who were entirely innocent, and who might be offered this cruel option of the tread-mill or starvation? They might be willing to labour in their vocations, or in any fair occupation; and it was the duty of Magistrates before they refused them sufficient nutriment, to give them the opportunity of engaging in such works. Was not the order of the Magistrates, then, "an abuse," and would not the Court compel them to apply a remedy?

The LORD CHIEF JUSTICE.—Some one must judge as to the kind of labour in which prisoners may be employed, and as to the sort of food which is sufficient if they are unable or unwilling to work.

Mr. SCARLETT.—Yes, my Lord; but I contend that mere bread and water are indisputably inadequate and unwholesome. Suppose the Magistrates should direct all the prisoners to be fed on *nux vomica*, would the Court say they were merely exercising their discretion, and that they alone are to be the judges?

The LORD CHIEF JUSTICE.—Oh no; for that is poison. You are putting cases as parallel which have no semblance at all.

Mr. SCARLETT agreed that the cases were different in degree, but contended that they were the same in principle. Bread and water were clearly insufficient to human health; and if the Magistrates might, in their discretion, reduce the diet of prisoners to these, he did not see why they might not confine it to something absolutely pernicious.

The LORD CHIEF JUSTICE said, bread and water were the principal food of great numbers of people; and he did not know that if given in sufficient quantity, they were unwholesome.

Mr. Justice BAYLEY asked if the affidavit stated any instances of persons whose health, in the judgment of medical men, had been injured by the diet complained of; as, if the system was really prejudicial, such instances would have arisen.

Mr. SCARLETT admitted there were none; but the order might have had the effect of driving all the prisoners to the tread-mill to obtain an adequate supply for their wants.

Mr. Justice BEST.—There are great numbers of the industrious poor whose fare consists often of bread and water; and why should prisoners, who will not work, be better provided for?

Mr. SCARLETT said he hoped the poor of the country were not now in such distress.

Mr. Justice BAYLEY—I believe many of the population of this country would be glad to obtain a sufficient quantity of bread; and we all know that the inhabitants of a northern part of this kingdom, if they do not live on bread and water, live on oatmeal and water, which can hardly be more wholesome.

Mr. SCARLETT hoped that the Court would think the case worthy of deep attention. The prisoners, innocent as they might be, had no

other protection than that which the Court could afford them, and for that he trusted they would not ask in vain.

The LORD CHIEF JUSTICE asked if Mr. Scarlett could refer the Court to any act which made it compulsory on Magistrates to provide for prisoners who refused to work?

Mr. Justice BEST observed, that the 19th Car. II. c. 4, recited that poor men perished before trial, and authorized Magistrates to provide for them means of working. The provisions enabling them to supply those with food who could not earn it, were of a later period.

Mr. ALEXANDER (who was with Mr. Scarlett) referred the Court to 33 Geo. III. as extending the powers and duties of Magistrates in reference to the support of prisoners.

The LORD CHIEF JUSTICE observed, that the Court had listened to hear if any act was cited, making it compulsory on Magistrates to find food for those who, being able, refused to work; but, at present, they had heard none; and, in the absence of such provision, they were bound to refuse the rule. They could not say, from any thing before them, that labour at the Tread-mill was not a proper species of work, or that bread and water was not sufficient diet for those who refused it. Finding no provision respecting the kind of labour, and seeing, therefore, that the Magistrates had done nothing contrary to law, they could not interpose and direct them to pursue a different course. They ought to be exceedingly cautious how they interfered with Magistrates in the exercise of duties peculiarly cast on them, and to refuse their interposition unless they saw them disregarding some known duty. They must, therefore, refuse the rule.

Mr. Justice BAYLEY said the Court could not grant a *mandamus* unless they saw that the party was bound to perform some particular act which he had neglected. In this case they clearly had no power to prescribe the sort of food which Magistrates should allow to those who would not work, and who, in strictness, were not entitled to any thing.

Mr. Justice HOLROYD having been absent in the early part of the argument, declined giving any opinion.

Mr. Justice BEST said it was clear that, by the Act, a discretion was intrusted to the Magistrates, and where this was the case, the Court would never interpose to say how that discretion should be exercised in any particular case. A man who was committed to prison was not to be placed in a better situation than one who was at liberty; he was to be placed in as good a situation merely; and as a man at liberty who refused to work would not be sustained in idleness, so a man in prison could ask no more. The Magistrates were bound to find the means of work: they had found them; and if these were rejected, the prisoners had no reason to complain. He was not prepared to say that bread and water was not sufficient food for men who were too idle to work; and he was afraid that many men who were at large and willing to labour, would be glad to obtain a sufficient quantity of those provisions.

Mr. SCARLETT said he had certainly found no statute compelling Magistrates to provide food for those who refused to work.

Mr. Justice BEST.—Nor have I. When I looked I found none but the 19th of Car. II., which directs Magistrates to find work, that prisoners might maintain themselves.

The COURT accordingly refused the rule.

