

An account of the general penitentiary at Millbank ... : To which is added, an appendix, on the form and construction of prisons ... / by George Holford.

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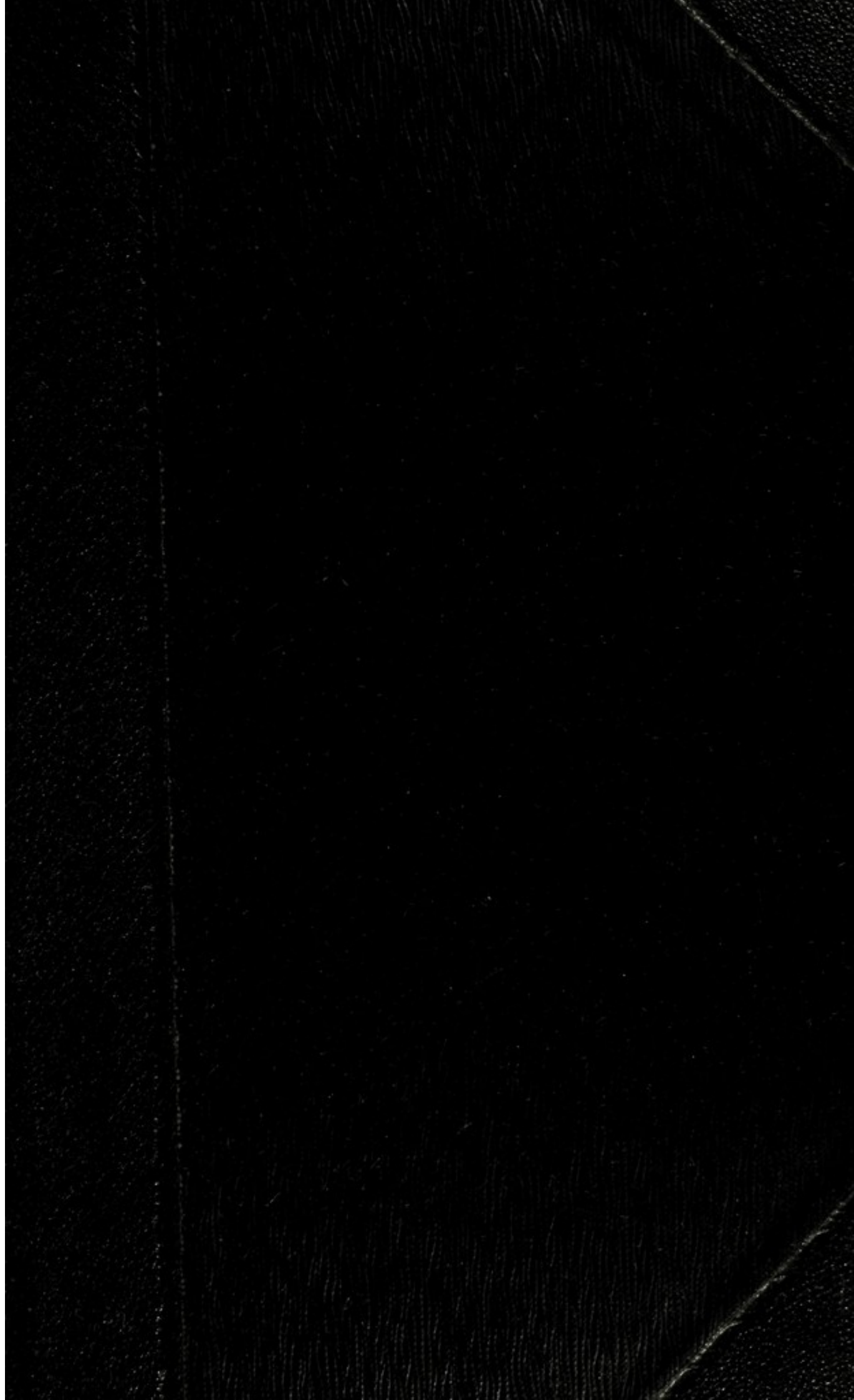
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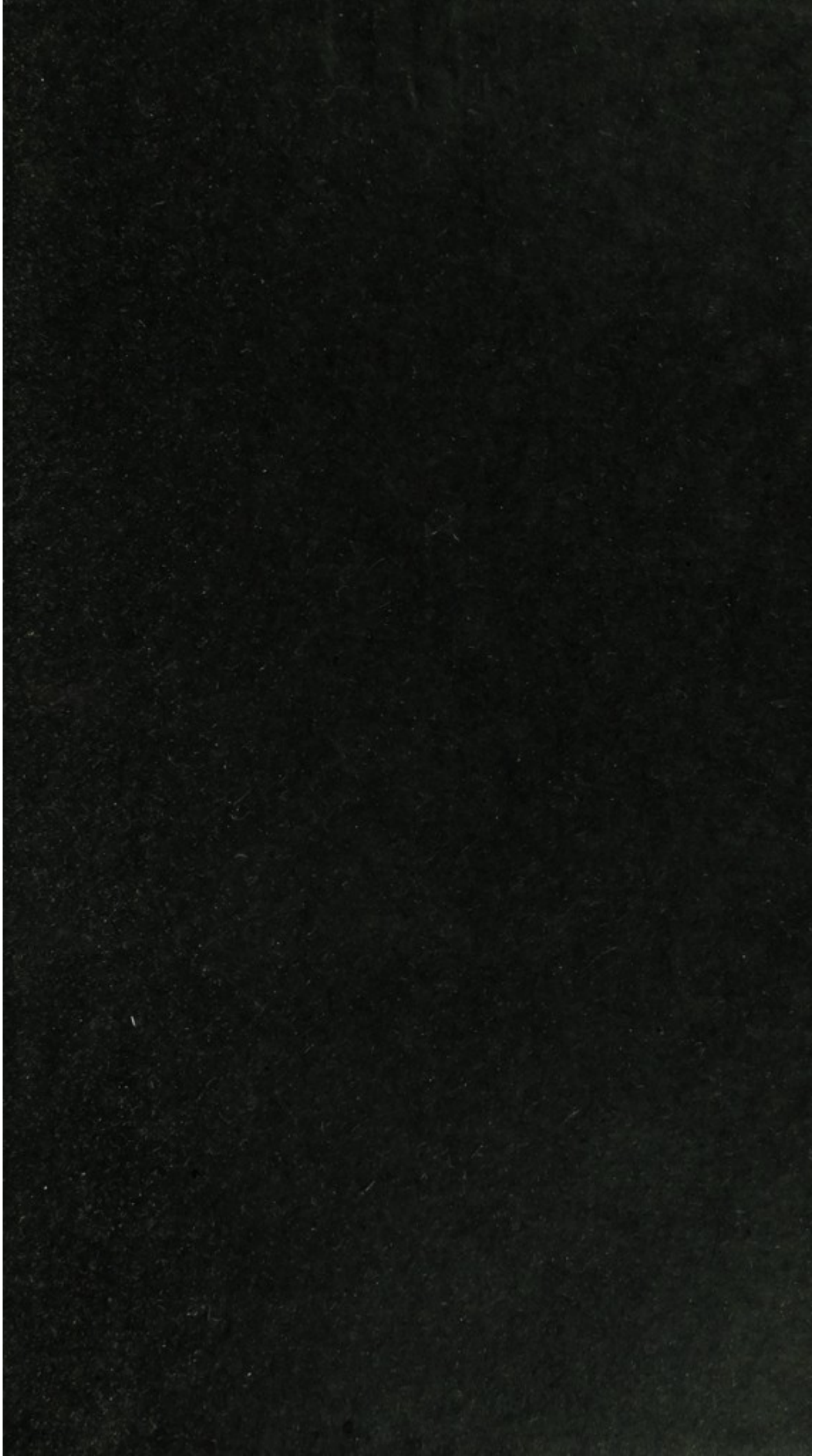


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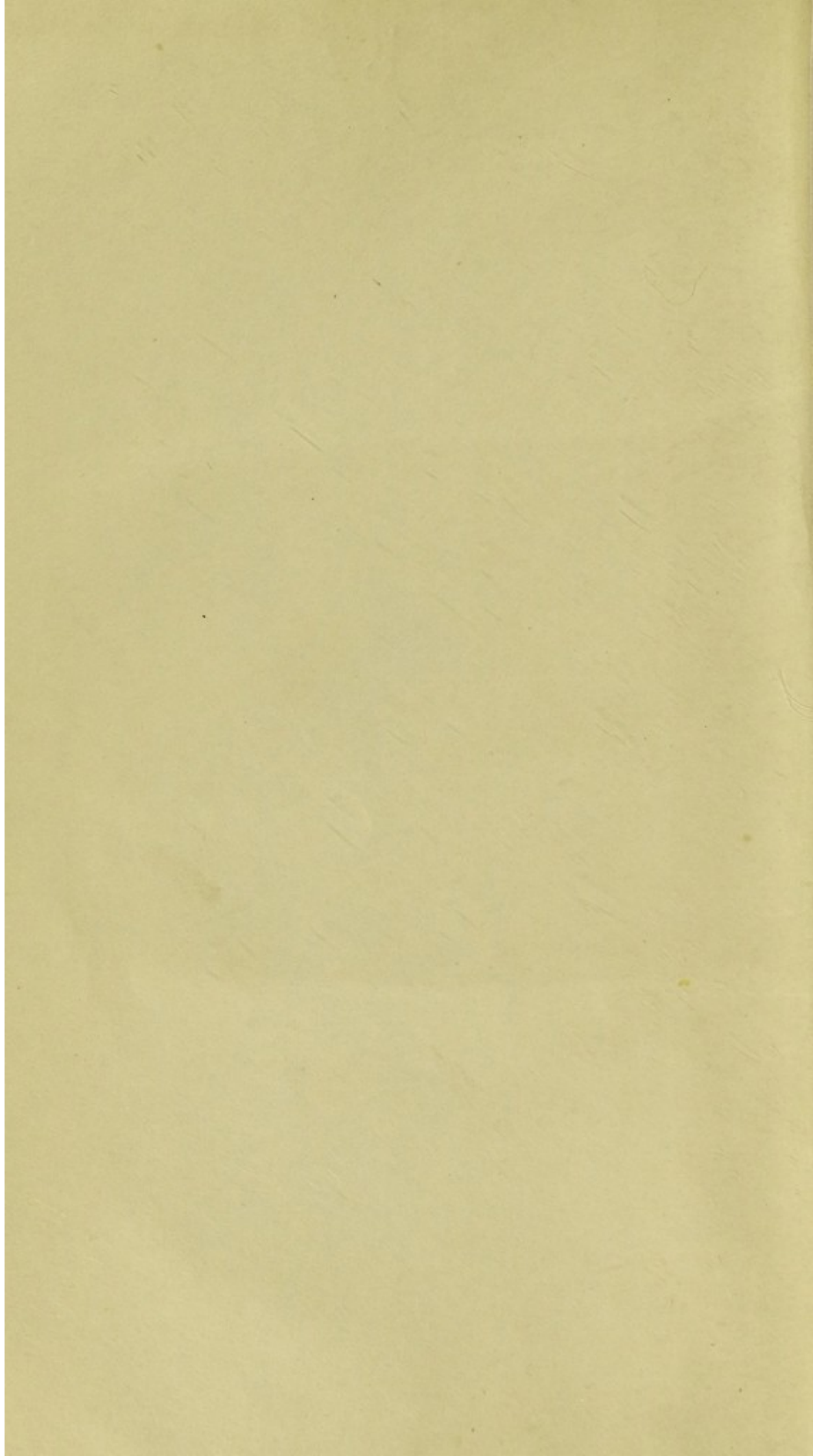




Supp. 59513/13

ACCOUNT

OF THE PROCEEDS OF THE SALE OF THE



From the Author

AN
ACCOUNT,
OF THE
PENITENTIARY AT MILLBANK.

AN
ACCOUNT
OF
THE GENERAL PENITENTIARY
AT
MILLBANK;

CONTAINING

A statement of the Circumstances which led to its erection—a description of the Building; of the Officers employed in the Prison, and of the course of Discipline observed in it—explanations of the arrangements connected with the Medical care, Instruction, and Employment of the Prisoners, and with the management of the whole Establishment—remarks upon the annual expences of this Prison—on the description of Offenders for which it is calculated—on various suggestions which have been offered for the alteration of the System pursued in it—and on the probable effects of that System in reforming Convicts.

TO WHICH IS ADDED,

An Appendix,

ON THE

Form and Construction of Prisons, intended to shew the superiority of Prisons which surround their Court-yards with their Buildings, over a Prison constructed on the plan published by "The Society for the Improvement of Prison Discipline," called by them "The Radiating Plan."

BY GEORGE HOLFORD, Esq.

LONDON:

PRINTED FOR C. & J. RIVINGTON,
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AND HATCHARD AND SON, PICCADILLY.

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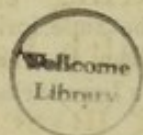
THE GENERAL PENITENTIARY
PRELACE
MILBANK



LONDON:

PRINTED BY R. GILBERT,

ST. JOHN'S-SQUARE.



PREFACE.

SOME of the papers contained in this publication have been drawn up long since, at different times, as the parts of the system to be pursued in the Penitentiary came under the consideration of those, who were to frame rules and regulations for the management of it, but most of them were written during the last autumn, since the state of my health has been such as to prevent my applying myself long at a time to any serious subject.—The account, therefore, of the establishment at Millbank here given will be but imperfect, but I am induced to publish what occurs to me upon this subject now, for two reasons ;—first, because if I were to defer the performance of the task, until improved health should enable me to execute my purpose in a less unsatisfactory manner than I am now able to do, it is

more than probable, that it would never be executed at all; and secondly, because I feel it to be a duty, which I owe to the cause in which I have been engaged for some years, to furnish the public without delay with the means of forming a correct judgment concerning our proceedings at Millbank, against which a prejudice has, I fear, been created by a very unjustifiable note to the seventh Report of the "Committee of the Society for the Improvement of Prison Discipline and the Reformation of Juvenile Offenders," a body, whose authority may be expected to carry some weight with many who know little more of the Society than its title, and cannot be aware, how rashly those, who publish Reports on its behalf, deal out their censures on the multifarious objects of their lucubrations.

The Reports of this Society are seven in number, and they are of considerable length. The information which has been collected respecting the construction and management of different prisons at home and abroad is subjoined to each Report in a long Appendix.

The publication of details of the kind to be found in the Appendices to these Reports is very useful, and if the Reports themselves contained merely an account of the means taken to procure this information, or comments upon the information procured, if they were confined to statements of fact, or inferences from facts stated, it might hardly be worth while to enquire very nicely, by whom they were prepared or approved, but from the wide field of argument, through which these Reports range, and the dogmatical manner in which opinions are pronounced in them without argument *, it becomes im-

* The VIIth Report of the Society affords an excellent specimen of the manner in which these gentlemen, (if more than one person have a hand in this production, which I rather doubt) can ramble from one subject to another. It consists of 130 pages, the greater number of which are employed in finding fault with the laws and institutions of this country, on matters not coming under the head either of "Prison Discipline," or "the Reformation of Juvenile Offenders." It discusses, among other matters, the evils of the Poor Laws, as now administered, (p. 28) and the injustice of the Game Laws, contending on the latter subject, that we have no right to prevent any man from killing game, the deprivation of his natural liberty in that respect not being "conducive to the public welfare" (page 33). It points out many de-

portant to look a little into the authority from which they emanate, and to examine

fects in our criminal proceedings, such as the impropriety of permitting the prosecution of a criminal to depend on the will of the party aggrieved—the inefficacy of inquiries before Justices of the Peace and Grand Juries to protect persons charged with offences from being committed or tried,—the inferiority of the English law to that of Scotland in these respects (page 47, 48). The imperfections of the laws for admitting persons accused, to bail, on which head the “distribution of justice to the “rich and the poor” is said to be “manifestly unequal;” (page 53) and the delay of justice, owing to the want of more frequent gaol deliveries page 45—62, (under this head there is a long history of the Courts of Justice in the time of king Alfred and his successors, page 58, &c.) It further remarks on the defects of our Courts for the recovery of small debts—and on the law of arrest in civil suits, questioning the justice “of arresting one man for “20*l.* and protecting another because the debt does not “reach that sum by a shilling or two” (page 74). There are about sixteen pages in one part of the Report, which relate to English prisons; and about ten in another part of it concerning places of confinement in Scotland and Ireland, including Lunatic Asylums. The prisons in the West Indies, America, France, Italy, Switzerland, the Low Countries, and Germany, with some remarks on the criminal law in those countries, take up about twenty-three pages—and a few are employed in lamenting the increase of the number of juvenile offenders, and in stating the cases of objects received into “the Refuge for “the Destitute.” It is, however, most extraordinary that

what pretensions the framers of them possess to direct the public mind, and to pass sentence of condemnation on the labours of other men.

On looking into the publication which is called the seventh Report of this Committee, I find in the first pages of it an imposing list of Vice-Presidents, consisting of 45 persons, of whom four are Bishops, and all the rest, except two, are either Peers or Members of the House of Commons, followed by a Committee of 28, besides the Chairman, with five members of the Legislature at their head. In most of the societies with which I am acquainted, that are supported by sub-

an English Society, which extends its investigations into the treatment and condition of criminal prisoners, westward to America and the West Indies, and to the Russian Empire in the East, and is only stopped in its researches by the Mediterranean and the Barbarous Coast of Africa in the South, should not condescend to inquire into the state of three or four thousand English convicts confined at Portsmouth, Sheerness, Chatham, Woolwich, and Deptford ; and takes no further notice of the largest prison in England, the Penitentiary, (in its own immediate neighbourhood) than to bestow a short note of unqualified censure upon it, the justice and propriety of which I am now about to consider.

scription and managed by Committees, the Vice-Presidents are much fewer in number, and act as members of the Committee, but it is not to be supposed, that the Right Reverend, Noble, and Honourable persons alluded to, some of the most distinguished of whom, if credit is to be given to the Lists of Subscribers published by the Committee, have never taken sufficient interest in the Society to subscribe to it, can know much of its proceedings, or are to be taken as sanctioning its Reports.

The proceedings of most Societies whose concerns are managed by Committees, are submitted at certain times to general meetings, by which the members of such Committees are elected, but the course taken by this Society in this respect has been an extraordinary one.

In May, 1820, certain gentlemen called a general meeting of the friends and subscribers to a Society, which they had previously formed for the purposes mentioned above, having already received subscriptions for those purposes, and published one Re-

port upon the subject.—Upon that occasion several resolutions were passed concerning the defects which existed in the prisons of this country, the lamentable increase of youthful criminals, &c. &c. The meeting did not frame or recognize any rules for the regulation or conduct of the Society, but named a list of noblemen and gentlemen to be Vice-Presidents, (who, with one or two additions, still continue in that situation) and certain other gentlemen to be a “Committee for the year ensuing, with power to add to their number.” Since that time similar meetings have been held (considered as Anniversary Meetings) in 1821, 1822, 1823, and 1824.—At the meeting in 1821 a Committee was named for the next year, consisting of the same gentlemen who had acted for the year preceding, and with the same powers to add to their number.—In 1822, two Vice-Presidents were added to those already chosen, and nearly the same Committee was appointed for the ensuing year.—At the two subsequent meetings nothing was said respecting any Committee, but the list of the Committee as now published includes one name more than the list of 1822.

The four Reports published by the Society, in 1821, 1822, 1823, and 1824, were read at length by the Chairman of the Committee, at the Meetings held in those years, and unanimously adopted by the persons present. All the resolutions passed at those meetings are stated to be unanimous, and they could not fail of being so, the business of the day being always previously arranged by some of the leading Members of the Committee. These gentlemen prepared the resolutions, and arranged the order in which they were to be brought forward, and it was understood *, that no other person was to speak

* At the last meeting (in 1824) I took some pains, in conjunction with others, to prevent two gentlemen, who conceived themselves to have cause of displeasure against the Committee of the Society, from some passages in one of their Reports, from interrupting the harmony of the assembly. We did not succeed in keeping our friends quite silent, but we prevailed upon them not to oppose any of the resolutions. I think the Committee have done right in giving up these meetings, for I certainly felt in 1824 that they made rather an unreasonable demand on the patience and forbearance of a very numerous assembly of persons, in calling on them first, to listen to a long statement of facts and opinions, which, when printed, extended through 100 pages of letter-press, large octavo, and then to vote for its being published as the Report of the Society.

except those into whose hands these resolutions were placed to be moved, and seconded, who were generally selected as being the persons of most consequence that happened to be present at the meeting. It was indeed evident, that discussions could not be introduced without inconvenience, and could not lead to any result, in a meeting of this description; the persons assembled being very numerous, and consisting indifferently of subscribers and non-subscribers to the Society, and a great majority of them being ladies, who came to hear, and not to debate.

The last meeting of the nature above described, was held in 1824, and the present Report, therefore, published in 1827, wants that sanction, whatever be its value, which the resolutions of the meetings mentioned above, directing the publication of the former Reports, were supposed to convey.

I doubt very much whether any of the four Members of the House of Commons, whose names appear on the Committee of the Society, had any hand in that Report—with most of the other gentlemen there named I

have not the honour to be acquainted. I am told, that two or three of them have taken a good deal of trouble in investigating the state of many of the Foreign Prisons, but I do not find in the Report that they have discovered any regulations or practices in them which may be adopted with advantage into this country, and I cannot learn that either they or their colleagues have much practical knowledge of English Prisons, or English Prisoners. I believe if we could reduce the formidable list of those whose names are prefixed to the publication containing this Report, as Vice-Presidents or Committee-men, to its proper dimensions, considered with reference to the contents of the Report, by striking out all those who never saw the work till after it was printed, we should find the dissertations, of which it consists, to be the production of the Chairman of the Committee, read over by one or two only of the Members, before they were published ; and in that case is it to be wished, for the sake of those who are guided by great authority, that the opinions of these gentlemen were published in their own names, instead of being ushered into the world with a degree

of pomp and consequence to which they are not entitled. If I am told that the Reports of Committees are not usually signed by those who make them, I answer, that Committees are not usually self-elected, and do not commonly make such reports as that to which I am now referring.

The part of the Penitentiary first built was opened for the reception of Female Convicts in 1816, and received Males in the beginning of 1817, a short time before the Society for the Improvement of Prison Discipline was formed. It was to be expected, that a prison of such magnitude, erected as a first attempt to combine the punishment of offenders with their reformation, and to effect this purpose by an improved state of prison discipline, would attract a large share of the attention and good-will of the promoters of that Society; and that the first Reports addressed by them to the Public, on the state of the prisons in this country, would have given us the encouragement and support of their commendation, in respect to such parts of our system as met with their approbation, (and not having been wanting in diligence, we

must have been very unlucky, if we had done nothing right) and would have commented in no unfriendly spirit on those steps in the course we had taken, on which their judgment might differ from ours, since it could not be considered as matter of surprise or of offence in any quarter, that persons having the same end in view, should entertain different opinions in regard to some of the means, by which their common object ought to be pursued.

Mr. Buxton, in his Inquiry into the Effects of Prison Discipline in this Country, published in 1818, included the Penitentiary in the list of prisons which were the subject of his remarks. His account of it was in some respects erroneous, though he had taken great pains to make it accurate. I was not at that time known to Mr. Buxton, but I found no difficulty in obtaining an interview with him; and being convinced that he had been much misinformed, he very willingly acknowledged and corrected his mistakes in a note, in which he adverted to the communication he had had with me.— This note he inserted in the copies of his

work then remaining unsold; and he incorporated the substance of it, with additional matter, in the next edition of his book, published in the same year. In this publication Mr. Buxton observes, that he had found in me "an entire concurrence in the views he "had formed of prison discipline," and he speaks of the Establishment at Millbank in terms with which, as implying general approbation, those who managed it had every reason to be well pleased; and he concluded the article in which he was treating of it, with an observation, that he must "yet be allowed to "differ from its conductors upon some points "of minor importance," which he stated under three heads. First he objected to the cost of the edifice, which he attributed to the multitude of small work-rooms into which the prison is divided; secondly, he thought that we allowed our prisoners too little time for air and exercise out of doors; and, thirdly, he complained, that we did not stimulate their industry by permitting them to spend a portion of their earnings in the purchase of food in addition to that furnished by the prison dietary. Of the cost of the building I shall have

occasion to speak frequently hereafter, but Mr. Buxton was certainly mistaken in supposing that any material addition to the expense of it was occasioned by the partitions to which he alludes. The first-class prisoners work in the same cells in which they sleep, and if all the second-class prisoners in the same ward were placed in one or two cells only, the absence of the partition walls, which would in that case have been dispensed with, would not have reduced our expenses 2000*l*.—In Mr. Buxton's second objection, viz. that the prisoners had not sufficient air and exercise out of doors, he was clearly right, and they now spend a much greater portion of their time in hard labour out of doors, than they did when he wrote. The expediency of allowing prisoners to purchase food with part of their earnings, was a question upon which, in 1818, the sentiments of those who paid attention to Prison Discipline, were much divided; the opinion, however, which Mr. Buxton then held upon that point, has been since given up by himself, as well as by its other advocates, and the prisons which were quoted to us as examples to be followed

upon that head, have long since discontinued the practice then contended for.

I have dwelt the longer perhaps upon this publication of Mr. Buxton, because it is natural to turn with some reluctance from a work written in the spirit of candid discussion to remarks made in a different tone, and containing only general censure. Why the gentlemen who published Reports on behalf of the Society for the Improvement of Prison Discipline, should have thought it necessary to say any thing concerning the Penitentiary, in a note to their seventh Report, in 1827, when they have never noticed that establishment in any of the Reports themselves, though they had always published its annual Reports laid before Parliament, in their Appendices, I do not pretend to know; but the following is the sentence of condemnation they have now pronounced upon us.

“ It is a lamentable fact, that the Penitentiary system in this country has suffered less from the hostility of opponents than from the imprudence of friends. The im-

“ mense sums expended in the erection of
 “ the prison at Millbank, and the unfortunate
 “ events which occupy so prominent a space
 “ in its history, are circumstances deeply
 “ mortifying to the friends of prison improve-
 “ ment.” The Committee, however, (mean-
 ing the gentlemen calling themselves the
 Committee of the Society for the Improve-
 ment of Prison Discipline) “ submit, that no-
 “ thing can be more unjust than to charge
 “ the Penitentiary system with the errors
 “ committed at Millbank ; the successful dis-
 “ cipline observed at several of the County
 “ Houses of Correction, in reference to the
 “ higher classes of offences, affords valuable
 “ proof that a system of personal seclusion
 “ and hard labour may be rigidly enforced
 “ without extraordinary expenditure, and un-
 “ der no other management than the vigi-
 “ lant superintendence of the County Ma-
 “ gistrates.”

The passage, to which this note is annexed
 in the Report, approves of imprisonment for
 grave offences, as a punishment, in which the
 suffering of the offender is to consist “ in the
 “ duration of the confinement, and not in the

“severity of his treatment;” whereas the Member for Essex, who has lately written concerning prison management, and who is one of the few gentlemen named as belonging to the Society’s Committee, who is practically acquainted with prisons, has expressed himself very strongly in favour of short imprisonments, and very severe labour, while the prisoner shall be confined. It is really difficult to know whose sentiments we are reading in reports of this kind; and it would be but fair to tell the Public, who they are, who take upon themselves to say, that the friends of Prison Discipline are mortified at the errors committed at Millbank—a Committee of the House of Commons; composed of persons who, I presume, were not inferior to the authors of this Report in knowledge and experience of prisons, or in talent and general intelligence*, reviewed the course of events at the Penitentiary above alluded to, and went into a laborious investigation respecting the conduct of those who manage that establishment, as well as concerning different parts of the system pursued in it; and they cer-

* Some of the Members of the Society’s Committee were upon this inquiry, as Members of the House of Commons.

tainly did not manifest in their reports any such sentiments as those attributed above to the friends of prison improvement. They do not hold us up to the censure or derision of the public, as persons whose "imprudence" had been more injurious to the Penitentiary system than the "hostility of opponents," but express themselves concerning us and our labours as follows. "Your Committee examined with the greatest attention into the details of the institution : they saw every prisoner, and visited each person twice in the infirmary and sick wards ; they made themselves acquainted with the internal discipline and arrangement of the institution, and they wish to impress upon the House their conviction, that on the whole it may fairly be considered as being ably and successfully conducted. The attention of the managing Committee appears to them to be sedulous and unremitting ; the Visitors and Officers diligent and attentive, and the whole arrangements to have been contrived with great skill, and executed with regularity and attention. As might naturally have been expected, a system so novel in its nature, and to be

“ applied to so many persons varying in character, age, and sex, could not obtain complete success at once.” &c. &c. After advert-
 ing to some difficulties that had been encountered, the Report of 1823 states that “ the
 “ establishment bids fair to equal the expectations of its friends and supporters.” Towards the end of the Report, which is fourteen pages in length, the Committee express themselves as follows. “ Upon a review,
 “ then, generally of the Penitentiary System,
 “ as here established, your Committee are
 “ decidedly of opinion, that the vast cost
 “ which has been incurred, has not been
 “ spent in vain ; that this place of confinement, though one of very severe punishment, reforms while it corrects ; and that
 “ its proper application is to that class of prisoners, whose offences have brought them
 “ under the punishment of the law, but whose
 “ hearts are not hardened by guilt, and whose
 “ characters are not destroyed by the repeated perpetration of crime*.”

* This Report, to the end of the sentence here cited, is to be found in the Appendix to the fifth Report of the Prison Discipline Society, pages 60 to 78. I cannot help asking, whether those who write the Reports of the Committee of that Society ever read the Appendix to which

It must not be forgotten, that the events and transactions, on which the sentence of condemnation pronounced against us by the Society for the Improvement of Prison Discipline is founded, were all prior to this Report, for the circumstances attending the sickness, which ended in the removal of the prisoners from Millbank, were in truth the occasion of the inquiry, of which the Report was the result; and I am not aware, that even the Society itself has discovered any cause of blame in our proceedings since the re-opening of the prison in 1824.

If, however, there are persons who think that we have committed great errors at Millbank*, surely, instead of being made the

they are supposed to relate—and I beg leave to hint, that the Appendix, though printed in small type, is much better worth the trouble of reading than the Reports, to those who wish for information respecting Prisons or Prison Discipline.

* I do not mean to assert that no errors have been committed at Millbank; I dare say that many things have been done there, which, if they were to be done over again, either by us, or by others, after the experience that has been gained, would be better done; but I should affect a humility, which I do not feel, if I were to say, that I think they would have been better done originally by the

ground of a general sentence of condemnation of the Penitentiary, and all who may be concerned in it, they should be particularly pointed out, in justice to us, and for the benefit of the Public; in justice to us, that it may be seen, whether what is imputed as error, is mistake on our side, or on the part of those who impugn our conduct; for the benefit of the Public, that whatever acts may be shewn to have been injudicious or erroneous on our part, may be avoided in future; for, when it is said that "the Penitentiary system ought not to be charged with the errors committed at Millbank," the meaning of which, I take to be, (for it is not very clearly expressed) that the errors there committed ought not to be an argument against attempting the reformation of offenders by imprisonment elsewhere, this position is only true, if these errors can be pointed out and avoided in future.

It has been said, that the plan on which the Penitentiary is built, and its establishment of Officers, is unnecessarily expensive,

Authors of the Publications put forth in the name of the Society for the Improvement of Prison Discipline.

and that the prison is deficient in inspection. I doubt both these positions. I believe, that a prison erected on either of the sets of plans published by the Society for the Improvement of Prison Discipline, upon which plans some observations will be found in an Appendix at the end of this volume, will be quite as expensive as the Penitentiary, if built on as large a scale, (provided the foundation, which should form a separate consideration, be not taken into the account) and that it will require a more numerous establishment of officers to keep order in it, and will afford less opportunity of inspection. I state, that the foundation of the Penitentiary should form a separate consideration, because it is evident that the expense of the foundation of a large building, in a very deep soil, at Millbank, can have no reference to that of any prison built elsewhere; and because if the situation be under all circumstances ill-chosen, it is no error of those who manage the prison, or of those who built it.

Of certain failures, indeed, which have taken place at Millbank, though the expense occasioned by them can hardly be considered

as having materially increased the expense of the whole undertaking, the Supervisors, under whose authority the buildings were erected, may not unreasonably be expected to give some explanation; and I will therefore take this opportunity of making some statements relative to the manner in which we proceeded in the execution of the duties we had to perform, mentioning, in the first instance, the parts of the prison which it has been found necessary to rebuild or repair, which by many persons have been very erroneously supposed to constitute a large portion of the whole Penitentiary.

The Penitentiary consists of an outer lodge and boundary wall, surrounding about fifteen acres of ground, and of six Pentagons, with a chapel in the middle, covering and enclosing together about seven acres of ground, and having eighteen towers at their external angles or corners. The first and second Pentagons exhibited appearances of settlement in different parts, soon after their erection, and means were taken in consequence, ten years ago, to strengthen their foundations, which are believed to have been

rendered secure by what was then done to them. Four of the towers at the angles were at first condemned as insecure, three of which were taken down and rebuilt; but a more favourable opinion having afterwards been formed of the fourth, than was at first conceived of it, that tower was suffered to remain, and is still standing. The lodge shewed early symptoms of failure, and a great part, (nearly the whole of it,) has been lately taken down, and the whole of the foundation has been under-built. The mistakes made in the foundations of the first and second Pentagons were corrected before the third, fourth, fifth, and sixth Pentagons were built, and no apprehension has ever been entertained of insecurity in any part of those buildings. The boundary wall and the chapel stand on foundations in which the same confidence cannot be placed as in those of the Pentagons last mentioned, but they have stood, the former for eleven, and the latter for twelve, years; they exhibit no signs of failure; and there is, therefore, no reason at present to apprehend any increase of expense on their account.

The first act of the Supervisors, on their

appointment, was to choose an Architect, and there being among the applications made to us on that subject, one from Mr. Hardwick, stating, that having been long conversant with prison architecture, he had obtained the prize given for the best design of a prison for Females, from the Supervisors formerly appointed, when the erection of Penitentiaries, under the 19 Geo. III. was in agitation, we considered that circumstance, and the fact of his having been in communication with those gentlemen, as giving him some slight claim of preference over other architects, Mr. Blackburn, who had gained the prize at the same time for the best design of a prison for Male convicts, being dead : and accordingly, on these grounds alone, not having ourselves any personal knowledge of Mr. Hardwick, nor being solicited by any other person in his behalf, we appointed him our Architect, having previously ascertained by inquiry that he was considered as in respectable business in his line, and had a fair character.

It was well known to Mr. Hardwick, as well as to us, that he had to build on ground in which great difficulties were to be encoun-

tered, and considerable expense to be incurred, in making a secure foundation for his building; and it was therefore agreed that he should assist his own judgment with that of the most eminent professional men who could be consulted, in respect to the manner in which his foundation should be formed. Mr. Hardwick accordingly obtained an opinion in writing from four gentlemen of great skill in such matters, (the late Mr. Rennie being one) recommending the use of "gravel cast in water mixed with lime," for that purpose, and we contracted for the foundation of the first Pentagon, to be constructed in conformity to that recommendation, our contract being drawn up by the Solicitor of the Treasury, under Mr. Hardwick's direction, as far as related to the manner in which the foundation was to be constructed. It was not to be expected that we, the Supervisors, could pretend to have any opinion respecting the quality of the gravel, or the proportions of lime to be used in this work; but I can truly say, that being very frequently on the spot to see that no unnecessary delay was taking place on the part of the contractor, we were not wanting in our exhortations to our Ar-

chitect, to keep a watchful eye on the materials used, and to see that the foundation was executed to his satisfaction.

The works executed under the direction of Mr. Hardwick, as our Architect, were the boundary wall, the lodge and gateway, the main drain, and the foundations of the first Pentagon and of the chapel. The boundary wall was thought, by the four gentlemen consulted, not to require a foundation of the kind above alluded to, and was supported in a different manner, pointed out by them. The lodge was built by contract, but Mr. Hardwick having some doubt as to the best method of making a foundation for that building, he was authorized to form it according to his own judgment, and he placed it partly upon an artificial mound of the nature above described, and partly upon piles. The building, however, had only been carried up a few feet from the ground when it appeared that there was some great defect in its foundation; for such settlements exhibited themselves, as rendered it necessary to take down the walls. It was then discovered that the piles had not been driven to a sufficient

depth ; and piles of greater length, and more in number, were substituted for those which had given way. The lodge, however, after all the trouble bestowed upon its foundation, has for some years been in a very unsatisfactory state : and on its being lately in part taken down, the piles on which it stood, and some planking placed under its walls, were found to be entirely decayed. I have been thus particular in describing the circumstances connected with the foundation of the lodge, to shew that its failure does not afford any reason for alarm in regard to the stability of other parts of the Penitentiary, there being no other portion of the prison built upon piles or planking.

Before the lodge was completed, viz. in November 1813, Mr. Hardwick intimated to the Supervisors his intention of relinquishing the situation of their Architect, stating, as the ground of this determination, “ that the
“ management of this extensive concern took
“ up a larger portion of his time and atten-
“ tion than he could conveniently spare from
“ his other business.” He had been for some time dissatisfied with the agreement which

he had made with the Supervisors, to receive two and a half per cent. on the money to be expended under his direction, which we thought sufficient, considering the magnitude of the work in hand, and the shortness of the period within which, we hoped at that time, to have seen it completed; but for the acceptance of which, in lieu of the usual commission of five per cent. he had been blamed or laughed at, by some of his brother architects.

On the resignation of Mr. Hardwick, we applied to an architect of known eminence, who declined our offer of two and a half per cent. on the money to be expended, as a remuneration, which it would be unprofessional in him to accept; upon which we appointed Mr. Harvey, an architect of less note in his profession, but who had been employed in some works erected on unsound ground, and was supposed to possess more experience on that subject than many architects of greater general knowledge.

The first and second Pentagons, (the contracts for the former of which had been set-

tled before Mr. Hardwick left us,) and the chapel, were built under Mr. Harvey's direction ; but, previous to the commencement of the first Pentagon, the Supervisors having received some suggestions from Mr. Harvey, concerning the means of giving additional stability to the intended building, thought it right, before they incurred the proposed expense, or proceeded to build at all upon the foundation prepared under Mr. Hardwick's superintendence, to refer to Mr. Hardwick upon the subject, which they did by letter, requesting him to view the foundation, now that it had stood through the winter, and if possible to procure the attendance of the gentlemen by whose advice, together with his, it had been originally formed. Mr. Hardwick declined to comply with this request, and the Supervisors, therefore, acted in their further proceedings in conformity to the advice of the architect, (Mr. Harvey,) then employed by them.

The first Pentagon was opened for the reception of convicts in the month of June 1816; and in the autumn of that year very alarming appearances of settlement exhibited

themselves, both in that and the second Pentagon, which was then completed. Upon this the Committee appointed to manage the Penitentiary, to which these settlements were communicated in the first instance, called in Mr. Smirke, under whose direction a minute examination took place into the state of the two Pentagons then built. It was found, that the brick-work of these buildings was very well executed, and that the settlements were entirely occasioned by the sinking of the external walls, which had gone down considerably, owing to the defective state of the foundation on which they were placed, the foundation having been made too narrow in its original construction, and brought up above the natural level of the ground without a sufficient abutment to support it, (particularly on the side next the garden,) and being, moreover, in parts at least, composed of improper materials.

It was now evident, that great difficulties were to be encountered as well in keeping up the buildings already erected, as in providing for the stability of the other parts of the prison not yet commenced, and that the

operations for these purposes would require not only the exercise of great professional skill, but a degree of exertion and attention on the part of the Architect employed, which Mr. Harvey, who had been lately subject to severe attacks of the gout, was no longer in a condition to bestow. After a good deal of communication, therefore, with Mr. Smirke and others, on the measures to be pursued, the Supervisors determined to employ Mr. Smirke as their architect, at the usual rate of 5 per cent. commission on the money to be laid out, the very arduous undertaking in which he was to engage, being now obviously such as to render that remuneration by no means excessive.

The works executed under Mr. Smirke's direction are three towers belonging to Pentagons 1 and 2, rebuilt, as already mentioned, the works necessary to secure the foundations of those Pentagons, some alterations in the foundations then prepared for the other Pentagons, the 3d, 4th, 5th, and 6th Pentagons themselves, the water-machines, and corn-mills, the large reservoir in the garden, into which the water is received from the river before it

passes into the prison, and such sheds and buildings as have been added to the original plan of the Penitentiary, since it was commenced; and I can safely say, that none of these works have failed, or have exhibited the slightest appearance of failure. I will only add on this part of the subject, on behalf of the Supervisors, that we gave our best attention to this undertaking; we employed no person, either to overlook, or to perform, any part of the works, from previous acquaintance or partiality; we took upon all occasions the best advice we could get; we executed all works of any magnitude, and which could conveniently be so executed, by contract, founded on competition; and we sanctioned no demand upon the public which appeared to us to be unjust, to save our own trouble, or make friends.

To return from this digression. If the gentlemen, who published the note mentioned above, concerning the Penitentiary, when they speak of the events "which occupy so prominent a space in its history," as "deeply mortifying to the friends of Prison Improvement," allude, in these expressions, to the disorder which arose in the prison five

years ago, and the consequent removal of the prisoners, with all the trouble and expense thereby created, and if they mean by the "Friends of Prison Improvement," the persons of most consequence in the Committee of the Society for the Improvement of Prison Discipline, I think the persons alluded to may naturally feel mortified at what has happened, for they were certainly in a much greater degree the cause of these disasters, than any of those concerned in the management of the Penitentiary. I have always been of opinion that the disorder which made its appearance at Millbank in the autumn of 1822, had its origin in the change, which took place in the summer preceding, to a low dietary, from one on which the prisoners had been healthy, since the opening of the prison in 1816, though the disorder was much increased in virulence, and possibly converted into a disease of a new character, by the very unusual state of the atmosphere in the early part of 1823; but surely no person who took any interest at that time in the state of prisons in this country, can have forgotten the circumstances which led to that change, the feelings which existed in the public mind against

giving convicts better food in prison, than many of them were likely to enjoy out of it, and the share, which those, who took the lead in the Society for the Improvement of Prison Discipline, had in creating and keeping alive that feeling. In the inquiry which took place before the Committee of the House of Commons in 1823, respecting the circumstances connected with our change of dietary, I stated among gentlemen, to whom the fact was very notorious, the manner in which, while the Prison Bill had been in preparation in a select Committee for two sessions, I, and other members of the Committee for managing the Penitentiary, had been joked and taunted as over-feeding our prisoners, until we were told, that if we did not content ourselves with a less luxurious table of diet at Millbank, the annual vote for the expense of our establishment would be opposed. Lord Suffield will, I am sure, readily own, that he more than once expressed his disapprobation of our dietary. Mr. Buxton gave his opinion in print, that it was too abundant; and Mr. Western styled it in his publication on prisons, "an insult to honest industry, and a violation of common sense." I do not

mean to assert, that in altering our dietary in 1822, we were guided entirely by the opinions given above; other prisons had reduced their dietaries before we took up the question, and among them the Penitentiary at Gloucester, on which we had originally relied as an authority for ours; and we ourselves partook in some degree of the popular error, and suspected, that we gave our prisoners more food than was necessary, but we were aware of the evils which might arise from abridging the dietary too much in a prison, where so many persons were confined for long terms of years, and if we had not been impelled and goaded by the advocates for the low dietaries to take up the question without longer delay, we might have waited till the dietaries of that description had been fully tried, and might probably have never embarked in that experiment from which we have been obliged to return to the same dietary, with a very slight improvement, from which we had departed*.

Our participation in the common error re-

* See pages 331, &c. for my sentiments on dietary, published previous to the change.

specting the dietary, under the circumstances here mentioned, certainly does not warrant the observation stated above, that the friends of Prison Improvement feel deeply mortified at the events which occupy a prominent space in the history of the Penitentiary, followed by the remark, that the Penitentiary system ought not to be charged with the errors committed at Millbank—and I know of no other errors we have committed there. It was no fault of ours that the disorder proved difficult to cure, and that, the host of medical gentlemen examined before the Committee of the House of Commons not being able to discover its cause and point out the means of arresting its progress, we were obliged to procure pardons for some of the prisoners, and to remove the rest. I am not aware that blame has ever been attached to any of our arrangements, relative to the prisoners, after the disorder broke out ; and I am therefore unable to defend or explain any other charge which these gentlemen may intend in this general language to convey.

When it is stated, by way of contrast to what has been done at the Penitentiary, that the

successful discipline observed in several of the County Houses of Correction, proves, “that a
 “ system of seclusion and hard labour may be
 “ rigidly enforced, without any extraordinary
 “ expenditure, and under no other manage-
 “ ment than the vigilant superintendence of the
 “ County Magistrates,” it might be expected that those prisons would be pointed out, the success of which was to redeem the Penitentiary system from the discredit to which it was in danger of being exposed by our mistakes, and that the public would be directed to what quarter they were to look, after withdrawing their attention from Millbank, for that example of successful discipline, which we had failed to exhibit.

If, however, we approach the largest House of Correction in our own neighbourhood, that in Coldbath-fields, under the superintendence of the Magistrates of the county of Middlesex, a bench of Magistrates, at least as intelligent and active, I presume, as those of any other county in this kingdom, and having among them, as a leading character, the Chairman of the Committee of the Society for the Improvement of Prison Discipline, a gentleman who, if

he does not write the reports of that Society, has always been the person to produce and read such reports to the friends of that Society at the Free Masons' tavern assembled, until such readings were given up, we shall find, I am afraid, a scene more mortifying to the hopes of the "Friends of Prison Improvement," and more discreditable to the country, than any thing which has ever taken place at Millbank.

In the Coldbath-fields House of Correction, there are 221 separate sleeping cells, and there were at one time, in the year ending at Michaelmas 1826, 723 prisoners confined there. When the prison is crowded *, "the male prisoners sleep three in a cell, one on each side, on a board or shelf raised a little above the floor, and one at the end on a similar shelf, raised above the others." It must be recollected, that the time during which these three persons are locked up together in darkness, amounts in the winter season to considerably more than one-half of the twenty-four hours; in the very short

* See Appendix to the seventh Report of Committee of the Society for the Improvement of Prison Discipline.

days, to fifteen out of the twenty-four. This is not, I presume, to be considered as one of the county Houses of Correction, in which the discipline is supposed to be very successful, and it seems to me to be mere mockery in the Society, so often alluded to, when they speak of a prison consisting of such dens of profligacy, to dwell upon the "interior of the chapel being newly
 " arranged, on an excellent plan, which ad-
 " mits of all the prisoners being present at the
 " same service, and all under the inspection
 " of the Chaplain," especially when it is not stated, that any religious instruction is given out of the chapel. The prisoners in this prison may be all brought together in the chapel, (as I believe they are,) on some of the week days, as well as on Sundays, and they may all sit there under the inspection of the Chaplain, who, by the bye, will not be able to watch very narrowly what they are doing, while he is reading the service. They may, however, be kept in order by the presence of their other officers, but they cannot be prevented from conversing with each other in a low voice ; and neither their conversations nor their thoughts are likely to be very suitable

to the place in which they are assembled, if they never see the Chaplain out of his reading-desk or pulpit. It is idle, in my opinion, to talk of the reformation of prisoners, unless the Chaplain shall have some opportunities of conferring with them personally, sometimes by themselves, and occasionally in smaller or larger companies, as he may think fit, for his influence and efficacy will be much less in the chapel than out of it. This is a subject on which I have always differed from some of those who have taken a leading part in the Society. Formerly they looked to the Taskmaster for the improvement of the prisoners ; and they seem to think of nothing now but the Treadmill for that purpose ; but the basis of the Penitentiary system, as contradistinguished from the mere infliction of suffering on the criminal, must always be religious instruction. The Treadmill is an useful engine of punishment, but it is no instrument of reform, and it would be a strange conceit to imagine that a change would be worked in the heart of any man by exercising his legs and feet.

It matters, however, but little, what reli-

gious instruction shall be given either in or out of chapel, or in what manner prisoners shall be treated in the day-time, in those prisons, in which proper attention is not paid to their condition during the night ; and I cannot but think, that the first object of the friends of prison improvement should be to press this point, with reference to those of the county prisons, which are the most important, from the number of persons confined in them, and from the effect which their example may be expected to produce in promoting or discouraging the cause of prison improvement in other counties. Among these, the House of Correction belonging to the county of Middlesex, stands perhaps the most prominent. It is most in the view of the public ; its Magistrates cannot be supposed to be inferior to any in numbers or intelligence ; the offenders in it are more numerous than those of other counties ; and if they are on that account more expensive, this county has more wealth than others to protect, and consequently more ability to pay for such protection ; and it is moreover, relieved from some prisoners who would otherwise be burdensome to it, by having Newgate for its county

gaol, maintained at the charge of the City of London. I trust, therefore, that the Society for the Improvement of Prison Discipline, when they next address the public, instead of spending several pages of their Report in endeavouring to excite the indignation of the Legislature against the smaller prisons attached to the corporate jurisdictions, stigmatised as "the fruitful sources of vice and profligacy," and touching so tenderly upon the House of Correction in Coldbath-fields, as to employ only seven lines upon it, four of which are an eulogium upon the alterations in its Chapel *, will take some pains to rouse the Middlesex Magistrates to a sense of the evils arising from the state of this prison, and will speak of it in language stronger, if possible, than that used above; for what is the extent of the wickedness that can be traced to the

* The remaining three lines are as follows: "the want of additional sleeping-rooms at this prison is severely felt, there being only about 220 cells, while the number of prisoners has sometimes exceeded 700." The Report does not observe on the monstrous practice of locking up three prisoners in a cell beyond the reach of observation; but if they cannot be lodged separately, the next best arrangement would be to place them in larger apartments by night, well lighted and watched.

smaller prisons, compared with the copious stream of vice and profligacy which is constantly poured forth from the Coldbath-fields' House of Correction, to which 3987 commitments were made in 1825, as appears by the last returns *.

I beg leave also to suggest to the gentlemen who draw reports on the subject of the Improvement of Prison Discipline, that they will do more to promote that object, by examining whether there are not parts of the system of discipline observed in the Penitentiary at Millbank, which may be introduced with advantage into other prisons, than by confining themselves to strictures on the cost of its erection, and obscure allusions to certain disasters that occurred in it some years ago.

* I wish that some of the friends of prison improvement would put together the numbers discharged from the different prisons in and about London in the course of a year, and some notion might then be formed of the consequences which must result to the community from the state of those mansions of misery and vice. What would be the condition of this Metropolis, in respect to health, if every sick person who went into its Hospitals, came out again inoculated with an infectious disorder?

If they think that this prison has been too dearly purchased ; that more money has been spent on its foundation than ought to have been expended for such an object, or that expense has been incurred on any other account which might have been avoided, if they believe that the events which led to the removal of the convicts from Millbank in 1823, were wholly owing to errors then committed by those who managed the Penitentiary, they may very properly observe on these circumstances ; but why do they stop here, and frame their observations upon these points in such a manner, as to throw general discredit upon the whole undertaking ?

The prison is built. The causes which occasioned the removal of the convicts in 1823, are no longer in operation. The prison has been again inhabited for some years ; it is no longer suspected of being unhealthy, and we hope that the system of discipline pursued in it, in which the Committee of the House of Commons found something to commend in 1823, has been since that time in a gradual course of improvement. Among the circumstances which that Committee noticed with

particular approbation, as likely to lead to such improvement, was our having recently placed at the head of our establishment, as Governor, a person of education, and of a rank in life superior to that of those who had formerly held the office, or who held similar situations in ordinary prisons. We have since found the benefit of the steps then taken; and the Penitentiary is deeply indebted to the exertions of Captain Chapman, for great improvement in all its arrangements, and not only in the discipline of the prisoners, but in that of the inferior officers, consisting at present of persons of much more character and respectability than those who preceded them, though they are not in receipt of larger salaries than were formerly given.

I am, however, far from supposing that the system pursued in the Penitentiary, is faultless, or that gentlemen who carry on an extensive correspondence with other prisons, may not have it in their power to communicate useful information to us for the hints which they may receive in exchange; and if after taking the trouble of reading the following papers, and examining the practical result of our

proceedings, they shall be able to point out any place of confinement where better provision is made for the safe custody, health, religious instruction, employment, discipline, and inspection of prisoners, than is to be found in our arrangements, or in which those objects are effectually attained at less expense than is incurred on account of them at Millbank, I hope they will allow us to derive benefit from their knowledge; for I think I may say, both on the part of those with whom I am acting, and on my own behalf, that we have shewn no indisposition to accept assistance from others, and are not among those who consider the adoption of improvements as a discreditable confession of having been previously in error.

There is a run at present against the Penitentiary in several of the newspapers, the object of which, as I collect from the manner in which the subject is treated, is, to raise the Hulks, by comparison, in the estimation of the public; and indeed it requires no great sagacity to see, that two establishments, differing so widely from each other in the principles on which they are conducted, as the Penitentiary and the Hulks, are not

likely to be long continued without some change in one of them.

The topic brought forward in favour of the Hulks is, that they are less expensive than the prison at Millbank, which is true, but not to the extent represented. Upon this point some information will be found in the eleventh chapter of the present publication, page 258. The protectors of the Hulks, however, do not dwell much on the treatment and condition of the convicts belonging to that establishment, assuming, rather than venturing in direct terms to assert, that the treatment of the persons sent on board those vessels, and of those confined in the Penitentiary, is much the same. The management of the Penitentiary has been examined by a Committee of the House of Commons, and the object of the following pages is to explain it in detail. The arrangements connected with the Hulks are but little known; but I think I have stated enough in a pamphlet which I published on that subject in 1826 *, to shew that they require revision.

* See "Statements and Observations concerning the Hulks," published by C. and J. Rivington, Waterloo-Place, and Hatchard and Son, Piccadilly.

A writer on the Hulk system, in the newspapers, has lately treated as ridiculous, a remark of mine, that I found convicts on board one of the Hulks making peppermint-drops for sale to their fellow prisoners. I do not feel the ridicule which was aimed at me upon this occasion. I think it wrong, that felons imprisoned for punishment should indulge in such luxuries, or should drink tea and coffee, because they or their friends have a command of money ; nor do I consider it to be proper for prisoners of that description to keep shops for the sale of any articles to their fellow-prisoners, or to have any pecuniary dealings with their officers. But my general objection to the Hulks, under their present system, is this, that the prisoners confined in them, instead of being governed like all other prisoners, civil or criminal, in this country, by rules and regulations previously submitted to the Judges of the land for their sanction, are managed under such regulations and directions as “ may be prescribed from “ time to time ” by the Secretary of State for the Home Department ; and that they are even subjected, “ for any misbehaviour or disorderly conduct during their imprisonment,”

to such punishment * or correction as he shall allow, by the 5th Geo. IV. cap. 84, sect. 15; a provision so unconstitutional, that it must have passed without observation; and I am astonished that such a blot should have been suffered to remain upon the Statute-Book from 1826 (when I pointed it out in my pamphlet on the Hulks) to the present time.

If it be asked, to what cause it has been owing that the Hulks differ so widely in their management from all other prisons in this country, the answer is, that the present Hulks were originally established as places

* Under the former Acts they were subject to such punishment "as might be inflicted by law in a House of Correction." The new words may either mean that the Secretary of State shall approve of every punishment before it is inflicted, or that he shall frame a general regulation on the subject. I presume they are construed in the latter sense; but in that case the Act should have directed, that the regulation should have been sanctioned by the Judges, and laid before Parliament, like the rules and regulations framed for the government of the Penitentiary.—N.B. This is the first Act relating to the Hulks, that was ever passed, without any limitation as to the time of its continuance. It appears to me, I own, to be among those, which have the least claim to be perpetual.

of temporary confinement, in which convicts were only to remain till arrangements could be made for sending them abroad ; and that, although the practice of Secretaries of State has converted them by degrees into prisons, in which a great number of convicts undergo the whole of their punishment, yet they are never called “ prisons *,” or treated as such in any Act of Parliament. And if it be further asked, why the convicts, whom it is intended to keep at home, have not been separated from the rest, and placed in vessels by themselves, as was recommended by the Committee of the House of Commons which reported on the Hulks in 1812, I presume the answer would be, that it is less trouble to those who manage the Hulk Establishment to send the convicts backward and forward from one vessel to another, and to transport them from any vessel to New South Wales, at their discretion, than to make such transfers by fixed rules.

Surely these matters call for inquiry, and

* Hulks were prisons under the 19th Geo. III., but then they were not placed under the management of the Secretary of State.

that inquiry should extend to the various heads of prison discipline and management, to which I have endeavoured to apply myself in the following pages with reference to the prisoners confined in the Penitentiary.

The only point, on which a question can be raised, seems to be, by whom that inquiry should be made. I have formerly observed, that I had found by experience in 1812, the incompetency of a Committee of the House of Commons to go into a full investigation of the subject of the Hulks, from which it has been inferred, that in my opinion the late examination, by such a Committee, into the state of the Penitentiary, must have been nugatory; but this inference is not correct. I consider a Committee of the House of Commons as very efficient for the purpose of investigating any subject, that can be brought fairly under its view; but it can neither adjourn its meetings to Portsmouth, Sheerness, and the other ports and places at which the Hulks are stationed, nor can it bring up to Westminster the evidence, on which a satisfactory opinion can be formed upon the various points to

which its attention should be directed in investigating the treatment and condition of the convicts on board them.

From the communications which I have had at different times with the Secretary of State's office upon this subject, I despair of seeing any effectual inquiry originate upon it in that quarter, the disposition entertained there being a wish to get possession of the Penitentiary, rather than to place any portion of the Hulk Establishment under separate management, or to part with any of the powers now exercised over the convicts on board all those vessels, under the authority of the Secretary of State.

Under these circumstances, if I were now in the House of Commons, and able to attend to business, I should be inclined to bring in a bill without delay, for an inquiry into the state of the Hulks, and the effects of the system of management pursued in them, by Commissioners to be named in the Act; and as I perceive, from what has been said in that House since the commencement of the present session, that there are some Members

whose impressions on the subject of the Hulks are not very dissimilar to mine, I earnestly recommend this measure to their consideration.

It is no secret, that a wish has long been cherished in the Secretary of State's office to get possession of the Penitentiary; a wish not arising from the belief of any mismanagement on the part of those under whose direction that establishment is conducted, or from a conviction of the impracticability of reforming convicts by imprisonment, but founded on an avowed opinion in that office, that all male convicts who have received sentence of transportation, should be placed as completely under the authority of the Secretary of State for the Home Department, as the convicts now on board the Hulks, and that it is expedient to send all the female convicts to New South Wales, instead of endeavouring to reform a portion of them at home, and restore them to their friends.

In 1816 Government was so convinced of the propriety of retaining many of the females in this country, that, as soon as the

first Pentagon of the Penitentiary, intended for male convicts, was built, we were directed to fit it up for the confinement of convicts of the other sex, till the part of the prison meant for them should be ready for their reception ; but this feeling has now given way to a new policy, and female convicts, married, or unmarried, are thought so valuable as wives for the settlers in New South Wales, (or so useful in some other relation to the inhabitants of those distant colonies,) that even those condemned by law to a punishment of seven years only, are almost all sent abroad, with no honest means of finding their way back again to their friends, when they shall have satisfied the claims of justice, while above two-thirds of the expensive prison provided for them at Millbank is standing empty ; a costly monument of the mutability of the opinions of Government.

I must add here, that this course of proceeding has not received the sanction of the Legislature, that its injustice has been pointed out by two Committees of the House of Commons, and that no advantage can be derived

from it, which may not be easily obtained by more justifiable means *.

Although I have already made this preface longer than I intended, I cannot refrain from adding to its length by a few observations on the importance of the subject, to which I am endeavouring to draw the attention of the Public.

We live in times of considerable difficulty and embarrassment. It is notorious that crimes have of late been increasing, and to the other causes of that increase, whatever they may be, is now added a want of work for those, who are willing to earn their bread honestly;—I will not here inquire whether our growing population is to be employed in agricultural labour, or the cultivation of land is to be discouraged, the habits and pursuits of the people are to be changed, and the country is to be converted into a large workshop and merchant's warehouse, since either as agriculturists or manufac-

* See on this subject pages 293 to 307 of the following publication.

turers, we are likely to have vice, and luxury, and distress, enough among us, to require a careful and judicious application of the penal laws. We shall do little, I fear, towards the prevention of crimes by setting ourselves to remove the temptation to offences, instead of endeavouring to correct or control the disposition to commit them. We may destroy all the preserves for game, and kill every pheasant and partridge in the land; but sheep and horses must still be left in exposed situations, at a distance from the homestead; we may prohibit the shopkeeper from displaying his wares to public view in his window, or hanging his articles for sale on the outside of his door, but if the law shall not give him effectual protection, those who seek their livelihood by fraud or plunder, will soon find their way even into his dwelling house.

The ordinary punishments on which we must rely for the protection of property, are Transportation and Imprisonment*. The

* I do not add capital punishments here, because I am speaking of punishments in common use; I am not, however, one of those who are prepared to abolish the pe-

former may perhaps be put upon a somewhat better footing than that, on which it stands

penalty of death for offences committed against property; nor do I wish to see that penalty expunged from every act in the statute book, under which it is rarely inflicted. I doubt its having the effect imputed to it, of materially diminishing the chances of the detection and prosecution of offences; nor do I believe that such chances are much considered by those who are inclined to offend. Men, influenced in their conduct by the hope or the fear of a future event, are much more apt to let their minds dwell upon the magnitude or consequences of that event, if it shall happen, than to sit down to calculate the chances of its happening. Before the lottery was discontinued, those who bought tickets, thought much less on the smaller prizes, of which there were many, than on the single great prize of 30,000*l.*; and if twenty persons, capitally convicted, were told to draw lots for the purpose of determining, which two of them should be hanged, the others being to receive pardons, I suspect they would hold out their hands to take their lots with more trepidation than if the result of the drawing were to be the selection of a larger portion of their number to be sent abroad.

The effect of the threatened penalty of death is generally argued with reference to the hardened offender, who retains but little dread of any punishment, whereas it ought to be considered with respect to those who have not yet been criminal, but are in danger of becoming so. To a person who is tempted, for the first time, to commit a crime, there is no slight preservative against yielding to the temptation, in the reflection that (to speak in common language) it is "hanging matter," and that he must en-

at present, but it must always be a most unequal punishment to persons in different circumstances and situations of life;—on the old and hardened offender, who will leave nothing behind him that he cares for, and none who care for him, it may be inflicted without hesitation; while on one, who has committed an offence which the law must visit with some degree of rigour, by way of example, in an unguarded moment, but who has not been habitually criminal, nor has broken the ties that bind mankind in general to their country and their kindred, it would often fall with extreme severity.

Imprisonment must therefore be retained in this country as a punishment for grave offences; and from the effects which are

gaged in the undertaking, if at all, “with a rope about his neck.” Does any one really believe that it makes no difference to a person meditating a criminal act, whether, during the fearful interval between the first conception of his design, and the time for attempting it, he finds his slumbers disturbed by the fancied sight of the executioner, and the scaffold on which he imagines himself to be about to suffer, or sees nothing worse in his dreams than the inside of a prison, or a ship sailing with a light breeze for New South Wales?

likely to be produced by it in corrupting, or correcting, the offender, according to the manner in which it is administered, there can be few subjects of deeper or more general interest than the consideration of the management, under which our state prisons should be placed, and the principles, by which the treatment of the persons confined in them should be regulated.

CONTENTS.

CHAPTER I.

PAGES

Statement of Circumstances connected with the Erection of the General Penitentiary, with an Account of the Number of Prisoners confined in it at the end of each Year, since the first Occupation of part of it in 1816	1—37
---	------

CHAPTER II.

Description of the Buildings composing the Pe- nitentiary, with an Account of the Manner in which they are respectively occupied	38—66
--	-------

CHAPTER III.

Description of the Inferior Officers and Servants of the Establishment, and particularly of the Officers employed in those Parts of the Prison in which Prisoners are confined	67—101
---	--------

CHAPTER IV.

	PAGES
Of the Steward	102—105

CHAPTER V.

Of the Medical Officers	106—112
-------------------------------	---------

CHAPTER VI.

Of the Governor and his Clerk.....	113—133
------------------------------------	---------

CHAPTER VII.

Of the Chaplain and Schoolmaster	134—179
--	---------

CHAPTER VIII.

Of the Master-manufacturer, and the Employ- ment of the Prisoners in Manufacture	180—221
---	---------

CHAPTER IX.

Of the Committee, Secretary, and Accountant	222—233
---	---------

CHAPTER X.

Of the Punishment for Misbehaviour in the Pe- nitentiary	234—257
---	---------

CHAPTER XI.

PAGES

Annual Expenses of the Penitentiary and the Hulks compared.....	258—277
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CHAPTER XII.

Of the Offenders who are the fittest Objects for Confinement in the Penitentiary—Females ought not to be withheld, for the Purpose of being sent Abroad to supply the Want of Wo- men in New South Wales—Boys not proper Objects for the Penitentiary—Best Mode of disposing of Convict Boys.....	278—329
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CHAPTER XIII.

Of Alterations suggested at different Times to the System of Management in the Peniten- tiary viz. of Propositions to change the Dietary—To impose harder Labour on the Pri- soners, and shorten the Time of their Impri- sonment—To prevent them from seeing their Friends—To allow Sports and Games in the Prison—To discontinue the Practice of allow- ing several to work together in the Second Class—To take Bonds in certain Cases from Persons connected with Prisoners discharged by Pardon—And of the Impatience shewn for Accounts of Convicts reformed.....	330—367
---	---------

PLANS OF PENITENTIARY.

APPENDIX.

PAGES

On the Construction of Prisons—The Prisons built on what the Society for the Improvement of Prison Discipline call the “Radiating Plan,” compared with those in which the Court-Yards are surrounded by the Buildings 371—394



CHAPTER I.

Statement of circumstances connected with the erection of the General Penitentiary, with an account of the number of Prisoners confined in it at the end of each year, since the first occupation of part of it in 1816.

THE plan of erecting a National Penitentiary for the imprisonment of offenders, requiring a severer punishment than that of being confined in a County House of Correction, was suggested by Mr. Howard more than half a century ago—and the provisions introduced into the 19 Geo. III. cap. 74. for that purpose were framed by Sir W. Blackstone and Mr. Eden, (afterwards Lord Auckland.) The part of the Act, which relates to this subject, went into many details concerning the manner in which the prisoners were to be treated, setting out with a preamble declaring, that “if many offenders convicted

“ of crimes for which transportation has been
 “ usually inflicted, were ordered to solitary
 “ imprisonment accompanied by well-regu-
 “ lated labour and religious instruction, it
 “ might be the means, under providence, not
 “ only of deterring others from the commis-
 “ sion of the like crimes, but also of reforming
 “ the individuals and inuring them to habits
 “ of industry.”

Mr. Howard speaks of this Act as having
 been “ a work of long and continued labour
 “ and inquiry,” and Sir W. Blackstone states
 the principal objects of it to have been “ by
 “ sobriety, cleanliness and medical assistance,
 “ by a regular series of labour, by solitary
 “ confinement during the intervals of work,
 “ and by due religious instruction, to preserve
 “ and amend the health of the unhappy of-
 “ fenders, to inure them to habits of industry,
 “ to guard them from pernicious company, to
 “ accustom them to serious reflection, and to
 “ teach them both the principles and prac-
 “ tice of every Christian and moral duty.”

Mr. Howard, Dr. Fothergill, and Mr.
 Whatley were appointed supervisors under

this Act, to purchase ground for the proposed buildings, and to superintend the erection of the prisons, which were to be capable of containing 600 male prisoners and 300 females.

It is much to be lamented that this project was not carried into effect under the direction of Mr. Howard and his coadjutors, but unfortunately the supervisors were restrained by the Act of Parliament from taking any step either as to the choice of the situations in which the penitentiaries should be placed, or as to the plan on which they should be constructed, or the cost of them, without the approbation of more persons than could be brought to think alike upon the points on which their concurrence was required before any step could be taken, viz.—of the Lord Chancellor, the Speaker of the House of Commons, the twelve Judges, and the Lord Mayor of London, or any eight or more of them. It happened moreover, that the supervisors themselves did not agree on the very first of these points, viz.—the site of the prisons, Mr. Howard and Dr. Fothergill having fixed on a spot for the buildings, at

Islington, while Mr. Whatley was desirous of having them placed at Limehouse.

Mr. Howard, having struggled for two years against obstacles which he saw no prospect of overcoming, and being deprived by death, first of the encouragement and advice which he had derived from Sir W. Blackstone, and afterwards of the assistance of Dr. Fothergill, the colleague, with whom alone he acted in concert, resigned his office of supervisor in a letter to Lord Bathurst, then Lord President of the Privy Council, dated Jan. 1781. He seems, however, to have given up his hopes of carrying this scheme into execution with considerable regret, and to have entertained no doubt of the practicability or usefulness of the undertaking.

“ I have not,” he says “ considered the subject superficially, though I can bear being told, it is absurd.” Again he says, “ If I should not be able to accomplish this good work, I would still endeavour to bring materials and lay the foundation ;” and he relates what passed at an interview

between Sir W. Blackstone and Dr. Fothergill shortly before the death of the former as follows :—

“ This great and good man Dr. Fothergill
 “ saw just before he died, to whom he then
 “ turned and asked, ‘ what progress we had
 “ made in the Penitentiary Houses ?’—The
 “ Doctor answered, that we had paid all
 “ possible attention to the sentiments of
 “ others respecting a situation ; that we must
 “ soon be obliged to request the opinion of
 “ our judges concerning it ; and, till this
 “ was obtained we could not proceed much
 “ further. Be firm in your own, was all that
 “ he was able to say, as he soon departed to
 “ a better life.”

On the resignation of Mr. Howard a new set of supervisors were appointed, consisting of Sir Gilbert Elliot, (Lord Minto,) Sir Charles Bunbury, and Mr. Bowdler, who procured the approbation required by the 19 Geo. III. to a * spot at Battersea Rise, as a

* The spot originally reported by these supervisors to the Lord Chancellor and the other persons mentioned in

proper situation for the proposed prisons; and the proprietors of the lands so approved, amounting to 79 acres, not being willing to part with them for the price offered, their value was assessed by a jury summoned under the Act, at the sum of 6,600*l.* in September, 1782.

The new supervisors had received plans for the intended buildings, when their further proceedings were discouraged by Government, which, having taken up the project of forming a colony for the reception of convicts at Botany Bay, chose rather to abandon, or at least suspend the scheme of a National Penitentiary than to embark in two undertakings of great magnitude and expense for the disposal of criminals at the same time.

the 19 Geo. III. as a fit site for the Penitentiary for males, was in Wandsworth Field, but this was disapproved of, and Battersea Rise chosen for both the Penitentiaries. I have been told, from good authority, that the disapprobation of Wandsworth Field was occasioned by the influence of some persons possessing landed property in that quarter, who had a great dislike to the erection of a large prison for the confinement of felons in their neighbourhood.

The design of establishing a Penitentiary was revived a few years afterwards in consequence of a proposal from Mr. Bentham, to erect a building for the confinement of convicts (called by him a Panopticon) upon a construction, which he considered as affording a much greater facility of inspecting prisoners than could be found in prisons of any form yet contrived, and to contract with Government for the custody and maintenance of the convicts to be confined in this building at a much cheaper rate than that, at which they could be kept or maintained under any known system of management. The 34 Geo. III. cap. 84. was passed in 1794, for the purpose of enabling the Government to conclude arrangements founded on this proposal, although the negociation with Mr. Bentham is not mentioned in the Act. It empowered the Lords of the Treasury to contract for the building of the projected prisons on the spot already selected, or on some other ground to be purchased for that purpose, and to appoint a person or persons to take and hold all such lands and buildings on behalf of the public, and it gave the Crown, acting through the Secretary of State for the Home Department,

the power of appointing a governor or governors of the prisons, in which the offenders were to be confined under such directions, limitations, and restrictions, as his Majesty might appoint by the 24 Geo. III. cap. 12. the act by which the Hulks were then regulated.

Before this Act had received the Royal Assent, the sum of 2000*l*. was advanced by the Treasury to Mr. Bentham, to enable him to make preparations for the intended work, though he did not obtain the land on which the building was to be erected for some years afterwards.

It does not appear, for what reason the site of the intended erection was changed from Battersea Rise, but the ground, which had been chosen there, and valued under the former act, was abandoned for a spot in Tot-hill-fields, where fifty-three acres of land were purchased for 1200*l*. and they were conveyed to Mr. Bentham as feoffee under the provision of the 34 Geo. III. in October 1799. The draft of a contract between the Lords of the Treasury and Mr. Bentham, was also pre-

pared, by which Mr. Bentham was to erect a building capable of lodging 1,000 convicts, for the sum of 19,000*l.* and to be paid for the care and maintenance of that number at the rate of 12*l.* per head, per annum, being also entitled to the produce of their labour. He (or his nominee) was to be appointed Governor during his life, and the agreement was to continue in force after his decease, during the life of his brother, General S. Bentham, if the General should be desirous of its so continuing—this agreement, however, which must have been framed before the conveyance of the ground mentioned above, was never signed.

The attention of the Public was again called to the erection of Penitentiaries in 1810, by Sir Samuel Romilly, who moved in the House of Commons for an address to the Crown, to carry the Acts of the 19 and the 34 Geo. III. into execution; and so strong was the impression at that time in favour of establishing prisons of this description, and so impatient was the House of Commons of any delay in setting about this work, that Mr. Ryder, then Secretary of State for the Home

Department, experienced considerable opposition to his wish that a Committee should be appointed for the purpose of making some inquiries upon the subject, before he should proceed to the actual commencement of an undertaking, which, he justly observed, must necessarily be attended with great expence, although he professed himself to be very friendly to the principle of the measure.

A Committee, however, was named early in the next Sessions, to consider of the “ expediency of erecting a Penitentiary House, “ or Penitentiary Houses, under the Acts of “ the 19 and 34 of his present Majesty.” And in case the adoption of the measure referred to their consideration should appear to be for the advantage of the Public, they were “ to report, whether any additional legislative “ provision would be wanted for that purpose, and what number of persons such “ Penitentiary House, or Penitentiary Houses, “ should in their judgment be calculated to “ receive, together with any observations “ which they might deem material upon the “ subject of their inquiry.”

The Report of the Committee upon these points was laid on the table of the House of Commons in May 1811.

Perhaps I may be allowed to observe concerning this Committee, that, although I had the honour to be placed in the chair of it, having undertaken, at the express desire of the Secretary of State, to devote a large portion * of my time to the proposed inquiry, there were among its members persons whose opinions upon the subjects then considered, were entitled to a degree of weight, to which no sentiments of mine could have any claim. Mr. Ryder himself, Mr. Bathurst, Mr. Burton, Mr. Lycester, Mr. Wilberforce, Mr. Sturges Bourne, Sir Charles Long (Lord Farnborough), Mr. Martin Pitt, Sir Evan Nepean, and Mr. Abercrombie †, not only were members of the

* I had lately gone out of office with Lord Londonderry, and had nothing to do but to attend to any investigations that promised to be useful to the public—but I knew very little about prisons at that time, and would not have consented to be chairman of such a Committee if I had not been aware that I should be assisted by men more conversant than myself with such subjects.

† Sir Samuel Romilly was a member of the Committee, though he was not able often to attend it.

Committee, but frequently attended it, and took part in its proceedings; and though the Report was drawn by me, it was circulated among the Members of the Committee, and was read and remarked upon by most of those mentioned above, before it was brought forward for adoption.

The substance of this Report, which entered into many details connected with the different points to which it related, and was accompanied by the evidence on which it was founded, was as follows. That the 19 Geo. III. one of the Acts referred to the Committee, was not then in force*, having expired in 1802,—that the 34 Geo. III. was not founded upon the same view of the subject with that entertained by Mr. Howard, and the framers of the former statute,

* The part of this Act which related to Penitentiary Houses, was continued by various other Acts to 1802, when it was suffered to expire—but this circumstance had not been adverted to when Sir Samuel Romilly moved to address the crown to carry it into effect; on the contrary, it was supposed to be an existing statute, till the subject of Penitentiaries was looked into in our Committee.

but was totally inconsistent with it ; and that the system of management marked out in the contract, which it had been in contemplation to conclude under the 34 Geo. III. with Mr. Bentham, “appeared to have been framed with “reference rather to the personal character of “the party, in whose custody the prisoners “were in the first instance to be placed, and “the favourable opinion entertained of the “construction of the building, proposed by “him, than to the principles, upon which “prisons had hitherto been conducted in this “country”—that the management of the convicts might under this agreement pass into other hands than those of the original contractors, but that, even if that were not the case, the arrangement proposed was “too exceptionable on general grounds in the judgment of the Committee to be adopted, from “confidence in an individual *,” that the ef-

* The treatment of the convicts under Mr. Bentham’s management, as stated by himself to the Committee, would have been in many points in direct opposition to that prescribed in the 19 Geo. III. It was directed by that statute, that every prisoner in the Penitentiary should sleep by night in a cell by himself, but it was left to Mr. Bentham to put as many or as few, to sleep, in the same

fects of confinement in a Penitentiary House at Gloucester, opened in 1791, under a special

cell as he should think fit, and he intended to place six * together generally—and he also appeared to be doubtful whether he should not employ some of them in manufactures carried on by night—having, as he says, by his agreement, “reserved to himself all those advantages.” Under the 19 Geo. III. the prisoners were to be confined to a fixed dietary of coarse food; Mr. Bentham meant to allow them to spend a part of their earnings in articles to be purchased for their own use, and he saw no objection to the “Governor’s being permitted to deal “with them at his own prices †,” because he was to keep regular accounts of such dealings. The 19 Geo. III. directed that two of the Committee who were to superintend the Penitentiary, should visit it once a fortnight, and should see every prisoner confined there; and it also provided an Inspector to visit the prison once a quarter. Mr. Bentham relied for the protection of the prisoners upon the admission of the public to a room in the centre of the building, from which the prisoners could be seen in their cells. I will give Mr. Bentham’s notions upon this subject in his own words ‡—“the superintendence “bestowed by a promiscuous assemblage of unknown “and therefore unpaid, ungarbled and incorruptible inspectors, or in a word by the public at large, that is, “by such individuals as curiosity and the love of amusement (the most universally operative springs of action, “that apply to such a case) mixed with any better and

* See Evidence to the Report on Penitentiary Houses, 1811. p. 66.

† Ibid. p. 75.

‡ Ibid. p. 72.

Act of Parliament, for the regulation of the Gloucestershire prisons, had appeared, by the

“ rarer motives, may happen to attract. This is what
 “ from first to last I have all along spoken of as being
 “ among my principal dependencies, viz. for security
 “ against abuse, and imperfection in every shape; but
 “ the banquet offered to curiosity will be attractive in
 “ proportion to the variety, and (if such a term may here
 “ be endured) to the brilliancy of the scene.” The last words allude to Mr. Bentham’s intention of lighting up the prison at night by reflectors. It appeared, however, that he did not mean to admit these unknown inspectors to converse with the prisoners in their cells; they were only to go into the central inspector’s room, from which they could see the prisoners without being seen by them, unless the Governor chose to undraw a particular blind for that purpose; and the conversation was to be carried on through tubes reaching from each cell to that room, so that the suffering prisoner might not always have known, to whom he was directing the accent of his grief; and the voice of his complaint, instead of reaching the sympathising ear of a benevolent stranger, might sometimes have only found its way to the sensorium of the Governor himself, or of the officers against whom, and not to whom, he intended to complain. The 19 Geo. III. held out to the prisoner the hope of having his imprisonment shortened, if the Committee should be enabled to report any extraordinary diligence or merit on his part; but this encouragement to good behaviour could of course form no part of the arrangement with Mr. Bentham, who could not be expected to report his most valuable workmen, that they might be taken away from him as objects

testimony of Sir George Paul, who had constantly directed his attention to the operation

of the Royal mercy. I do not indeed see how the power of the Crown to grant a pardon could have been exercised in the case of any prisoner in Mr. Bentham's Penitentiary (except by Mr. Bentham's consent) without violating the spirit, if not the letter of the agreement made with him. The security, which the public were to receive for the due instruction and reformation of the convict in the Panopticon, was an engagement on the part of Mr. Bentham (for the performance of which however no funds were provided) to indemnify any person who might sustain loss in consequence of a felony committed by a person discharged from his prison, within a certain time after his discharge, the extent of such indemnification being regulated by the length of the period during which the offender should have been under his care ; and although the care of providing a surgeon and medicines for the sick was left entirely to the Contractor, yet the preservation of the health of the prisoners was deemed by Mr. Bentham, to be sufficiently secured by a bargain with Government in the nature of an insurance, by which Mr. Bentham was to receive 4000*l.* annually for 1000 persons, on condition that he should pay 100*l.* * for every death, which should take place within the year above 40 ; so that he would be a loser if more than the average number of convicts out of the number of his prisoners, calculated according to Dr. Price's tables, should die. For such inventions was it gravely proposed to us in the 19th century to abandon the ordinary principles of prison management.

* See contract in page 105 of the Evidence annexed to the Report on Penitentiary Houses.

of that Act, to have been such as to confirm, by experience, the policy of the system which the 19 Geo. III. was intended to introduce. And that the advantage of a system of imprisonment, not confined to the safe custody of the person of the prisoner, but extending to the reformation and improvement of his mind, had been further shewn to the Committee by the evidence of Mr. Becher, a magistrate for the county of Nottingham, under whose inspection employment, accompanied by religious instruction, but combined with a less degree of seclusion than that practised at Gloucester, had been introduced with very great success into the House of Correction at Southwell.

The Committee entered into details, of some length, respecting both those prisons, and annexed the rules of each of them to their Report, adverting to the particulars in which the systems of management pursued in them differed from that marked out by the 19 Geo. III. and from each other, and noticing a few points on which it appeared that the provisions of that Act might be altered with advantage, without departing from its general principles.

The conclusions to which the Committee came, upon the matters referred to them, were, “that the system of Penitentiary imprisonment, upon the general principles of the 19 Geo. III. cap. 74, was calculated to reform offenders, and ought to be pursued;” but that, instead of the National Penitentiary House, which had been proposed, “a separate prison of that description should be erected, in the first instance, for the counties of London and Middlesex, and that measures should be taken for carrying on the Penitentiary system, as soon as might be practicable, in different parts of the country.”

On the measures to be adopted for that purpose, the Committee stated themselves to be not yet prepared to offer an opinion, being aware that “the most obvious course of proceeding, with a view to that Act, viz. the erection of Penitentiaries for the different circuits into which England and Wales are divided,” would be attended with much expence, and having been led to believe that there were in some of the counties existing prisons and places of confinement, which

might be made available for the purpose required, under a proper arrangement * with the counties, there being also other matters connected with this part of the subject, on which the Committee were not yet in possession of sufficient information.

Having however ascertained, by inquiry, that great inconvenience was sustained from the want of room in Newgate, for the convicts confined there, the Committee urged the erection of a Penitentiary for the Counties of London and Middlesex without delay, and they recommended that, without waiting till a Bill could be framed, embracing the various points connected with the management of the intended prison, Parliament

* The cost of maintaining persons convicted at the assizes, and remaining in a county gaol under sentence of transportation, has always been admitted to be a national and not a county charge, and 2*s.* 6*d.* per week is paid for their maintenance to the Sheriff under the head of "Sheriff's cravings." The Committee thought it reasonable, that if convicts of this description were to be kept permanently in prisons belonging to the counties, the allowance made by Government should be equal to the amount of all expences of every kind incurred for their imprisonment.

should pass a short Act before the end of the Session, enabling the Crown to appoint supervisors to take steps for the commencement of the building, in which Act provisions should be made for settling Mr. Bentham's claims on Government, arising out of the non-performance of the contract mentioned above, and for vesting in such supervisors the lands at Millbank, of which that gentleman was then in possession as has been already stated under the 34 Geo. III.

It was not found practicable to pass any act on this subject before the Session closed, but early in the next I brought in the 52 Geo. III. cap. 44. framed in conformity *

* The principal points in which the 52 Geo. III. differed from the 19 Geo. III. were, that the confinement of the prisoners under it took place by an order from the Secretary of State, instead of being inflicted by a sentence in Court—that the management of the prison was vested in a Committee composed of from fifteen to twenty members acting without pay—with power to appoint one or more of their body as visitors, instead of being under the superintendence of a Committee of three, receiving such compensation for each day's trouble and expense as the justices of the peace at the county sessions should think reasonable.

to the recommendation of the Report, which received the Royal assent in April, 1812, and under which Lord Farnborough, Mr. Becher, and myself, were appointed supervisors of the intended buildings shortly afterwards. By this act the supervisors were directed to erect a Penitentiary for 300 male and as many female convicts, upon a plan to be approved of by the Secretary of State for the Home Department, upon the ground transferred to them from Mr. Bentham for this purpose.

There was no power in the Act to change the site of the prison, the question of building at Millbank having been sufficiently considered in the Committee of the House of Commons in the preceding year, and in the House itself, when the Bill was introduced. It was no secret that the soil at Millbank was of such a nature as to render the foundation of a solid edifice there a work of considerable difficulty and expense, but there were many circumstances in favour of this situation to counterbalance this disadvantage.—It was on the bank of the River

Thames.—It was so close to London as to afford great facilities of inspection and superintendence.—It was ground on which a prison might be built without occasioning any complaint from persons living in the neighbourhood, having been purchased for that express object many years ago. It was already selected and in possession of the public, whereas the difficulty of finding an eligible spot for an establishment of this description had been sufficiently shewn by experience, to make those who hoped to see this building erected during their own lives very unwilling to set out again in search of a new place for it,—and Millbank was believed to be a very healthy situation at that time, as it is now, since the notion of a proneness in the prisoners confined in the Penitentiary to Diarrhœa has passed away, and the prison has been reinhabited without exhibiting the least appearance of any such disorder.

The original estimate presented to the House of Commons in 1812, for a Penitentiary to contain 300 male convicts and 300 females, amounted to 259,700*l*. and the plans

of the proposed building, though not formally laid upon the table of the House, were produced in one of the adjoining Committee Rooms, and submitted to the inspection and criticism of every member who chose to see them, viz.—of those who objected to the undertaking (for it had a few opponents) as well as of the friends of the measure.

The Penitentiary to be erected under the 52 Geo. III. was intended for the confinement of offenders convicted in the Counties of London and Middlesex, but a clause was inserted in the Act, in its passage through the House of Commons, empowering the Crown to send convicts of the same description there “from every part of England and Wales, until provision should be made for confining such offenders in Penitentiary Houses elsewhere.”

The Committee appointed in 1811, on the subject of Penitentiary imprisonment, had received it as part of their instructions to inquire into the effects of transportation to New South Wales, and of confinement on board the Hulks. On the revival of that

Committee in 1812, it proceeded to take up the consideration of the latter of these subjects (the inquiry into the Hulks being transferred to another Committee) and the investigations into which we found it necessary to enter on various points connected with the Hulk establishment took up so much time, that the Report on the state of the Hulks was not presented till the month of June in that year.

It might have been expected that the same Committee would have been again renewed in 1813, to enter upon that branch of the enquiry commenced in 1811, which they had expressly reserved for a future session, viz. the consideration of the measures which it might be expedient to pursue for the purpose of carrying the system of Penitentiary imprisonment into effect in different parts of the country—but the opinions which were entertained in 1813, by those who had been members of that Committee, as well as by most other members of the House of Commons, who took an interest in these subjects, were such as to render this proceeding unnecessary. It was evident from the Report of the Committee

mentioned above, and from a Report of the other Committee, which had examined into the subject of transportation to New South Wales in the same year, that neither of these modes of disposing of convicts guilty of offences, for which offenders had commonly been transported, ought to be abandoned; it had not appeared on inquiry made by the Secretary of State, that there were any buildings in the Counties, which could be appropriated as penitentiaries for convicts of that class, and the objection against the establishment of Circuit Prisons of that description, viz.—that the erection of them would necessarily be attended with very great expense, remained in full force. It was therefore generally agreed, that it would be most advisable, under all circumstances, to add to the size of the prison already in progress at Millbank, and to be satisfied with this one National Penitentiary, for all such transportable convicts as were not to be sent abroad or confined in the Hulks, instead of forming different establishments for them in different parts of the kingdom at the public expense. Accordingly, by different Acts of Parliament, the number of prisoners

for whom the supervisors were directed to provide were encreased from 300 males and 300 females to 600 of the former and 400 of the latter, and the Millbank Prison is now a General Penitentiary, for the reception of 1000 convicts for England, Scotland, and Wales, built at an expence of 458,000*l*.* The changes in the original plan, with the addition to the estimates first prepared, were discussed at different times in Parliament, while the buildings were going on, there having been an annual vote for the expences of every year.

I will now say a few words on the cost of the building, which has sometimes been the

* I do not include in this sum the expense of some additions and alterations caused by the systems of the Committee of the House of Commons, which looked into the state of the Penitentiary in 1823—such as a new tank for the Thames water to deposit its impurities in before it comes into the prison—an improved mode of warming Penitentiary 3 and 4, and certain apertures under the ground-floor of the prison, through each of the walls of the building and the Court-yards, adopted at the recommendation of Sir Humphrey Davy, as they were executed since the supervisors closed their accounts ; but the above sum comprehends the expenses occasioned by the failure in the foundation of the first and second Pentagons.

subject of more surprise than ought to have been occasioned by it. I have been told that all this money, except 19,000*l.* might have been saved, for that Mr. Bentham would have undertaken to build his Panopticon, to hold 100 prisoners, for 19,000*l.*; to which I answer, 1st. that Mr. Bentham's Panopticon was not a Penitentiary, in the sense in which Mr. Howard, and most of those who speak of confinement in prisons of that description, use that word, it being the intention of Mr. Bentham to place six, seven, or eight prisoners to sleep in hammocks in the same room, and that the room in which they worked,—and, 2d, that at the time I first knew Mr. Bentham, which was when he came before the Committee of 1811, he had abandoned any intention of building the Penitentiary for any sum; for, having been asked, whether he could state the terms on which he would undertake to build the Penitentiary for 1000 prisoners *, he answered by a letter to me, as Chairman of the Committee, dated the 29th of March, 1811, that “ what “ concerned the building he could not then

* Page 67.

“undertake at his own risk, in point of expense, on any terms,” the causes of that inability he stated to be the circumstance of his brother, General Bentham’s, being so occupied by official business, as a Commissioner of the Navy, as to be unable to give him the assistance on which he had depended, and the death of an architect on whom he had mainly relied for the construction of his intended works “it was,” said Mr. Bentham, speaking of this person, “on the ground of his continual assurances, together with those of my brother, that I, in my ignorance, ventured to charge myself with the expence of erecting the necessary buildings for so small a sum as 19,000*l.*—neither I nor my brother know, at present, of any person by whom that loss could be replaced*.”

* Mr. Bentham afterwards, in a letter of the 1st of April 1811, addressed to me as Chairman of the Committee of the House of Commons, proposed, that a temporary Panopticon of slight materials should be built as an experiment, at the expense of Government, under his direction and that of some persons whom the Committee or some other authority, to be recommended by the Committee, should appoint; the money for the cost of this building to be lodged at the Bank, and drawn out on the joint drafts of himself and this person, whom he called

To come now to an estimate for a Penitentiary, given in by an architect of eminence ;

his guardian. In case this person should be apprehensive, that the prison would be insecure as Mr. Bentham would construct it, he was to be at liberty to order additional works by way of security, but “ on this single condition, that whatever expense Mr. Bentham should find himself unable to reconcile himself to, Mr. B. should be at liberty to exempt himself from the responsibility of.” The agreement in contemplation between Mr. B. and the public had two distinct objects ; one, the construction of a building for 19,000*l.* the other the management of convicts at the annual expence of 12*l.* per head. For the former of these Mr. Bentham now proposed the arrangement here described. The pecuniary terms of the latter, he said, must be “ varied in expression for the purpose of being kept the same in substance, or the sum of 12*l.* must be changed with reference to present prices, to what he calls money of the present time.” Mr. Bentham declined to state what sum he claimed to insert instead of 12*l.* until he should know whether the Committee would recommend the going on with the contract ; but he mentioned, by way of illustration, and for the sake of argument, 20*l.* And he said that he considered the contract as subsisting and in force, “ if it were in the power of any contract to be binding between persons in power and persons out of power.” If this draft of a contract had been produced in the Court of Chancery between private parties, I suspect it would have puzzled the Court to decree a specific performance with Mr. Bentham’s emendations. However, Mr. Ben-

Mr. Blackburne's estimate, framed for the former supervisors, was 200,000*l.* and this was his reduced estimate, the first, formed on a larger scale, having been deemed too high by the persons to whom it was submitted, under the 19 Geo. III. It was made near forty years before the present Penitentiary was built, and being given in some years before any intention was entertained of fixing the intended Prison at Millbank, it could not have provided for any extraordinary expences arising from the nature of the foundation on which the building was placed there.

I am not in possession of the cost of the several County Prisons lately erected, nor could they perhaps be properly compared with the Penitentiary, owing to the greater degree of accommodation required for prisoners who are to spend some years in confinement, than would be necessary in a place of custody for those who are to remain for a comparatively short time only within the prison walls, and

tham had certainly fair claims to remuneration for his trouble and expence on account of this contract, which were settled by arbitration under the 52 Geo. III. I hope to Mr. Bentham's satisfaction.

to the apartments wanted for superior officers, who are to be married men, and whose families must reside with them in the prison. It appears, however, that the County Gaol and House of Correction, at Maidstone, cost 194,000*l*.—that prison does not contain one half the number of sleeping cells for prisoners provided in the Penitentiary, and it stands upon a site in which its foundation did not, I believe, call for any extraordinary expense.

The Works at Millbank were commenced in 1813, and the first portion of the Penitentiary intended for the confinement of the convicts, viz.—the first of the six Pentagons of which the Prison is composed, was completed in the beginning of 1816.

At that time the Gaols in this county were crowded with female convicts under sentence of transportation, for whose removal Government were strongly importuned on the part of the counties, but whom they were not prepared to send to New South Wales. It was therefore understood to be the wish of the Secretary of State for the Home Department, that the first Pentagon, though intended

ultimately for the abode of Male Convicts, should be occupied in the first instance by Females; and the Supervisors accordingly certified, in Feb. 1816, that 100 Female Convicts might be confined in the first Pentagon. A Committee of Superintendence was named by the Crown, on the receipt of that Certificate, on the 12th Feb. 1816, to make rules and regulations for the government of the prison, and to take such other measures as might be necessary for the reception and management of the Convicts under the Act of Parliament passed for that purpose. The Committee reported the completion of their preparations in June following, and on the 27th of that month, viz. 27th June, 1816, 36 Female Convicts were sent in from Newgate, who were followed in the course of that year by about the same number from various other prisons.

In the month of January, 1817, it was certified, that the second Pentagon was ready for the reception of Male Convicts, and by the end of that year 103 Convicts had been received into that Pentagon, there being at that time 109 Females in the first.

The number of Convicts confined in the Penitentiary was not very materially increased during the year 1818, but the third and fourth Pentagons, which composed the part of the prison designed for Females, having been completed in 1819, the Female Convicts were removed thither in the month of May in that year; and the first Pentagon was, from that time, used as a place of confinement for Males, as originally intended. At the end of 1819, the number of Prisoners amounted to 325;—126 Male Prisoners, and 199 Females. No new Pentagon was opened in 1820, but the number of prisoners was increased in that year to 551; viz. 274 Males, and 277 Females.

The fifth and sixth Pentagons were opened in 1821, both for male convicts; the third and fourth Pentagons, calculated for the reception of 200 prisoners each, being the only part of the prison intended for the confinement of Females; and the prisoners amounted, at the end of 1822, to 778; viz. 452 Males, and 326 Females. The number of Females was soon afterwards as high as 329, but it was reduced before the 4th of June, by pardons, to 303. The Male Convicts, however,

had been increased by that time to 575, being only twenty-five less than the full compliment of their part of the prison, and making a total on the 4th of June 1823 of 878 prisoners.

No more prisoners were now sent in, there being strong reasons to apprehend that the disorder which then prevailed in the Penitentiary was contagious, and by the end of that year all the prisoners were removed from the Penitentiary; the Males to Hulks fitted up for the purpose, under a special Act of Parliament; and the Females, some to Hulks of that description, and others to a building in the Regent's Park in the first instance, and afterwards to the Hulks above mentioned; and it being deemed unadvisable to bring any of these prisoners back to Millbank, who had been in the prison during the prevalence of the sickness, the Males were either pardoned, or were transferred to the ordinary Hulk establishment, and the Females were all pardoned.

The Penitentiary was re-opened for the reception of convicts in the month of August, 1824, since which time the number of con-

victs confined in it have stood at the end of each year as follows.

	Males.	Females.	Total.
Dec. 31, 1824.....	106....	24....	130
1825.....	232....	87....	319
1826.....	423....	102....	525
1827.....	471....	113....	584

The greatest number of prisoners at one time during the year, 1827, was 518 males, 115 females; total 633; and the charges during that year were as follows.

MALES.

In the beginning of 1827	423
Received during the year	142
	565
Pardoned	61
Removed to Bethlehem Hospital 1	}
To the Hulks	
Died	
	9
	471

FEMALES.

In the beginning of 1827	102
Received during the year	35
	137
Pardoned.....	20
Removed for Transportation ..	2
Died	2
	}
	24
	113

Most of the 81 prisoners stated above to have been pardoned in 1827, received their pardons in the latter part of the year;—the following extract is taken from the Report of the Committee of the Penitentiary to the King in Council, and the two Houses of Parliament, dated 8th March, 1828.

“ The opinion of the Committee remains unchanged, that beneficial effects are produced to a very satisfactory extent by the system of discipline and instruction pursued in the Penitentiary.

“ Of the number of prisoners pardoned for good behaviour antecedently to the period, when the disorder broke out, which caused the temporary closing of the prison, about one-third have received the reward for good behaviour during the first year of their enlargement, after full and careful enquiry made by direction of the Committee. In addition to this circumstance, the Committee are aware that many individuals discharged from the Penitentiary have become valuable members of Society, who, from reluctance to disclose their former condi-

" tion, have been unwilling to apply for the
 " reward. A confident expectation is enter-
 " tained, that, of the 81 prisoners pardoned
 " during the last year (in which year alone,
 " since the re-opening of the prison, any num-
 " ber of prisoners could be recommended for
 " pardon,) at least as large a proportion will
 " return to receive a similar reward.

" The Committee have seldom recom-
 " mended prisoners for pardon, except in
 " cases in which some of their friends have
 " been ready to receive them, or persons
 " have been found willing to employ them."

CHAPTER II.

Description of the Buildings composing the Penitentiary, with an account of the manner, in which they are respectively occupied.

IN the centre is the Chapel standing in an area of rather more than half an acre of ground, surrounded by a narrow building forming an Hexagon, three stories in height, with the middle story of which it is connected at three points by covered passages.

Beyond the Hexagon, and at a small distance from it, there is opposite to each of its sides an area of about two-thirds of an acre of ground in the shape of a Pentagon, bounded on four sides by a narrow building three stories high, with small towers at each of its external angles, and on the fifth by a wall about nine feet high, which runs parallel to the adjacent side of the Hexagon. The building contains the prisoners' cells, and the

space included between it and the wall, which forms the fifth side of the Pentagon, is divided into five Court-yards, or airing grounds, for the use of the prisoners, in the midst of which, and commanding a full view of them, stands a tower, called the "Taskmaster's Tower," three stories high. The five yards are separated from the Taskmaster's Tower by an iron railing, and in the middle yard there is in each of these Pentagons, either a water machine to throw water to the different parts of the building, or mills to grind corn for the use of the prisoners, two of the Pentagons having the former, and the other two the latter. The space between the Hexagon and the wall, which completes the Pentagon, is not accessible to the prisoners, nor have they access to an open passage leading from thence to the Taskmaster's Tower, between the walls which bound two of the Court-yards. The ends of the buildings which compose four sides of the Pentagons are joined to the Hexagon by other buildings, which will be adverted to hereafter.

The ground covered by these buildings, together with that enclosed by them is esti-

mated at about seven acres, and something more than that quantity of garden-ground is included between the buildings and the boundary wall, which runs round them in the form of an Octagon and has a moat on the outside.

There is one gate in the boundary wall at which there is a lodge containing accommodations for patroles, as well as for the outer porter. The entrance to the prison lies through a second gate called "the middle Porter's gate;" and there is a third gate, with a porter attached to it, at the entrance of the part of the prison occupied by females, called "the Inner Gate."

The* six Pentagons are designated by numbers running from right to left, according to the orders in which the Pentagons were built. Of these, Number 1, 2, 5, and 6, are occupied by Male prisoners, and 3 and 4 by Females.

The middle Porter's gate is between 1 and 6, in an archway, under a part of the building which connects these Pentagons with the

* See ground plan.

Hexagon; on the right and left of this gate are entrances (which are occasionally shut with close doors) into the spaces lying between the Hexagons and the Pentagons last mentioned, from which spaces there are further communications, through archways, into Pentagons 2 and 5; the entrance into the space surrounded by the Hexagon runs straight forward from the inner gate through the archway under the Hexagon, and in this space are the doors into the apartments of the superior officers residing in the Hexagon, and the gate of the part of the prison occupied by Females.

The four Pentagons occupied by the Male prisoners are built upon the same plan, consisting of one range of cells looking inwards, and of a passage, six feet wide, between the cells and the external wall of the building, the windows of which look outwards towards the garden. The prisoners confined in each of these Pentagons, after being divided into two classes, are further separated into five sub-divisions, of which those of the first class form three, and those of the second two; and the portions of the prison, or wards, allotted

to these subdivisions, are marked by letters, which are the same, and similarly situated in each of the Pentagons. The first-class prisoners occupy the whole of the middle story *, divided into two equal wards, marked D and E, each containing thirty-three cells, and a third ward in the centre of the ground-floor, marked B, in which there are sixteen cells; and as the prisoners of this class work and sleep in the same cells (six feet by ten,) these three wards contain, when full, eighty-two prisoners, all of the first class, except a few prisoners of the second class employed as wardsmen, to instruct the rest, who sleep in the wards to which they are so attached.

The warder's room, the privies, and the washing places of each of these two wards, D and E, are in the middle of the ward between the two sides of the Pentagon, along which they respectively extend, the warder's rooms being in the angle between the two ranges of cells, and the washing-places in the passage between the warder's room and the

* See plan of the middle floor.

privies, which are in the adjoining round towers. In the middle tower is a stair-case, by which the warders and prisoners on the middle floor communicate, through ward B, with the yard adjoining that ward, called B yard, which contains the water machine, or mills; they also communicate by stair-cases at the end of the wards next the Hexagon with two other yards, called also D and E, in which the prisoners confined in D and E wards walk for air and exercise. The privies of ward B are in the adjoining tower, and the washing place is in the passage adjoining the ward, but *the warder's sleeping-room is on the middle floor, between D and E, the space which would otherwise have been occupied by that room being taken up by the passage from ward B, into the yard.

All the second-class prisoners, in the Pentagons occupied by Males, sleep in single

* In Pentagon 5 and 6, the warder of B ward sleeps in the same room in that ward, in which he keeps his stores, one of the cells having been made larger than the rest for that purpose when the Pentagons were built, by taking a small nook, which in the other Pentagons forms a closet.

cells on the upper* story, divided into two wards, F and G, (four cells, however, viz. two on each side of the room in which the assistant Taskmaster sleeps, which is in the middle of that story between wards F and G, being divided from the rest, and fitted up as cells for the confinement of refractory prisoners, or of such prisoners as it may be necessary to separate for a time from the rest.) The warders' rooms, privies, and washing places in these wards, are similarly situated with those in D and E wards. The prisoners who sleep in these wards, F and G, work by day in wards A and C which occupy the whole of the ground-floor, with the exception of the sixteen cells taken up in the centre by ward B. The access to A from F, and to C from G, is down stair-cases in the towers adjoining those wards respectively, which stair-cases have no communication with the middle story. As these prisoners work in small companies, the cells in A and C are double and treble cells. The privies belonging to these wards are in the adjoining towers, and the yards, in which these prisoners take air and exercise, when they are not working at the

* See plan of the upper floor.

machine, or mills, in B yard, are entered by passages opposite to these towers, and are called A and C yards.

The wards appropriated to the reception of prisoners of the first class, will contain the same number in each of the four Pentagons, viz. sixty-six in wards D and E, and sixteen in B; but this is not the case with the second-class wards, the cells belonging to F and G wards being more numerous in the Pentagons last built, 5 and 6, than they are in 1 and 2. The upper story in 1 and 2 is divided into the same number of cells with those in the middle story, from which four being taken as refractory cells, the number of sleeping cells for the second class is only sixty-two in each Pentagon; but in 5 and 6 Pentagons the number of cells in the upper story was increased from sixty-six to eighty-four, by the adoption of stone partitions in some of the cells, instead of the thick brick-walls used in the 1 and 2 Pentagons, and by making some of them rather smaller than those occupied in the day-time as well as at night, by the first class below. In Pentagons 5 and 6, therefore, wards F and G will contain forty prisoners each, making the whole number of

sleeping cells, for Male prisoners, in the Penitentiary, 612*.

The passages which adjoin the cells parted off on each side of the middle tower on the upper story, for the confinement of refractory prisoners, as mentioned above, are separated by close partitions from the neighbouring wards, F and G; and as there is a stair-case

* Viz. in Pent. 1, First class ..82	}	144
Second ditto 62		
In Pent. 2		144
In Pent. 5, First class ..82	}	162
Second ditto 80		
In Pent. 6		162
Total..		612

But from these cells, considered as available for lodging prisoners, must be deducted any cell in a first-class ward required by a warder for keeping stores, for which he may not have room in his own apartment.

It may also be doubtful, whether 40 second-class prisoners can always be placed during the day in wards A and C, in Pent. 5 and 6; it is however to be remarked, that the prisoners in the bakehouse and one of the kitchens are taken from their wards. To the number of prisoners for whom cells are provided in the Pentagon, should be added as making up the complement of the prison, four prisoners at least, who must be employed and lodged in the infirmary.

from that story down the tower to ward B, the warder who has the care of that ward attends also to these prisoners. These cells are not entirely dark, having a little light admitted through small single panes of very thick glass, but the prisoners confined in them can have no communication with other prisoners.

In the original construction of the 1st and 2nd Pentagons, dark cells were made on the ground-floor on each side of the passages leading from the towers to the court-yards A, B, and C, but they were found to allow of too ready a communication by the voice between the prisoners confined there and those who might be passing to the privies belonging to those wards, and to and from the courts, and they were not sufficiently large for the confinement of prisoners, who were to be long under punishment; the use of them, therefore, as places of confinement, was soon discontinued, and they are now turned into closets for the warder's stores.

The present dark cells are at that extremity of Pentagon 2, which joins the Hexa-

gon next Pentagon 3, and in a basement story under ward C, in Pentagon 6, and A in Pentagon 5, where cells of that description have been constructed which are more private than those first used, and are well supplied with air, though light is carefully excluded.

At the top of the towers at the external angles of the Pentagons, are large cisterns, from which water is supplied to the privies on each story, which are all self-acting water-closets, and to the washing places; and to baths on the ground floor, whenever cold bathing may be ordered for any prisoner by the surgeon.

Every cell has two doors, an iron-grated door, and a close wooden door, and there are check gates at the end of every passage in the Pentagon, and at the two ends of B ward, and at the top and bottom of the several stair-cases in the towers, of all which gates, some of which are close gates, and others grated, every warder has a key, the Taskmaster of each Pentagon having also a master key, that he may double lock those of them, through which it is not conve-

nient at all times to allow the warder to have free communication.

The Warders communicate with the Taskmaster's tower through the Court-yards; they receive all stores, which come from the steward's office, and most of those which are sent in by the master manufacturer, from the Taskmaster in the lower room of that tower, and eat all their meals there, being strictly prohibited from carrying any article of food into their rooms in the wards of the prison. The middle story of the Taskmaster's tower is the living room for him and his assistant, and the upper story is his bed-room. The assistant sleeps in the room at the top of the staircase, leading from B ward to the refractory cells.

The visiting cells are in the corner of E yard next the Hexagon. They are fitted up in three divisions, one for the prisoner, one for his friend, and one in the middle for the officer, who is to be present during the visit, and the separation is made by bars and wire-work, so as to prevent any article from being conveyed clandestinely to the prisoners, in

case the officers should not be sufficiently vigilant to observe what was done. The prisoner is brought into his part of the cell through a gate opening into E yard, the friend enters by a door from the passage leading to the Taskmaster's tower on the opposite side of that passage. In D Courtyard there is a small store room for the Taskmaster, nearly corresponding in shape and size with the visiting cell. Adjoining these buildings are a privy and sink, with doors from the passage last mentioned for the use of the officers of the Pentagon, and privies in the yards D and E for the prisoners ; and over the visiting cells and the store-room, there are cisterns of water to cleanse these different privies, and for the use of those yards, which have no communication with any of the three towers at the corners of the Pentagon, whereas the other three yards, A, B, and C, communicate directly with the lower story of those towers.

At the ends of the two sides of each Pentagon next the Hexagon, and divided from the Pentagon by the staircases leading from the yards D and E thereto, are two small

three-cornered rooms on each story, some of which afford sleeping rooms for inferior officers belonging to the Pentagons, but not having the charge of prisoners by night, such as the bakers, cooks, (or warders of the kitchen) millers, machine keepers, &c.;—and others are used as store-rooms, or form part of the kitchens or other buildings out of the Pentagon. Two of these rooms, one on each side of the inner gateway of the prison on the ground-floor, are the apartments of the inner Porter, but these have no entrance into the neighbouring Pentagons.

The mode of heating Pentagons 1 and 2 is not the same with that adopted in the Pentagons 5 and 6. The former are warmed by hot air from stoves placed in the passages, of which stoves there are two in each passage on the ground-floor, viz.—three in ward A, two in the two short passages which constitute ward B, and three in ward C. In Pentagons 5 and 6, the fire-places or apparatus for supplying heated air, are in a basement-story, under the towers. The middle-stories of the four Pentagons are all warmed

by the air, which comes from the fires below ; and the upper stories, containing only night cells, are considered as not requiring any heat from fire ; in fact, however, a large portion of the warmth which escapes from the lower passages, does find its way thither. In the first and second Pentagons the entrance into the coal vaults, which are under ground, is from yard E, but the coals are laid in through an aperture in the space on the outside of that yard between the Pentagon and the Hexagon. To prevent the inconvenience that would arise from having occasion to send prisoners frequently from A and C to the coal vaults, there is a large receptacle for coals by each of the stoves, and ward B is supplied from a separate vault made under the building which contains the water machine in that yard. In Pentagons 5 and 6 there are coal-vaults in the towers for each of the fire places of the heating apparatus, and the coals are put into these vaults from the Court-yards. The dust-vaults of each Pentagon receive the ashes from an aperture in E yard, but the persons coming to take them away enter from the outside of the wall of that yard, through a trap-door

in the space between the Pentagon and Hexagon.

The Pentagons on each side of the gateway have a common kitchen on the ground-floor of the building, which connects the contiguous sides of those Pentagons with the Hexagon ; but the kitchen does not quite reach the Hexagon, being separated from it by the archway which forms the passage from one Pentagon to the other ; each kitchen is so fitted up as to prevent the prisoners sent to fetch the prisoners' dinners to one Pentagon, as wardsmen, from communicating with those coming for the same purpose from the other, or with the prisoners employed in the kitchens, which latter remain there all day, but sleep in one of the adjoining second-class wards. The dinners of the officers of the Pentagons are dressed in these kitchens, and carried to their respective mess-rooms in the Taskmasters' towers, by the prisoners employed as cooks. The warder, however, in charge of these prisoners does not mess with the other warders, but takes his meals in his own kitchen. Provisions and stores sent into the kitchen are delivered to the cooks

from the steward's office through doors opening into the space between the Pentagon and the Hexagon, through which doors the wash is taken away. Each kitchen has its own privy and coal-vault, but the ashes are carried out into the dust-hole in the yard of one of the adjoining Pentagons, and the prisoners employed in the kitchen walk in that yard for air and exercise.

The bakehouse is in that part of the Hexagon building which is connected with Pentagon 5, where that Pentagon is joined to Pentagon 4. It has proper places for keeping fuel, wheat, and bread, and it has also a yard attached to it formed by a cross wall running from the Hexagon to the wall which bounds E yard of Pentagon 5, in which there is a store-room to keep flour and a machine to dress it.

The prisoners employed in the bakehouse are on the same footing with those in the kitchens. They sleep in C ward Pentagon 5, but spend the day in the bakehouse and yard adjoining under the care of a separate warder, who is himself a baker.

At the opposite end of the part of the prison occupied by male prisoners, viz.—where Pentagon 2 joins the Hexagon and Pentagon 3, there is a similar yard formed by a cross wall running from the Hexagon to wall bounding ward D, in which yard there is a shed for sizing and preparing yarns for weaving; and a part of the Hexagon, which opens into that yard corresponding to that used for the bakehouse in Pentagon 5, is fitted up as a store-room for the master manufacturer, for whose use it is particularly convenient, as prisoners may be brought into it, through the yard just described from Pentagon 2, to act as warehousemen in packing or unpacking, and stowing away heavy articles.

In the middle story, over the two kitchens, are passages leading each from the two adjoining Pentagons to the Hexagon, (which passages are continued across the Hexagon, and so on from thence to the chapel,) and on each side of these passages, and separated from them by partitions, are store-rooms for the master manufacturer, in which rooms journeymen are sometimes employed to prepare work for the prisoners. In these pas-

sages the Taskmaster receives stores from the master manufacturer, and delivers back to him the work executed in the prison, there being no inconvenience in allowing prisoners to have access, accompanied by an officer, to this part of the building, for the purpose of carrying heavy materials at once into their wards, or of bringing out the articles manufactured.

The upper stories of these buildings are parts of the infirmaries, which are placed at the top of the Hexagon; the infirmary belonging to 1 and 2 occupies that story on the part of the Hexagon, which is opposite to Pentagon 2, and that appropriated to Numbers 5 and 6, takes up the whole of the upper story of the Hexagon opposite to Pentagon 5, and half that opposite to 6. The infirmaries are under the care of distinct warders. There are small kitchens there, in which broths, and articles of that description may be prepared, but such articles as form part of the ordinary diet of the prisoners are brought from the common kitchen, up the staircases already noticed, between these buildings and the Pentagon, by which also such of the

sick prisoners as are ordered to take exercise in the open air, are brought down into one of the yards of either of the adjoining Pentagons, for that purpose.

The infirmaries have each a separate staircase leading down to the open space between the Hexagon and the Pentagons, for such communications with the infirmary as do not pass through the Pentagons; and there are windows with wires, looking out at the top of these stair-cases, through which the prisoners are allowed occasionally to see and converse with their friends; it not being usual to admit into the infirmaries the friends of a prisoner who is not confined to his bed, or seriously ill. The intercourse, which takes place between prisoners of different wards, classes, and even Pentagons, in the infirmaries, tends very much to break down the discipline of the prison, and is attended on many occasions with great inconvenience; but this is an evil which it would be impossible to lessen materially, without establishing infirmaries upon a very extensive scale.

In the archway leading from the middle

Porter's gate into the area enclosed by the Hexagon, there is on one side a door into a messenger's room in the Hexagon, and on the other an entrance to the surgeon's apartments, and to a staircase leading to a passage which runs all round the Hexagon upon the middle floor. The rooms on that floor all look towards the chapel, and there is between them and the wall of the Hexagon next the Pentagons a passage quite round the Hexagon, with doors into some of the adjoining apartments, and staircases to the infirmaries on one side, and windows on the other, looking over the Pentagon yards, and with entrances into the several Pentagons at the ends, where they are respectively joined to the Hexagon. This passage is, in general, the most convenient way for the Governor, Chaplain, Surgeon, and Master manufacturer, residing in the Hexagon, to the parts of the prison occupied by prisoners, and they can never have to go more than half round the Hexagon, before they arrive at the entrance into the Pentagon most distant from them. This passage is crossed at two points by the prisoners passing from Pentagon 1 and 2, and from 5 and 6, to and from the chapel; but it has close doors

on each side of the parts so crossed, by which they are occasionally shut off from the remainder of the passage, and so converted for a time into parts of the prisoners passages, these doors being at other times left open.

Most of the rooms on this floor, in the Hexagon, and such of those above or beneath them, as have not been already mentioned, are either apartments for superior officers, or store-rooms. It would hardly be worth while to state here the manner in which these apartments are at present distributed, as they are many of them so arranged as to be capable of being used at different times for different purposes, and by whichever of the superior officers may have the largest family, or be most in need of them. Over the archway already mentioned is the committee-room, and on the other side of the passage, next the chapel, is the secretary's office, with a room adjoining, (which is made fire-proof) for books and papers. Over the committee-room is the Governor's bedchamber, having windows on each side, commanding the yards of Pentagon 1 and 6, and one window looking towards the lodge and gateway of the outer Porter.

The doors, by which strangers have access to the apartments of the Governor, Chaplain, Surgeon, Master manufacturer, and Steward, and by which stores of every kind are delivered to the two last from without, are all in that part of the area inclosed by the sides of the Hexagon, which lies between the two passages leading from Pentagons 1 and 2, and from 5 and 6 to the Chapel. Between one of those passages and that which connects the part of the prison occupied by Females with the chapel, and from that round to the other passage, are low walls, to prevent any person from approaching too near to the parts of the Hexagon occupied by prisoners; and between that wall and the chapel there is a cart and carriage way, running through archways under the three passages; the passages themselves being on a story above the ground-floor. The entrance to that part of the prison is under the passage connecting it with the chapel.

The 3d and 4th Pentagons, occupied by Female prisoners, differ but little in their construction, from the Pentagons already described, except in the upper story. Wards D and E are exactly similar to the corresponding wards

in the other prison, and the only difference between these and the other Pentagons on the ground-floor is, that ward B comprehends the whole of the two ranges of cells between the middle tower and the tower on each side of it, instead of extending only to one half of that distance, containing thirty-one cells instead of sixteen, besides a warder's room ; so that the three first-class wards, in each of these Pentagons, will hold ninety-seven prisoners instead of eighty-two. The upper story however is very differently arranged from that in the other part of the prison. The danger of escape, which rendered it unsafe to place Male prisoners by night in cells bounded by the external wall of a brick-building not being supposed to exist in the case of females, the top story of these Pentagons containing the night cells of the second-class prisoners, is formed into two ranges of cells, with a passage between them ; a considerable increase in the number of the cells was gained by this arrangement, for which sufficient space was obtained by using stone partitions instead of brick walls on the sides of the cells next the passages, as well as in the divisions between the cells themselves ; and by making the

passages, which can never be wanted as places for air and exercise (like those in the lower stories in wet weather) very narrow. In consequence of this increase in the number of cells for second-class prisoners, the upper story in each of these Pentagons is formed into three wards, instead of two; those who sleep in the 3d ward being employed in the day-time in the laundry and wash-houses, and mending-cells, which constitute distinct wards, called the laundry-wards, in these Pentagons, and occupy the whole of the ground-floor of these parts of the Hexagon which are opposite to them, with the exception of a small portion of that building taken out of the part connected with Pentagon 3, for the Porter's lodge, on the right of the entrance gate, and of the Matron's staircase and kitchen on the left of the gate-way. These three second-class wards contain about 110 or 112 cells, for the reception of prisoners of that class, besides cells fitted up for refractory prisoners, and dark cells for such as are guilty of serious offences within the prison.

The distribution of the court-yards is the same in these Pentagons as in the other part

of the prison; the sixth yard, wanted for the prisoners employed in the laundry ward, being similarly situated to that used by the bakers in Pentagon 5, or the weavers, in Pentagon 2. There are, however, no machines or mills in these Pentagons, but each yard is furnished in their stead with several iron rollers, for the use of those Females, for whom more exercise than can be taken by walking, is recommended by the surgeon. Each Taskmistress has a tower similarly placed, and used for the same purpose with that allotted to the Taskmaster, in one of the Pentagons first described, but the passage to her tower, between the yards D and E, is a covered one; and there are two other covered passages leading into this passage from each end of the Pentagon, it being deemed inexpedient to expose the Female officers to the rain in wet weather, during the constant communication which must take place between the Taskmistress's tower and the other parts of the prison.

The lower story of the building which connects these Pentagons with the Hexagon is the kitchen, but the room over it is not a

passage-room to the Chapel, as in the parts of the prison before described, being the apartment, in which business is transacted by the deputy matron, who acts under that title very nearly in the same character among the female prisoners, with that filled by the master manufacturer in the other part of the prison. The upper story of this building consists of some closets for stores, and of passages from each of the Pentagons to the Infirmary, which occupies the whole of that story of the two sides of the Hexagon opposite to these Pentagons. These passages also lead to the Chapel, being continued when the prisoners have crossed the Infirmary, and descended down separate staircases into the middle story, by the covered passage which connects the female prison with the Chapel, and which has a partition on the middle of it to keep the prisoners of one Pentagon separate from those of the other. There is besides a way from the wards of each Pentagon next the laundry, to the Chapel, without passing through the Infirmary, by a staircase leading up from the laundry-ward to the last mentioned passages, and at the bottom of one of these staircases there is a door opening

out from the Hexagon into the yard towards the Chapel, for such communications from without to the Infirmary as do not go through the Pentagon, all which communications, however, must pass the Porter's gate at the entrance of this part of the prison.

The matrons' lodging-rooms are on the middle floor of the parts of the Hexagon opposite to Pentagons 3 and 4, the remainder of which floor is taken up by store-rooms, and by a room fitted up for the accommodation of discharged female prisoners, whom it is often desirable to lodge for a few days, until means can be provided for sending them down into the country, or restoring them to their friends.

The Chapel is nearly circular. The male prisoners sit below, and enter the part allotted to them by stair-cases at the ends of the passages leading from their Pentagons. The females, who occupy a gallery over the males, come in from their passage at the back of that gallery, between the parts of it assigned to their two Pentagons. The officers male, and female, are so disposed as to have as full

a view as possible of the prisoners, with whom they are most connected, but with all the vigilance that can be exerted in watching the conduct of prisoners brought together in Chapel, it is not possible to prevent many very improper communications from being made there by one prisoner to another, and plots and confederacies are sometimes formed there to be carried into execution in other parts of the prison.

- ENTRANCES.**
1. Middle Porter's Room.
 2. Space between two gates one closed, one grated.
 3. Archways leading into Pent' 1. & occasionally shut with closed gates.
 4. Passage to Taskmaster's Tower.
 5. Archways leading into Pent' 2 & 5.
 6. Archway leading to Chapel Yard.
 7. Archways in Road round the Chapel.
 8. Inner Porter's Gate.
 9. Infirmary Staircase.
 10. Covered Passages to Taskmaster's Tower.

- PENTAGONS.**
- A.C. Second Class Wards & Court Yards.
- B. First Class Ward & Court Yard.
- D.E. Court Yards to wards D & E on Middle Story.
- T. Taskmaster's Tower.
- K. Kitchens.
- L. Staircases.
- M. Waiting Cells.
- N. Store Rooms.
- O. Corn Mills.
- P. Water Machines.
- Q.Q.Q. Water Closets & Staircases.

- HEXAGON.**
- a. Staircase to Upper Story.
- b. Surgeon.
- c. Chaplain.
- d. Steward's Offices &c.
- e. Infirmary Staircase.
- f. Steward.
- g. Master Manufacturer's Store Room.
- h. Tent & Shed for preparing yarns.
- i. Dark Cells.
- k. Wall between Pentag' 2 & 3.

11. Laundries.
- m. Staircase to passage to Middle floor.
- n. Inner Porter.
- o. Matron.
- p. Wall between Pent' 4 & 5.
- q.q. Bake House & Yard.
- r. Infirmary Stairs.
- s. Master Manufacturer.
- t. Governor.
- u. Messenger &c.
- w. Dressing House.

GROUND PLAN.

C. Burton, del.

Printed by R. Cartwright.



a. Entrance to passage round
the Hexagon and Staircase.
ddd Passage round the Hexagon.
ccc Passages to Pentagon.
d.d. Rooms for cutting out work.
e.e.e. Passages to Chapel.
fff. Doors closed while the
Male Passengers are
passing to Chapel.

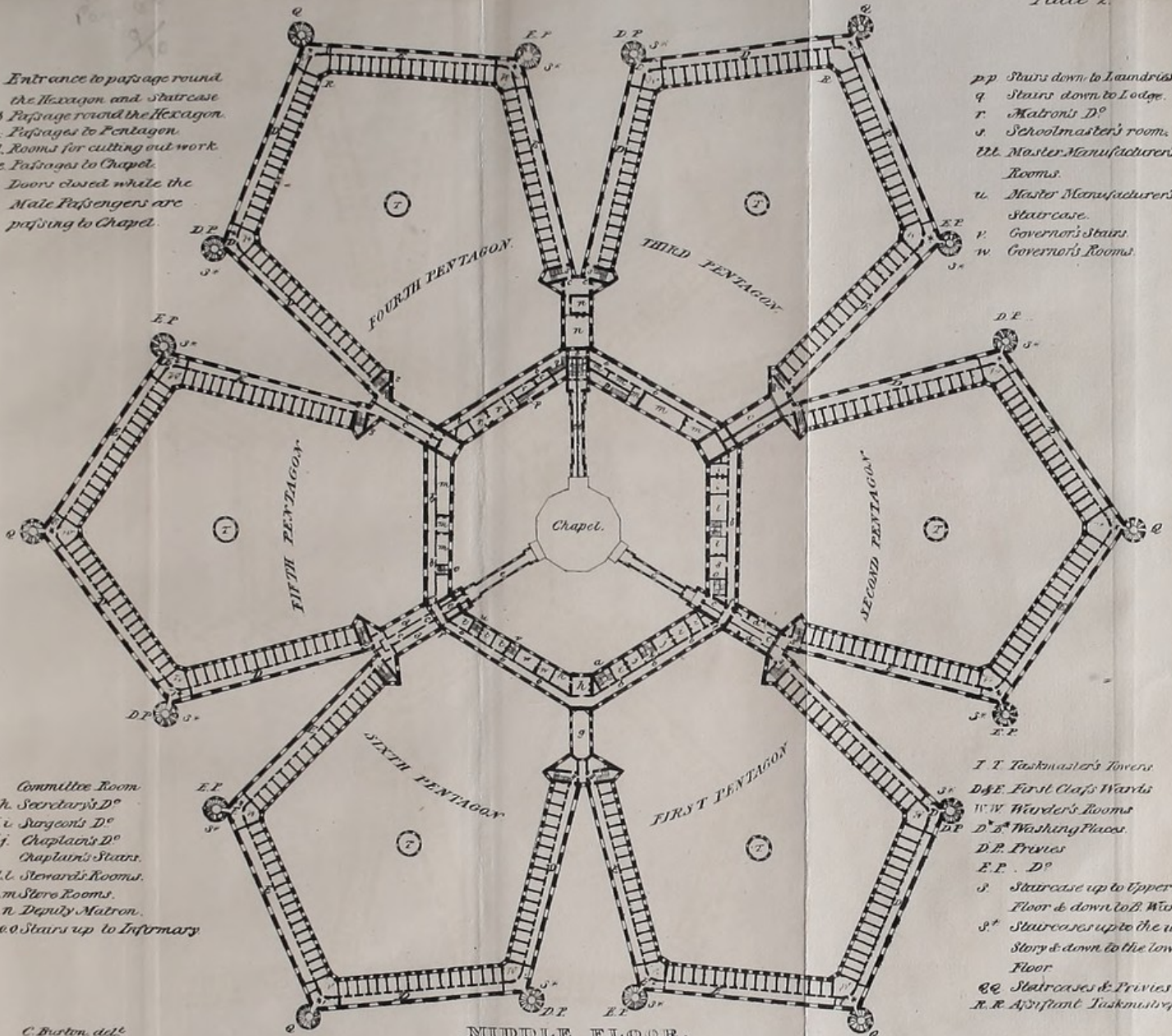
pp Stairs down to Laundry.
q Stairs down to Lodge.
r Matron's D^o.
s Schoolmaster's room.
t. Master Manufacturer's
Rooms.
u. Master Manufacturer's
Staircase.
v. Governor's Stairs.
w Governor's Rooms.

g. Committee Room.
h.h. Secretary's D^o.
i.i. Surgeon's D^o.
j.j. Chaplain's D^o.
k. Chaplain's Stairs.
l.l.l. Steward's Rooms.
m.m. Store Rooms.
n.n. Deputy Matron.
o.o.o. Stairs up to Infirmary.

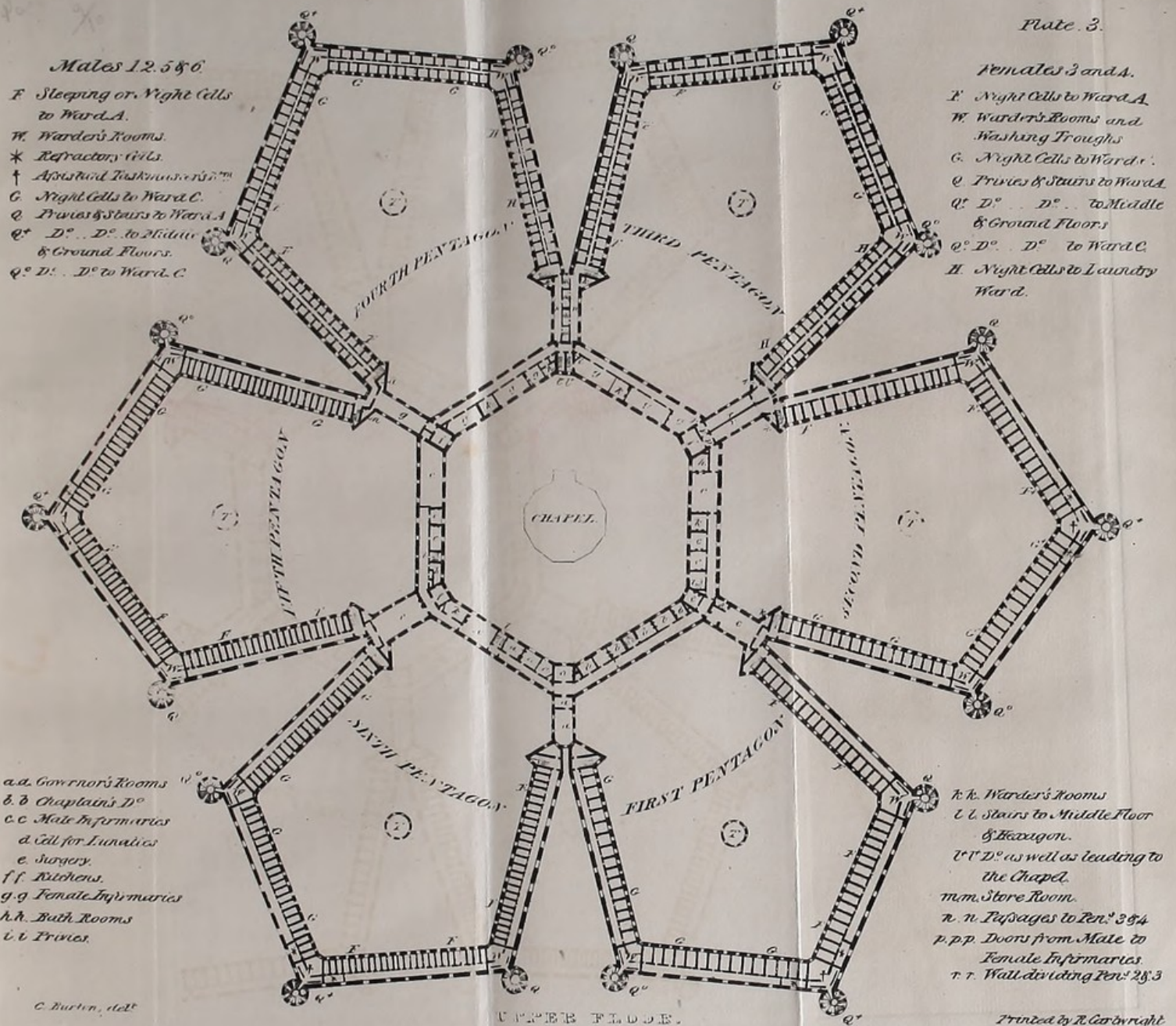
I T Taskmaster's Towers.
D&E. First Class Wards.
W.W. Warder's Rooms.
D.B. Washing Places.
D.P. Privies.
E.P. D^o.
S. Staircase up to Upper
Floor & down to B. Ward.
S^o. Staircases up to the upper
Story & down to the lower
Floor.
Q.Q. Staircases & Privies.
R.R. Assistant Taskmaster's Rooms.

C. Burton, del^o.

MIDDLE FLOOR.









CHAPTER III.

Description of the Inferior Officers and Servants of the Establishment, and particularly of the Officers employed in those parts of the Prison in which Prisoners are confined.*

THE system of discipline in the Penitentiary is founded on the principle of keeping the prisoners regularly employed, and under as constant inspection as possible, close confinement in solitary cells being reserved for

* In describing the Officers of the Establishment, I begin with those who are placed among the prisoners, as the treatment of the persons confined will be more easily explained by shewing what is required from these officers than by any statement that can be given concerning the office of Governor. I shall then proceed to give some account of the other officers of the Penitentiary considered as a place of confinement. The arrangements connected with the religious and moral instruction of the prisoners will be noticed in the chapter entitled "Chaplain and Schoolmaster," and the account of the manufactures carried on in the prison will appear in that headed "Master manufacturer."

the punishment of grave offences committed within the prison. With a view to this mode of managing the prisoners a warder is placed in each ward, whose whole attention is to be directed to the individuals under his charge, and who has, generally speaking, no concern with any other part of the prison, except that, to which he is attached.

The prisoners in a first-class ward, after being let out into their passages to wash themselves at the first bell in the morning, a few * at a time, return to their respective cells, where they make up their hammocks, and stand, each within the grated gate of his own cell, to hear short prayers read to them by a prisoner in the passage.

They then pursue their several occupations in the manufactures carried on within the prison, (which are principally weaving and tailor's work) in their separate cells, till it

* They generally come out to wash eight at once, but the number to be brought out together is fixed in each ward by an order from the Governor, who may see reason to allow more prisoners to be brought together in one ward than in another.

is the turn of their ward to work in the Court-yard B, at the water-machine or corn-mills. The prisoners of each first-class ward work four times a day in this yard for half an hour each time in summer, walking afterwards in their own airing-yard for a quarter of an hour, and then returning to their cells *. They walk two and two, and are allowed to converse with their † companions, provided the conversation be not carried on in a loud voice.

The time for working in the yard and walking is lessened as the days become shorter, and there is a short period in the middle of winter, during which the prisoners

* In wet weather they walk in their respective passages.

† They do not choose their several companions; a general permission so to do would occasion more dissatisfaction, than the present practice of putting those, who occupy the adjoining cells, to walk together. The manner of their walking is regulated by the Governor's order. There will often be cases in which the discretion of the Governor, or the request of a prisoner, may render it expedient, that particular prisoners should walk together, or should be separated.

are only brought into the yards twice in each day.

While the prisoners are employed in B yard, they are attended by the officer, who has the care of the machine or mills, at which they are working, whose business it is to see, that they do not injure the machinery by turning it negligently or mischievously, which latter mode of proceeding, on their part, it requires constant watching to prevent. Their warder is also generally with them on these occasions, but he leaves them during a part of the time, while they are thus employed, for the purpose of examining* their cells, having no other op-

* This operation is necessary in all prisons, but more especially in a prison built of brick. When it was first proposed at Mill-bank to allot one cell only to a prisoner of the first class, instead of appropriating to each a night cell and a day cell, as had been done at Gloucester and elsewhere, those who were in favour of the former practice, relied mainly on the facility, which the second cell afforded, of searching each, while the prisoner was in the other. If any occurrence happens in the yard to be reported to the Governor, whether the Warder were present or absent at the time, it would appear in his report book, the machine-keeper or miller having no book of that description.

portunity of so doing in the absence of the prisoner.

While the prisoners are at work in their wards, under the care of the warder, they are only separated from the passage by the grated gates of their cells, the wooden doors being allowed to remain open. A prisoner may, at any time, ask the warder for water, or apply to the warder to let him out of his cell to the privy, and the operations of manufacture necessarily occasion a good deal of intercourse between the prisoner and his warder, and the Taskmaster of his Pentagon, and between the manufacturing prisoner and those employed as wardsmen or instructors. Every ward is also visited frequently by the Governor and Chaplain, by the surgeon daily, and by the Master manufacturer, as often as his business takes him into that part of the prison.

The prisoner's provisions are delivered to him three times a day into his cell, being brought from the kitchen by the warder and such other prisoners as are employed for that purpose, and each cell is furnished

with a knife, a wooden spoon, a trencher, and two drinking vessels, all which the prisoner is expected to keep clean, and in good order. Grace is said before and after meals by one of the prisoners in the passage, to the others standing at their cell-gates. In the evening the prisoners have prayers read as in the morning, and they sing the evening hymn in their wards, before they are locked up for the night. On two nights in the week they have schools, concerning which there will be occasion to speak hereafter.

The prisoners of the second class do not differ materially in their course of life from those of the first, except in the circumstance of being placed a few together by day in A and C wards in larger cells than those, in which they sleep in the upper story. They walk more in their Court-yards than the prisoners of the first class; and * work less at the machines or mills in B yard.

* Originally second-class prisoners were not employed at all at this laborious work, but exercise of this kind being thought conducive to their health, they now work in B yard twice a day, winter and summer.

It is the duty of the warder, not only to take care that the passages and cells of his ward are kept clean, but to attend to the cleanliness of the persons of his prisoners, considered as being closely connected with moral habits as well as with health.

He is, therefore to see, that the various regulations of the prison upon this head are punctually observed; that the linen goes properly to the wash, and is correctly returned; that foot-tubs and water for washing the prisoners' feet are distributed to all of them in turn as directed; and that the prisoners keep their combs and brushes in good order; and he is himself to examine the persons of those under his charge, if necessary, to ascertain that a proper use is made of these articles.

By way of encouraging the prisoner to work, and in the hope of accustoming him to dwell with complacency upon the gradual accumulation of petty savings, he is allowed a per centage of one-eighth part of his earnings, which is reserved for him, to be paid on his release. The amount of his earnings

and per centage therefore is kept in a small book given to the prisoner on his first coming into the prison, and called his "Per centage Book *," which contains a debtor and creditor account between the prisoner and the establishment, setting out with a statement of the manner in which his clothes †, and any other property which he brought in with him have been disposed of. The entries in this book are made by the Warder, who credits the prisoner with the amount of the per centage, and carries to the debit side of the account all sums paid for the postage of

* In this book the prisoner is informed of the day on which his imprisonment will expire, and of the time at which he will be entitled to go into the second-class, unless sooner advanced thither by the favour of the Commissioners. He is also apprised that for such advancement, or for his release before the regular expiration of his term of imprisonment, he must depend upon his own good behaviour, and not upon the interest which relations or friends may make for him.

† The clothes, in which he came, must be burned or sold. As it is not easy to get the full value for them, it is usual to let the prisoner's friends have them for a trifle, if the prisoner approves of that arrangement—whatever is received for them is of course put to his credit, and articles which are not of a perishable nature are ticketed and put by for him.

the prisoner's letters, and the amount of any damage done by him wilfully, or occasioned by his negligence, to the property of the prison. Before, however, any entry is made in the prisoner's per centage book on this head, he is furnished with a written notice of the sum charged (which is estimated by the Governor), and of the grounds on which the charge is made, in order that he may appeal concerning it, if he shall be dissatisfied, to the Committee, or Visitor.

The prisoners are well acquainted with this power of appeal, as well as with all the other rules and regulations of the prison, in which they are immediately concerned; for a copy of the rules is hung up in every cell, and care is taken to read them over, and explain them, to every prisoner, who cannot read himself, when he is received into the prison; and every prisoner is fully aware, that he may address himself, in case he shall think himself aggrieved, to the Governor, and, if he is not satisfied with his decision, to the Committee, or a Visitor, with a certainty of being attended to without delay.

The knowledge of this facility of communication between the prisoners and those at the head of the prison, cannot but have a salutary operation in checking any disposition in the Warders to oppress or neglect their prisoners, as well as in rendering the prisoners themselves less discontented than they might be otherwise. And this is a point of great importance, for it is chiefly to the behaviour of these officers, in their constant intercourse with their respective prisoners, and to the vigilance of their inspection, that we must look for the tranquillity of the prison, and for any improvement in the moral habits and dispositions of those confined in it. If the warders shall be inattentive to the regulations laid down for them, if they fail to conduct themselves with temper, discretion, and impartiality—if they abuse their authority, or lose it by undue familiarity, or winking at irregularities in their wards, no punishment that can be inflicted on the prisoners will keep them in good order, nor will any advice or instruction which can be afforded in the prison produce its due effect. It has therefore been a primary object in the Penitentiary to fill the situation of Warders,

and indeed of all the inferior officers, with persons of respectability. They are, with few exceptions, taken from non-commissioned officers in the army, many of them having pensions for service; and they are never taken without a strict previous inquiry into their former life *. The Warders must be

* Two thirds of the keepers of prisons in England, if they were asked whether their Turnkeys were often bribed by the prisoners, to bring in articles not allowed, or break the rules of the prison in other particulars, would say, that they never heard of such a thing, and that prisoners never attempted any thing of the kind. Prisoners do, however, make such attempts in the Penitentiary at Millbank, and they have sometimes succeeded. They have no money to give, but they may find opportunities, with an officer's assistance, to do private work for him, and many of them can draw a draft upon their friends out of doors, which will be duly honoured. It has also been discovered that an officer has extorted money from the relations of prisoners, by boasting of power to serve them in the prison, which he did not possess, and promising what he had neither the power nor the intention of performing. And yet I am very much mistaken if our officers at Millbank are not of a very superior description to those in ordinary prisons. We have found a wide difference between military men taken with good testimonials from their late commanding officers, and manufacturers out of work, or decayed tradesmen bringing characters from their former employers or their neighbours. No man, who has not

men of some education, able to write a tolerable hand, and possessing some knowledge of figures, as they have not only reports to make in writing concerning the conduct of the prisoners, and other occurrences in their wards, but they have various books to keep, connected with the receipt and expenditure of articles issued for the use of the prisoners, of materials for work delivered to prisoners, and of manufactured goods returned; accounts which require to be kept with great accuracy,

had much experience on this head, will easily believe how negligently (not to say profligately) such characters are often given. We never take persons who have been employed in other prisons. Soon after the Penitentiary first opened, we took into our service a Turnkey who was parted with, as it was said, reluctantly, from one of the city prisons, being considered to be a very trustworthy disciplinarian—but I found him very soon conversing familiarly with the prisoners of his ward, standing round a stove in one of the passages, when they ought to have been locked up for the night in their cells. One of the most important changes that the present Governor, Capt. Cluper, has brought about at Millbank is, that he has procured, by paying great attention to the subject, and by corresponding with different commanders of regiments, a very different description of men for officers, from the Taskmaster downwards, from those formerly employed by us.

and which are often attended with considerable trouble and difficulty, owing to the description of persons they have to deal with*.

The situation of Warder is one of great fatigue as well as trust. He must rise before

* The trouble of carrying on a manufacture with dishonest workmen is much greater than may at first sight appear. It has been supposed, that where property can neither be sold nor carried away, little embezzlement will take place, but this is not the fact in a prison. Sometimes prisoners secrete a portion of the materials delivered out to them, that they may convert it to some use, for which it would not be allowed, and sometimes they destroy materials, to conceal negligence, or bad workmanship. A prisoner gets out of temper with his work, and tangles his yarn; in a fit of impatience he makes away with it, perhaps throws it down the privy, and he then wets the remainder to make it weigh as much as the whole quantity delivered to him in a dryer state. It has long been found necessary, for the prevention of fraud of this kind, to give out all materials by tale or weight, according to the nature of the articles. The examination of the prisoner's work, and the investigation of these petty frauds often occupy a good deal of time, but it is important to probe all attempts at imposture to the bottom, for the pecuniary loss arising from fraudulent practices is of much less consequence than the mischief which they produce on the mind of the prisoner, if they escape detection and punishment.

his prisoners, that he may be ready to unlock their cell doors on the ringing of the first bell; and he has little opportunity of sitting down, except at his meals, until after his ward is locked up for the night. The duties of Warder, in each of the two large wards in the middle story of the Pentagons, D and E, are more than one person can execute properly, for he has charge of thirty-three prisoners, who occupy thirty-three cells, ranging along two passages, which are inclined to each other at an angle of about 120 degrees; the extent of the ward, measured along the two passages, is not less than 100 yards, and there is only one point in it, viz. a spot at the angle between the two passages, from which the Warder can see both parts of his ward at the same time. It was therefore thought advisable, some time ago, to apply to the Secretary of State for leave to add a second Warder to each of these wards, so that each passage should have its own officer. The application was not refused; but there being great anxiety in the Committee of the Penitentiary, as well as at the Secretary of State's office, to keep the officers of the establishment at Millbank, as

low as possible, one assistant only has been added, who is employed in each of the two wards occasionally *.

When the Warder goes to his meals, which he takes with the other Warders belonging to the same Pentagon, in the lower room of the Taskmaster's tower, or when he leaves his ward, expecting to be absent for more than a very short time, he locks up his wardsman, puts the instructor into his own cell, and shuts the wooden doors of all the cells in his ward.

The prisoners, however, are not left wholly without inspection, while the Warder is at his meals, for either the Taskmaster, or his Assistant, who take their meals at a different time from the Warders, goes round the Pentagon at that time ; and though the wooden doors of the cells are then shut, whatever is going on in the cell may be seen from the pas-

* This is however admitted to be only an experiment, and if as many prisoners of the worst description are to be sent to the Penitentiary, as have lately been inmates of the prison, I suspect it will require two officers to attend properly to each of these wards.

sage, through an inspection hole, with which each day cell is furnished ; so that the prisoner is frequently under observation, even when the Warder is absent from his ward, and may, for any thing he knows to the contrary, be under the eye of an officer at any hour of the day.

The Warders receive their orders from the Taskmasters, of whom there is one in every Pentagon, occupying that part of the tower in the middle of the court-yard (called the "Taskmaster's Tower"), which is over the Warder's mess-room.

He sleeps in the upper story, and takes his meals with his Assistant*, in the room

* The Assistant Taskmaster is on duty with the Taskmaster during the whole of the day, but lodges at night in a room similar to those occupied by the Warders, in the middle angle of the upper story of the Pentagon. It would have been better, if the Taskmaster's tower had been made a trifle larger, and had been so arranged, that the Assistant might have slept there; but it must be remembered, that when the Supervisors were set to erect a Penitentiary at Millbank, we had no model to work by, or from which any hints could be taken, either as to the form of the prison, or as to the probable establishment of the officers to be employed in it; there being no Penitentiary

on the middle story, where he keeps his stores, books, and papers, and writes reports, &c. &c. but he transacts a great part of his business while the Warders are in charge of their respective wards, in their mess-room, in which they come to him on all points connected with their duty.

The Taskmaster exercises a general superintendence over the Pentagon to which he belongs. He summons the Warders to their meals by a hand-bell, and sees that they return to their wards as soon as the time allowed for each meal is expired. He observes that the prisoners of each ward work regularly at the machine, or mill, in B yard, and take air and exercise in their airing ground, in the order laid down by the rules, and during the periods therein prescribed. He

then existing, except that at Gloucester, built for eighty prisoners. When architects are called upon to give in plans for County Prisons, there are prisons of that description all over England, from which they may learn what to copy, and what to avoid; but I cannot say that I think much has been learned since the attention of the public was turned to the construction of prisons, by the commencement of the Penitentiary, sixteen or seventeen years ago.

also frequently visits every part of his Pentagon, looking occasionally into the Warders' rooms and the coal holes, dust holes, and all other rooms, cellars, &c. and examining the prisoners' cells, and the cells used for the confinement of prisoners under punishment for prison offences; being responsible to the Governor for the state of the Pentagon itself, as well as for the proper treatment of the prisoners. At a certain hour every morning he attends the Governor with his report-book, containing reports (founded partly on those made daily to him by the Warders, and partly on his own observation) concerning the state of the building, or the conduct of the officers or prisoners in his Pentagon, or any other matter which may deserve the Governor's notice. In cases which appear to require the immediate interposition of the Governor, or to be of a nature to be communicated to the Governor without delay, he reports as soon as the facts to be reported come to his knowledge; but even when he may have occasion to apply to the Governor without waiting to put down any thing in writing, he enters the circumstance of the case afterwards in his report-book, as a part

of the history of his Pentagon. He has no power to inflict punishment, but either he or the Warders may confine any prisoner who may be turbulent, in case such proceeding shall appear to be necessary for the prevention of disorder, before the Governor can be called in.

The Governor's orders to the Taskmaster are entered in a book called "The Taskmaster's General Order Book," kept in the Governor's office, with figures in the margin, notifying to which Pentagon or Pentagons such orders are intended to apply; and each Taskmaster copies out so much of the orders as concerns his Pentagon in his own order book; but in cases where the Governor finds it necessary or convenient to give orders, while he is going round the Pentagon, which must occasionally happen, he enters them himself in the Taskmaster's book in the first instance, and they are copied from thence into the General Order Book in his office, that this book may be complete. Orders for the admission of workmen, and persons carrying coals into the Pentagon, or for prisoners to see their friends, are delivered to the

Taskmaster by the parties to be admitted under them. The Taskmaster files all such orders when he receives them, and returns those of the former description to the Governor once a quarter; and those of the latter to the chaplain, at the end of every month.

The attention of the Taskmaster extends to all the arrangements connected with the manufactures carried on in his Pentagon; he receives, enters in proper books, and distributes to the different Warders, the raw materials, furnished by the master manufacturer, and takes back from the Warder, and re-delivers to the Master manufacturer, the article manufactured; keeps an account of the earnings of the prisoners, examining their several per centage books, and is in constant communication upon this head with the Master manufacturer's office.

The Taskmaster also demands from the steward's office, and receives for distribution, all articles wanted for the use of the prisoners in that department, except provisions, which pass directly from the steward to the kitchen. The Taskmasters of the two Pentagons,

which are supplied with provisions from the same kitchen, attend there daily, on the alternate weeks, while the provisions are given out, partly for the purpose of preserving order, and of preventing the wardsmen of the different Pentagons from communicating with the prisoners in the kitchen, or with each other, and partly to see that the provisions are good, and are properly dressed and served out; but the kitchen is attached as a ward to the Pentagon, in which the prisoners employed in it sleep, and the Taskmaster of that Pentagon receives reports from the Cook or Warder of the kitchen, and exercises the same superintendence and authority over him as over any other Warders.—The Baker reports to the Taskmaster of Pentagon 5, and receives his orders from him; the bake-house being, from its local situation, considered as a ward* of that Pentagon.

The Taskmaster is also in daily communication with the Chaplain and Surgeon, upon matters connected with their several depart-

* The Baker messes with the Warder of Pentagon 5, but the Cooks take their meals in their own kitchens.

ments. He receives from the former*, and distributes under his direction to the Warders, Bibles and other books, as well as pens, paper, &c. for the use of the schools, and for writing the prisoners' letters. He also carries to the Chaplain all letters written by prisoners to their friends, and receives from him such letters sent in by their friends, as having been first read by the Governor, and afterwards by the Chaplain, are thought fit to be communicated; and he is particularly enjoined to communicate to the Chaplain any desire expressed by a prisoner to see him, unless the Warder, to whose ward the prisoner belongs, shall have an earlier opportunity of mentioning the prisoner's request while the Chaplain shall be going round the prison. He also communicates to the Surgeon, when he is going round the Pentagon, any information he may receive of a prisoner wishing to see him, or appearing out of health, executes all orders given by the Sur-

* Both the books and the directions frequently reach the Taskmaster through the Schoolmaster, but in that case they come from the Chaplain, the Schoolmaster having no authority over the Taskmaster.

geon in writing for the removal of prisoners to the infirmary, receives prisoners back from the infirmary, and sees that any medicines sent to his tower by the Surgeon, for the use of prisoners remaining in their cells in the Pentagon, are delivered to the Warders of their respective wards. In case of the sudden indisposition of a prisoner, he may remove him to the infirmary at his own discretion, giving notice of such proceeding to the Surgeon and the Governor as soon as possible.

It is not fixed by the rules, nor would it be easy to define, by a positive regulation, which of the numerous and complicated duties, to be divided between the Taskmaster and his Assistant, should be performed by each; but matters must be put on such a footing that they shall not both have occasion to absent themselves from the Taskmaster's tower at the same time during the day, there being the following injunction in the Taskmaster's printed rules upon that point—"He shall consider it as a rule not to be departed from, except in some unforeseen and very extraordinary emergency, that the tower is never to be left without one of the two offi-

“ cers belonging to it, from the ringing of the
 “ first bell in the morning, until after the pri-
 “ soners are locked up for the night, and is
 “ not at any time to be left without some
 “ one officer in it; and all arrangements for
 “ communicating with the interior of the
 “ Pentagon on the one hand, and with the
 “ officers residing in the Hexagon on the
 “ other, must be made with reference to a
 “ strict observance of this rule.”

The officers enumerated above, in charge of a Male Pentagon, are the Taskmaster and his Assistant, two Warders, with a third lately added for D and E wards, containing 66 first-class prisoners—one for the smaller ward B, and one each for the two second-class wards, to which must be added, to complete the establishment of the part of the prison appropriated to Male Prisoners, a Keeper of the water machine, or Miller in each Pentagon; a Cook in each kitchen attached to two Pentagons, the Baker in the bakehouse serving the whole prison, and the Warders in the two Male infirmaries.

The infirmaries, each of which is attached

to two Pentagons, are under the care of Warders, who take their orders from the Governor, and report directly to him without the intervention of any Taskmaster.

For these purposes an "Order Book" and a "Report Book" is kept in each Infirmary, and the Governor generally enters his orders in the former, and inspects the reports in the latter, during his visits to that part of the prison. If, however, there be occasion to report any circumstances, which call for an immediate order from the Governor, or ought to be communicated to him without delay, the Warder carries these books to his office, bringing them back with him on his return. Provisions are furnished to each Infirmary for such of the prisoners as remain there upon the ordinary prison dietary, from the kitchen of the Pentagons to which they belong; but food of any other description comes to the Warder from the Steward; and the Warder demands all other articles for the use of the Infirmary from the Steward's office except medicines, wine, and tea, which are kept and delivered out retail by the Surgeon, he having received them into store from the Steward.

The Warder is expected to see, that the medicines given out for each prisoner in the Infirmary are properly taken, and that the sick conform in every respect to the directions laid down for them by the medical officers, and a book is accordingly kept in each Infirmary called "the Medical Order Book," for the entry, by those gentlemen, of such orders and directions as they may think fit to insert in it from time to time, connected with the health or medical treatment of the prisoners there. The Infirmaries may be considered as more immediately under the inspection of the Governor, Chaplain, and Surgeon than any other part of the prison. The Governor visits them frequently, the Chaplain is called into each of them once a day in the ordinary course of his duty, even though there should not be among the sick any prisoner requiring his particular attendance, and the Surgeon's business will not admit of his being absent from them for many hours together. There are staircases to each of the three Infirmaries from the passage running round the Hexagon building on the middle floor between the superior Officers' apartments and the Pentagons, and the Infir-

maries being contiguous to each other and occupying near three-fourths of the upper story of that building, these officers may go up the staircase leading to one of the Infirmaries, pass through the other two, and come down again into the passage by the staircase of the last Infirmary, without having occasion to retrace any of their steps. With every degree of attention that can be paid to the Infirmaries, they must always be the parts of the prison, in which irregularities will most frequently prevail, and where most mischief will be hatched. It is the character, I had almost said, the privilege, of sickness, to be discontented and unruly. It is not always easy to judge how far it is safe to enforce obedience there by punishment, nor indeed is it in all cases possible to ascertain, whether disease is real or assumed, and whether, if real, it has not been brought on for some particular purpose. A prisoner may have many inducements to endeavour to procure his transfer to the Infirmary; he may wish for a few holidays from work, for better fare than the ordinary diet of the prison, for a change of scene, or an opportunity of making acquaintance with prisoners out of his own ward, or even Pentagon, for it is impossible in the Infirmaries to prevent a constant inter-

course between prisoners of different classes or of the two Pentagons to which the common Infirmary is attached; and if any unlawful or dangerous design be in agitation, the Infirmary affords great facilities for planning it, and for communicating it to the two adjacent Pentagons.

The Warder of the Infirmary of Pentagons 1 and 2 has an assistant in the person employed to compound medicines for the Surgeon, but the Infirmary of 5 and 6 was left, till lately, under the care of one Warder only, in consequence of which great disorder has prevailed there, whenever that Warder was absent; of late an additional Warder has been placed in that Infirmary. The female prisoners have two nurses in their Infirmary, and besides the inspection, which they receive from the three superior male officers already mentioned, they are visited more than once every day by the Matron. There is a night-bell from the Female Infirmary to the apartment in which the Surgeon sleeps.

The arrangements for the regulation of that part of the prison in which female prisoners are confined, are, in general, similar to those in

the portion of it occupied by males, the establishment of officers in the 3rd and 4th Pentagons being the same as in those already mentioned, with the exception of the keepers of the machines, the miller, and the baker, to which there are, of course, no officers corresponding among the females. In each of their Pentagons there is a sixth ward (under a separate warder) called the Laundry Ward, the clothes of all the prisoners, both male and female, being washed and mended by the female prisoners; and it being necessary that there should always be a Warder on duty in every ward, one supernumerary has been added to the establishment for these two Pentagons, to fill the place of any officer of that description who may be incapable of attending her ward from sickness or any other accidental cause, or who may leave the Penitentiary before her successor shall be ready to take charge of her prisoners. In the other Pentagons a Patrole would be appointed to this duty, and the place of the Patrole would be supplied by one of the labourers employed in the garden, or from the persons on the list of candidates for situations in the prison.

The Taskmistresses are furnished with stores and materials for manufacture by the Deputy Matron *, who is supplied with them from the office of the Master manufacturer. They make their reports of the state of their respective Pentagons to the Matron, who herself reports daily to the Governor at nine in the forenoon, receiving his orders and instructions in writing, in regard to the punishment to be inflicted for offences committed within the prison, and on such other matters as require the exercise of his authority.

The conveyance of the different articles to be carried from one part of the prison to the other is the business of the Patroles, who are four in number, and some of these articles are of considerable weight and bulk. Bread is to be taken to the three kitchens from the Bake-house, and Potatoes from the Steward's Office, daily; and vegetables with meat every

* The duties and office of Deputy Matron among the females answer to those of the Master manufacturer among the males. She acts for the Matron in her absence, but has at other times nothing to do with the discipline of the prison. If there were such a term, she would be called "Mistress manufacturess."

second day *. There are also numerous articles to be carried from the same office to each of the six Pentagons, viz. every thing required for the use of the Officers and Prisoners there, except provisions; and large quantities of linen belonging to the four Pentagons occupied by male prisoners are to be carried to the laundries to be washed, and to be returned to their proper Pentagon once a week. Nor does the Master manufacturer's office furnish less employment for the Patroles than that of the Steward, as they have to convey to the Taskmasters the raw materials and other articles used in manufacture, of which some, as is the case in the trade of weaving, are very numerous, and others, (as the cloth for making great coats,) are very heavy; and all the manufactured

* The bread delivered out daily for 1000 prisoners, and for their officers, will weigh above 14 cwt, and potatoes above 10 cwt. meat every other day about seventy stone. The linen is also a heavy burden, there being sheets sent to every weekly wash;—It is impossible to calculate the weight of articles of manufacture. The Patroles are heavily tasked, but they had most of them much rather be Patroles than submit to the confinement of being Warders. The pay of both these descriptions of officers is the same: the Warders have some per centage.

articles are also returned through their hands to the Master manufacturer's store-rooms. The Patroles have also many other demands upon their time and labour during the day, which it is not possible to enumerate; there are some cisterns to be cleaned by them; and some of the yards, enclosed within the buildings and not occupied by the prisoners, which they must keep in order. If a Warder is sick or has occasion to be absent from the prison, his place must be supplied by a Patrole until his return, or the appointment of his successor; and when a workman is sent to repair a part of the prison occupied by prisoners, he is generally attended by a Patrole to prevent his holding communication with the prisoners, a circumstance which is very likely to occur, if great vigilance be not exerted to guard against it.

A Patrole is also frequently sent out on messages, there being only one regular Messenger on the establishment.

The Steward requires a Patrole occasionally in his store-room for a part of the day, and there are two constantly stationed from

the first to the last bell, at the outer lodge, and at the gate in the lodge leading into the prison, the Porters there having frequently occasion to communicate with the Governor and with the interior of the building, and not being at liberty to leave their respective gates for that purpose; one of the Patroles also relieves each of these Porters every second evening after the last bell.

With all these duties to perform by day, and with that of patrolling between the building and the outer wall by night as Watchmen, they are only four in number: they sleep and mess in the lodge, except the one whose turn it is to assist at the middle Porter's gate, who sleeps in a small apartment adjoining the Messenger's room by the gateway.

The Porters are three in number, one at the outer lodge, another at the prison gateway, as mentioned above, and a third at the gate of the part of the prison occupied by the Females, through which no inferior male officer is allowed to enter, except the Patroles, and they are not admitted but for such purposes as require to be executed by offi-

cers of their description, and under a Governor's order*.

The duties of the inferior officers are such as cannot be executed without a considerable degree of method in their arrangement, and of assiduity in the performance of them; and it may be truly said, that the officers are under strict discipline as well as the prisoners; they are allowed leave of absence at the discretion of the Governor; and the practice of late has been to grant that indulgence to half of them when the prisoners are locked up, till ten o'clock, the Porters being required to report to the Governor at that time, that they have returned, and that they all came in sober.

Besides the officers and servants above-mentioned, there are a Gardener, under whom

* The rules by which the Porters of the different gates are to regulate their conduct, are stated very much in detail in the printed rules and regulations of the Penitentiary, and in the written instructions given by the Governor, it being of great importance that a strict watch should be kept over every person and thing going in, or coming out of, the prison.

such labourers are employed as are wanted from time to time in the garden, and a Smith, whose duty it is to see that the iron work about the prison, viz. the gates, locks, water-pipes, &c. &c. are kept in good order; but the Gardener and Smith do not lodge in the prison.



CHAPTER IV.

Of the Steward.

THE Steward has apartments for himself* and his family in the Hexagon building. He has no communication with any of the prisoners, nor does his business take him into those parts of the prison in which convicts are confined.

He has the charge of all the articles kept in store for the use of the prison, except those in the Master manufacturer's department; and it is part of his duty to take care that proper supplies of all such articles are demanded in time of the Governor, who

* It is not required by any rule that he should be a married man, but the present Steward is married, and it is perhaps desirable that this officer should be a married man, in an establishment where are many female officers, some of whom are young, and few much advanced in years.

is to give the order for their being procured. Such articles sent in for the use of the prison, as can be received at the Steward's office, are inspected and weighed, or counted, by him, before they are carried to the spot where they are to be used, and he takes a regular account of such as must be delivered elsewhere: such as flour, which is delivered at once to the miller—bread, which is carried straight from the bakehouse to the kitchen, from which it is to be distributed to the several wards—coals, which are laid in near the places where they are to be consumed; officers' furniture, &c.

The Steward keeps detailed accounts of all articles received and issued in his department, and gives in regular statements weekly to the Secretary's office, of the provisions consumed in the preceding week, and of the number of prisoners on full or reduced diet; and of all articles issued for the use of the infirmary, &c. &c. He also makes out and returns to the Secretary's office, four times in every year, inventories of all furniture and articles belonging to his department, in possession of the different officers of the esta-

blishment, superior or inferior; and he opens an account with each prisoner, to be settled and signed by the convict when discharged.

The Steward has the management of the garden, under the direction of the Governor, pays the wages of the gardener and labourers employed there, from time to time, and keeps an account of the produce of the garden consumed in the prison, or otherwise disposed of. He also makes various small payments on account of the establishment, (either under the general rules and regulations of the prison, or by the special order of the Governor,) which are entered by him in a book, called the "Steward's Petty Cash Book." This book is audited by the Secretary, whom the Steward apprises before every meeting of the Committee, of the amount of the advances which will probably be wanted on the petty cash account, in order that a draft may be drawn in the Committee for the sum required.

The Steward is necessarily in his office during the greater part of every morning except on Sunday, and is frequently occupied

in making up his accounts till late in the evening, and he is not allowed to leave the prison without apprising the Governor of his intention, and receiving his verbal permission to go out.

CHAPTER V.

Of the Medical Officers.

THE Surgeon, who must be a married man when chosen, resides with his family in the Hexagon, and has no professional practice without the walls of the prison. His attention is, of course, directed principally to the Infirmarys, but it is by no means confined to them. He is directed by his printed instructions occasionally to examine the provisions in the kitchen, and to inspect every part of the buildings occupied by the prisoners, to see that proper attention is paid to cleanliness and ventilation. He goes daily through every ward in the prison for the purpose of receiving communications from such prisoners as may feel themselves unwell, and of attending to such as may appear to him or to their officers to be out of health, though they

may not complain, and he sends medicines to many whom he does not find it necessary to remove to the Infirmary.

Whenever any prisoner is punished by confinement, or change of diet, the Governor sends a regular notice, in writing, to the Surgeon, that he may pay particular attention to the prisoner under such circumstances, and see and converse with him every day while his punishment shall be continued.

The Surgeon keeps a regular journal of medical occurrences. He also keeps a "Medical Character Book" upon the plan of those kept by the Governor and Chaplain in their respective departments, having a distinct head opened for each prisoner. This book contains a medical history of the prisoner, commencing with such information as may be obtained from the prisoner himself, or others, respecting his general health before his admission to the Penitentiary, and his liability to be affected by any constitutional, hereditary, or chronic, complaint, and this account is continued by entries made from time to time of the treatment pursued, and

the medicines administered, in every case of sickness, real, imaginary, or feigned, for which he shall have been attended in the prison.

The Surgeon acts with the assistance and under the direction of a medical gentleman of great professional eminence and extensive practice, living in the neighbourhood, and exercising under the title of Medical superintendent *, a general superintendence over all the medical arrangements connected with the establishment.

* When the Penitentiary was first opened, it became a very important question, what provision should be made for the medical care of the prisoners. It was obvious, that unless we had a medical man residing in the prison great inconvenience would be experienced from the necessity of sending to a distance for assistance, whenever a prisoner might be taken suddenly ill, or might choose to feign illness, (which might happen by night as well as in the day-time) and it was also evident, that when the number of our prisoners should increase, there would be sufficient occupation for such a medical man within the walls of the prison, to make it unadvisable to allow the person employed in that capacity to practise out of it; while it was clear, on the other hand, on many accounts, that the health of such a prison as the Penitentiary ought to be attended to by a person of higher eminence and standing in the medical line than any professional man who would

The Medical Superintendent visits the infirmaries with the Surgeon two days in every week, but attends in difficult and dangerous cases as often as the emergency of the disease may require, and may also call in further assistance if necessary*. He goes round the prison once a month with the Surgeon, on which occasion these gentlemen see, and converse with, every prisoner, sick or well; the result of this monthly inspection is reported to the Committee by the Surgeon, but the Medical Superintendent reports once a quarter to the Committee, or oftener if required, on the general state of health in the prison, and he

give up his practice for such remuneration as it could be in our contemplation to offer. Under these circumstances, we set out with a resident Surgeon, assisted by such occasional advice and aid as he might derive from a consulting Physician and consulting Surgeon acting gratuitously; but this arrangement did not prove satisfactory, and we were therefore allowed, by the Secretary of State, to substitute for these honorary appointments a medical superintendent, whose services we acknowledge by a salary, having diminished that paid originally to the Surgeon, which is now, however, too low.

* There have been several cases of insane prisoners being sent to Millbank, or of prisoners having counterfeited insanity, in which Sir James Tuthill has been called in by the Medical Superintendent.

is instructed to communicate, either to the Committee or to the Governor, at any time, any circumstance connected with the prison, or with the management or mode of life of the prisoners, which shall appear to him to require consideration. He also examines and signs the accounts of articles expended in the infirmaries.

The attention shewn to health in the Penitentiary, though much greater than is paid in most County Gaols and Houses of Correction, will not appear excessive, when the length of time for which prisoners are sent to this prison is considered. If a prisoner is to be at large again at the end of a few weeks, or months, although his way of life during his confinement should not be favourable to his health, he will not sustain any material injury from his imprisonment, nor can any thing more be expected from those who may have the medical charge of him during the short period of his punishment, than that they should apply themselves to cure any accidental sickness which may come upon him, or to mitigate his sufferings from any chronic complaint to which he may be sub-

ject; but the treatment of a prisoner in a place, where he is to follow a course of life marked out for him, for several years, involves the consideration of his general health; the effects of such an imprisonment will probably be permanent; and, if injurious, may be fatal, before his punishment shall cease. Every prisoner must therefore be carefully watched, and for this purpose it will often be necessary to advert to the peculiarities of his constitution, and to the tendencies to disease, brought upon him by his former habits or pursuits. There is a great proneness in the common people of this country to scrophulous disorders, which, though it may have been often generated or increased by irregularities or intemperance, is very apt to shew itself on the return of the individual to regular habits, or on the disuse of stimulating liquors. In these cases medical observations and skill may do much to counteract the disease, particularly on its first approach. It is often desirable that the party whose health is threatened should walk longer in the open air than other persons, should work oftener than is prescribed for prisoners in general (if a male) at the mills or machine, or

should (if a female) be set to roll the courtyard with the iron rollers, or be removed to one of the laundry wards, or should be employed in one of the kitchens, or in some menial offices or services in the prison, best calculated to prevent the danger apprehended.

It was with a view to this class of disorders in particular, that a clause was introduced into the Act passed for the better regulation of Penitentiaries during the last Session of Parliament (the 7 and 8 Geo. IV. cap. 33, sect. 8.) authorising the Secretary of State to order the removal from the Penitentiary to the Hulks of such prisoners confined at Millbank, as should be reported to him by our Committee to be likely to receive benefit from such removal; it being considered by medical men that a residence on board the hospital ships attached to the hulk establishment, or even on board the Hulks themselves, where the convict would have the advantage of sea air, was particularly calculated to arrest the course of disorders of the nature alluded to.

CHAPTER VI.

Of the Governor and his Clerk.

THE Governor sees all prisoners in his office on their reception into the Penitentiary*, and he directs in what part of the prison they shall be placed; but, before such direction is given, the prisoners, besides being asked as to such particulars as are to be recorded in the Prison Register, are examined separately concerning their former course of life, and their future prospects, and the result of such inquiry is entered in a book, which is kept in the office of the Governor, called the "Governor's Character Book," and having a separate head for entries respecting each prisoner. If prisoners appear to have any respectable friends or connections, or if

* The Chaplain receives a notice upon such occasions that he may be present, if not otherwise engaged, and if the prisoner be a female the matron also is present.

they can mention the names of any persons who have employed or known them, and whom they believe to be able to say any thing in their favour, or to be likely to be of any use to them on their restoration to society, such persons, or some of them are written to, and the substance of any communication received from them in answer is added to the information gained from the prisoner himself, or from the keeper* of the prison from which he comes.

In the hope of awakening the prisoner to reflection, and to a due sense of his situation, it is directed by the rules of the Penitentiary, that he shall be kept apart from the rest of the prisoners, and without work, for five days after his first coming in, during which period the Governor takes an opportunity of explaining to him in his cell the spirit in which the establishment has been erected,

* By the 56 Geo. III. Cap. 63 sect. 15, the keeper of every prison, from which a prisoner is sent to the Penitentiary, is bound to deliver with him a certificate containing an account of his age, his behaviour while in his custody, &c. &c. of these certificates, which, as now given, are of very little value, there will be occasion to speak hereafter.

and of impressing upon his mind the advantage which he will derive from a patient acquiescence in its regulations, and a prompt obedience to those set over him, apprising him at the same time of his own readiness to listen to any just complaint, or proper communication, which he may have to make on his part; and it happens not unfrequently, that a more full and accurate account of the convict's former life and connections is obtained in these conversations, than was given by him when first interrogated on these points in the Governor's office.

There is no prisoner within the walls of the Penitentiary with whom the Governor does not occasionally converse, while he is going round the wards for the purpose of general inspection, but his attention is of course more particularly directed to those who appear to him to be out of health, or are reported as having been guilty of some misconduct.

The consideration of reports of this description constitutes the most difficult and troublesome part of the Governor's duty—

every prisoner so reported is seen by him without delay ; it is not, however, to be supposed, that the report, though it may be well founded, is necessarily to be followed by punishment—on the contrary, the officers are instructed to take notice in their reports of the first symptoms of insubordination, or petulance, shewn by a prisoner, in order that such evils may be checked on their first appearance by reproof, or admonition, on the part of the Governor, instead of being overlooked till they grow to such an extent as to call for measures of more severity.

The Governor records the substance of every report made to him concerning the conduct of a prisoner, with an account of his proceedings thereon, in his Journal, to be laid before the Committee at its next meeting, going at length into such prison offences as have called for the exercise of his power to punish, or as shall require the further notice of the Committee, and frequently stating in much detail the course of investigation which has been pursued on such occasions, as well as the result of it. An entry of every such report, and of its consequences to the

offender, is made in the Character Book, described above, (with a reference to the pages of the Journal in which these circumstances are related,) that the history of the prisoner may be seen at one view, whenever it may become necessary to take into consideration his claims to be advanced to the second class, or recommended as an object of the Royal mercy.

A statement of the misbehaviour of prisoners is also kept in a book, called "The Misconduct Book," in which there are columns for entries of the date of the report, the name of the prisoner reported, the ward and Pentagon to which he belongs, a description of his offence, and the manner in which it was visited; the object of this book being to enable the Committee to compare the state of the prison in regard to discipline at different periods of time, or to compare different parts of the prison at the same time, without the trouble of looking regularly through the Governor's Journal for that purpose.

The prisoners are not permitted to see their

friends, unless by an order in writing, signed by the Governor and Chaplain, (and in the case of a Female prisoner, by the Matron.) They are furnished with paper occasionally to write to their friends by the permission of the Governor and Chaplain, but the Governor and Chaplain inspect all letters so written, as well as those which are taken in for prisoners, and either forward them, or keep them back, according to the nature of their contents, referring to the Committee, or to the Visitor, those which they may think it necessary to retain*. The exercise of the

* It is thought essential to the security of prisons in general, that the Governor should inspect prisoners' letters, and exercise a control over the visits of their friends; but it is important that he should do so in a Penitentiary upon other grounds. Some persons seem to think that a Governor has nothing to do with prisoners, but to keep them in safe custody, and to punish them when they offend; and that to endeavour to guide them by indulgence or advice is the province of the Chaplain; conceiving it to be the business of the former to preserve discipline, and of the latter to endeavour to bring about reformation; but to speak thus is to set things in opposition to each other, which ought to be closely connected. The maintenance of discipline in a prison is certainly the business of the Governor: but the discipline, which punishment alone can maintain, is more likely to harden men

discretion given to the Governor upon these points, renders it necessary for him to communicate frequently respecting them with the Chaplain and with the prisoners, and takes up a good deal of his attention.

Whatever portion, however, of the Governor's time may be occupied by his personal

in wickedness than to reclaim them. If a convict is expected to pay a due regard to law and moral restraint when he shall leave prison, he should be led to imbibe that respect for authority during his continuance there, which can only be created by the occasional substitution for punishment of indulgence and advice. The convict must behave well in prison, from proper motives, before any hope can be entertained of his becoming a reformed character out of it: and of all the inducements that can be held out to a prisoner to conduct himself correctly, there is none more generally efficacious, than the hope of being allowed to communicate personally, or by letter, with his friends, and of being reported to them in a favourable light. The most hardened will sometimes admit misconduct which they have before denied, and take the punishment of it patiently, on being reminded of the disgrace and unhappiness which they have brought on respectable relations and connections, and of the additional sorrow which their friends will feel on being told of their misbehaviour in prison: but these topics can be urged with effect by those only who shall appear to feel an interest in their welfare, and take the trouble to inform themselves of their family and connections.

intercourse with particular prisoners, the greater part of it must be employed in the general superintendence of the prison, and in the observation of the manner in which the Officers acting under him conduct themselves in the execution of their respective duties. It is impossible to enumerate the various matters to which the Governor of such an Establishment as the Penitentiary at Millbank has to attend in the course of the day. Many of them are stated in rules and regulations, made for his direction, but there are more on which he must make rules for himself, or be guided by his own judgment and sense of propriety. His labours begin early in the morning; for unless he rises by times, and is occasionally in the wards, when the first bell rings, he cannot expect that the discipline of the prison will long continue to be observed during that part of the day at which a strict adherence to it is most important. Nor does his daily duty close till late in the evening, those of the Inferior Officers who have leave to go out, after the prison is locked up, not being expected to return much before ten o'clock;—By that time they must all be

within the prison : and a report is then made to the Governor from the Lodge-gate, and the middle porter's gate, of any such Officer who shall not have returned, or who shall have returned at all in liquor *. In the latter case, the Governor sees the party reported without delay, and generally sends him at once out of the prison, intoxication being an offence which cannot commonly be overlooked in those who are entrusted with the custody and management of prisoners.

The Governor has power to suspend any of the inferior officers or servants for misbehaviour, and the party, when suspended, is

* If an Officer does not return, it is necessary that the Governor should direct, over-night, by whom his place should be supplied in the morning, in a prison where the duties which each person has to perform are distinctly marked out ; and if an officer returning in liquor were not reported and seen on his return, the fact of intoxication would be denied the next morning, and the report imputed to malice or mistake. Reports of this kind are absolutely essential to the respectability and good order of the prison, but it is a very disagreeable and invidious duty to make them, and they would never be made at all, if the Governor were not to ascertain the truth of them with his own eyes.

obliged to leave the prison immediately, and is not to return until he shall be reinstated, or finally dismissed by the Committee, summoned for the purpose. The Committee appoint all Officers belonging to the Penitentiary, but persons offering themselves for the situations of inferior officers or servants of the Establishment, apply in the first instance to the Governor, who examines into their qualifications, explains to them the general nature of the duties which will be expected from them *, and makes such inquiries concerning their former conduct and character as may enable the Committee to judge of the propriety of engaging them in its service.

Of the Superior Officers, the Chaplain receives his instructions directly from the

* The officers of the Penitentiary being in general selected from non-commissioned officers lately discharged from the army, these inquiries consist chiefly of letters to the commanding officers of corps in which they have served: the answers are laid before the Committee, when the application is brought before them; but in the meantime, the names of all persons applying, with an account of their respective testimonials, are entered in a book kept in the Governor's office.

Committee ; the minutes of the Committee relative to the Matron, Surgeon, Master manufacturer, and Steward, are entered by the Governor in their respective minute-books, as are any orders or directions which he may have occasion to give to them himself, and all articles wanted by the Master manufacturer or Steward in their respective departments, are stated to the Governor in writing in their demand-books, and regularly sanctioned by him before they are procured. He also signs all orders for repairs, and examines the vouchers for work executed.

The quantity of writing in the Governor's office is very considerable ; and the Governor's Clerk, who was formerly supposed to have less employment than many of our other Officers, has now more business on his hands than he can properly execute *. He

* The Governor's journal, which often runs to a great length, must be written by the Governor himself ; and many of the entries in the Prisoners' Character-book are such as cannot be made by any other person. In addition, however, to other books and records kept in the Governor's office, and to the task of copying the Governor's letters concerning the Prison and the Prisoners in the letter-book, the Clerk has a great variety of orders

must not, however, be considered as a mere copying clerk. He occasionally drafts a letter on receiving from the Governor a short instruction or memorandum on the subject of

to prepare or fill up for the Governor's signature, which are not such as to be entered in any books, and which it is not very easy to enumerate or describe. I will endeavour to give an instance or two. Whenever the Messenger or a Patrole is sent out on the business of the prison, the Clerk makes out an order, mentioning the errand on which he is sent, and the time for which he is expected to be absent; which order is a direction to the Outer Porter to let him pass the gates, or to report him to the Governor on his return, if he overstays his time: an arrangement necessary not only for the purpose of preventing the Messengers or Patroles from loitering on errands, but that the Governor may always know what force he has at his command, the Patroles being the persons called in whenever prisoners are refractory. All officers out on leave at any time must have an order, previously signed by the Governor; and an account is regularly kept in the office of such as have leave out in an evening, that all may have this indulgence in turn. An order is also necessary for any workman going into the part of the prison occupied by the prisoners, to examine or repair any thing which may require to be attended to, such as locks, windows, mills, water-machines, water-closets, &c. &c., which order is directed to one of the Task-masters of the Male prison, or to the Porter of that occupied by the Females. There are also communications respecting prisoners under punishment, and other matters, to be made to the Chaplain and Surgeon, from the Governor's office.

it, and if several prisoners come in at once *, while the Governor happens to be engaged with those already in the prison, the clerk must examine them, and take rough notes of their examinations, although the Governor will look over such notes himself, and communicate personally with the prisoners before any entry is made concerning the prisoner in his character-book. There are also other grounds on which it is necessary that the Governor's Clerk should possess a considerable share of intelligence and discretion. Although the Governor may visit parts of the prison early in the morning, yet he has generally occasion to spend a good deal of time in the wards after he receives the reports of the Taskmasters and the Matron ; and, in fact, he passes a considerable portion of the middle of the day in the Pentagons and Infirmaries. While he is thus employed, all persons coming to the Penitentiary on business, (other than that of manufacture,) must address themselves to the Clerk in the Governor's Office, to whom also communications must frequently

* We have had as many as 12 or 14 at once from Newgate. The examination of a prisoner, and the entries made in consequence, often takes half an hour.

be made on matters arising in different parts of the prison ; and unless the Clerk can answer a common question, and is a person competent to exercise a sound judgment as to the occasions on which it will be expedient to send for the Governor to his office, the Governor's progress through the wards of the prison, or his investigation of circumstances arising in them, will be very inconveniently interrupted ; and it must not be forgotten, that the Governor is not always to be found without some difficulty in buildings which cover, or surround, about seven acres of ground. It must moreover sometimes happen, that the Governor and Master manufacturer are both absent from the prison at the same time, or that one of these Officers may be obliged to go out, and the other may be indisposed, in which case the temporary management of the whole establishment devolves upon the Clerk. By the original rules of the Penitentiary, whenever the Governor * went out, he

* Whenever the Governor leaves the Penitentiary, he enters in his journal the time of his quitting it ; and he also mentions there the time of his return. He is not expected to say any thing of the reasons of his absence ; but if it shall have been of long duration, and was occasioned

gave the charge of the prison to the Master manufacturer, resuming it himself on his return; and while he was absent from the prison, or if he were doubtful whether he might not soon want to leave it, the Master manufacturer was necessarily confined within its walls. Since, however, the manufactures carried on at Millbank have grown to their present extent, it has been found, that the Master manufacturer must often go out on the business of his own department, and he is not unfrequently detained at the Ordnance, and elsewhere, for a considerable length of time; it has therefore become * expedient to pro-

by matters connected with the prison, he sometimes does so. It would be well if the above rule were observed in all Gaols and Houses of Correction; in that case, those who superintend the management of such prisons would know what portion of their time the Gaoler, or Keeper, spent out of his prison, and if any improper practice or irregularity were discovered to have taken place, of which the time could be specified, it might be seen at once from the records of the prison, whether it occurred during the presence of the Governor, or in his absence.

* It is difficult, with all the attention that can be paid to our Manufactories to carry them on to our satisfaction; but it would be impossible to go on at all, if the Master manufacturer were to be kept at home as Deputy-Governor, when the concerns of his department required his

vide for the contingency of the absence of both these Officers at the same time, or of

presence elsewhere. On the other hand, the Governor may have occasion to go out on the business of the prison,—to go to the Secretary of State's office, for instance, or to communicate with the Visitor of the Prison at his own house: or he may wish to leave the prison to take such air and exercise, or such amusement out of doors, as persons engaged in the performance of arduous and anxious duties ought to allow themselves. The only person belonging to the establishment who can carry on the business of the prison during the absence of the Governor and Master manufacturer is the Clerk, for a Taskmaster could not be withdrawn from his tower for this purpose, without leaving every thing in his Pentagon in confusion; and of any other Pentagon but his own, he would know, and ought to know, nothing; for the officers of the different Pentagons have not many opportunities of associating together, nor is it desirable that they should do so. It is not possible to prevent the knowledge of what passes in any ward from circulating through every other ward in the same Pentagon; and it is generally conveyed to the next Pentagon through the Common Kitchen, or Infirmary; but the transactions of one of the three divisions of the prison considered as composed of two Pentagons each, can seldom become known to either of the other two, but by means of the officers. The Governor's Clerk is the only person, except the Governor himself, who is conversant with the state of discipline through the whole prison, and he is necessarily in the confidence of the Governor, being employed in keeping his books and papers, and of making entries in most of them.

the absence of one of them, while the other should be indisposed, and the Governor's Clerk has been accordingly appointed to take the charge of the prison, as Acting Governor, on either of those events; but he is directed to limit his interference, upon such occasions, to those cases which shall require some attention to be paid to them without delay.

In a Report* prefixed to a Code of Discipline, prepared for the State of Louisiana, by Mr. Livingstone, there are some observations upon the office of a Governor of a Penitentiary, called in that report "a Warden," which well deserve the attention of those who take an interest in the improvement of prisons. After stating that the law should regulate the conduct of the person to whose keeping the prisoner is to be committed, in every particular that can be foreseen, Mr. Livingstone goes on as follows:—

* This Report, lately published by Millar, No. 40, Pall-Mall, contains many valuable observations. The Code to which it is prefixed is not printed here, but it seems, as far as can be collected from the Report, to carry solitary confinement much further than the system pursued at Millbank.

“ And after every precaution that human
“ prudence can take, the carelessness, or pas-
“ sion, or pride of opinion in the Keeper,
“ may greatly counteract the operation of a
“ good system, and his intelligence, firmness,
“ humanity, and strict attention, may correct
“ some of the evils, and supply some of the
“ omissions which even the best cannot es-
“ cape. For this reason, the importance of
“ this office is inculcated in the text of the
“ code—and the qualities required for its
“ exercise are pointed out as a guide to the
“ selecting power, and a lesson to him who
“ is chosen, that the one may not commit the
“ fatal error of underrating the talents neces-
“ sary for the employment, and that the other
“ may feel the dignity with which he is in-
“ vested, as well as the responsibility imposed
“ on him by the law. This was the more
“ necessary, in order to counteract a preju-
“ dice against the employment of those, to
“ whom the custody of prisoners has been for
“ many ages confided—a well-founded preju-
“ dice, while the gaoler was only appointed
“ to prevent the escape of the promiscuous
“ assemblage of vagrants of both sexes, con-
“ sisting of unfortunate debtors, of innocent

“ or guilty prisoners committed for trial, and
 “ of convicted felons awaiting an ignominious
 “ death, who were placed in his custody;
 “ while he had no moral duty to perform,
 “ and was the mere Cerberus to guard the
 “ door of a terrestrial Tartarus, such a preju-
 “ dice was just and unavoidable: and as one
 “ part of the duty of a gaoler, (to prevent
 “ escapes,) necessarily continues to be vested
 “ in the Warden, the enunciation in the code
 “ becomes proper, in order to break the
 “ chain of ideas, which might otherwise, from
 “ that circumstance, assimilate the character
 “ of an office calling for high talents and
 “ honour and integrity, with that of an em-
 “ ployment, the natural tendency of which
 “ was to make him, who exercised it, an ex-
 “ tortioner and a petty tyrant.” P. 46.

The description given of a gaoler in the
 latter part of this article, does not now apply
 to the keepers of prisons in this country; but
 Mr. Livingstone is certainly right in attach-
 ing great importance to the office of Governor
 of a National Penitentiary, who ought not only
 to possess the qualifications of good temper,
 firmness, and humanity, which may be found

in the lower stations of life, but should belong to that rank of society, which will command the respect of his prisoners, and procure for his orders or admonitions that consideration which can never be created by the mere power to punish. It was upon this ground that the Committee of the Penitentiary at Millbank appointed an Officer on half-pay, who had long served as Captain in one of the best regiments in the King's service, to be Governor of the Penitentiary five years ago ; an appointment of which every succeeding year has shewn the propriety. And the same view of the subject was taken by the Committee of the House of Commons which examined into the state of the Penitentiary in 1823 ; as appears by the following passage in their report. “ Among the improvements
“ in the system lately adopted, your Com-
“ mittee think it not the least important, that
“ it has been thought proper to place at the
“ head of the establishment in the prison as
“ Governor, a person of education, and supe-
“ rior condition in life ; and they are of opi-
“ nion, that the office should always in future
“ be held by a person of this description.”

Without question, the situation of Governor ought to be so filled. If the estimation in which an office is to be held, is to be measured by the talents and qualities, which the exercise of it requires, or by the benefits which its due execution confers upon individuals and the public, it is one, of which no man need be ashamed, and it would be difficult to find a reason why the occupation of him, who should make the treatment of criminals in prison the means of their reformation, should be considered as less respectable than that of the magistrate by whom the imprisonment was awarded.

CHAPTER VII.



Of the Chaplain and Schoolmaster.

THE Chaplain must be in priest's orders, and approved of by the Bishop of the Diocese.

He is subject to no control in matters within his department, but that of the Committee, from which he receives his instructions, and he is desired to represent to the Committee whatever may appear to him to be worthy of their notice, or suggest any thing which he may conceive to be likely to prove beneficial to the prisoners, or to lead to their personal reformation.

His regular duties on a Sunday* are to read prayers in each of the three Infirmaries,

* The Church Service is also performed on Christmas-day, Good Friday, and Ascension-day, and on every day appointed for a General Fast or Thanksgiving.

to perform the Church Service morning and evening, preaching a sermon at each service, and to administer the sacrament of the Lord's Supper once in every quarter, or oftener, at his discretion *. His ordinary duties in the week are to read prayers in the Infirmaries daily, and to direct and superintend the religious and moral instruction of the prisoners, taking care that proper books are furnished for this purpose, attending and regulating the Schools, which are held on two evenings in the week; and conferring freely with the Governor on such points connected with this subject as may require his concurrence, or call for orders on his part to any of the inferior officers of the prison.

The most important duty, however, of the Chaplain, is to visit the prisoners personally, and to converse occasionally with each of them in private.

It cannot be supposed that the change

* He must administer it at least twice in every quarter, to give the prisoners of each sex the benefit of a quarterly administration; for it is not convenient to allow the Males and the Females to receive it at the same time.

in the dispositions and characters of the prisoners, which confinement in the Penitentiary is intended to produce, is to be brought about by any general course of instruction; or that a numerous body of individuals, differing widely from each other in their former habits of life, as well as in the circumstances under which they have incurred the sentence of the law, can all receive the same benefit from arguments, or observations, addressed to them collectively and indiscriminately, which they may derive from separate communication with the Clergyman. Some convicts are as ignorant of revealed religion as if they had been born and bred in a country to which the light of the Gospel had not yet penetrated, and some, who have been calling themselves Christians all their lives, without professing to know why, require now to be baptized. There are others, who want admonition rather than instruction, the effects of a good education having been counteracted, or suspended in them by bad company, and a dissipated or vicious course of life; and there will be found a few so depressed and stunned by the sudden change in their condition, produced by their convic-

tion and sentence, as to require the voice of kindness and compassion to raise them from despondency, rather than denunciations of the consequences of sin, to awaken them to repentance ; accordingly, the rules of the prison direct that the Chaplain “ shall endeavour, by all means in his power, and “ particularly by encouraging their confidence, to obtain an intimate knowledge of “ the character and disposition of all the prisoners,” and that he shall keep a Journal and Character Book, for the information of the Committee.

The circumstances mentioned in the Chaplain's Journal and Character Book, will be very different from those recorded by the Governor ; the books themselves being kept for a very different purpose. The object of the Governor's Journal, as far as it relates to the prisoners (for of course it must embrace other subjects connected with the general management and state of the prison, the officers and the buildings, with which the Chaplain has no concern,) is to bring before the Committee such cases of offences committed in the prison since their last meeting,

as appear to require their consideration, and to state those for which he has inflicted punishment by his own authority, accompanying his statement by such a detail of his proceedings, and of the grounds on which he has acted, as may appear to him to be necessary to explain to their satisfaction the course that he has pursued, while the entries upon the transactions in his Prisoner's Character Book, need contain nothing more than the facts of the offence and the punishment, with their respective dates, and a reference to the pages of the Journal, in which those matters may be found more at large *. But the Chaplain's business is to observe the effect of punishment upon the prisoners, not to inflict it, and his records will therefore relate more to the history of the prisoner's conduct, than to any proceedings of his own. His Journal will therefore contain much less than that of

* The Governor also enters in his Journal reports made against a prisoner on which he may not have thought it necessary to do more than reprimand or caution the prisoner, or in the investigation of which he may have discovered that the prisoner was not to blame; but such matters will not find their way into the book of the Chaplain, unless there should be some very peculiar circumstances attending them.

the Governor, and will be chiefly confined to matters which he may think fit for the immediate notice of the Committee; but the entries in his character-book should be much more numerous and circumstantial, than those in the book kept by the Governor under the same title. Accordingly the directions laid down in the rules respecting the Chaplain's Character Book, differ very much from those given there for the Governor's.

The latter is directed to insert the name of the prisoner, with an account of certain particulars which he is supposed to learn when the convict is received, in a book to be called "The Character Book," "leaving
 " a blank page, or pages, after such entry, for
 " other entries respecting the behaviour of
 " the prisoner, or any other matter worthy of
 " notice which may relate to such prisoner
 " during his confinement in the Peniten-
 " tiary;" but the manner in which the Chaplain's Character Book shall be kept, and the several points to be noted in it, are described much more particularly, it being the book on which the Committee must rely for the fullest account of the prisoner since he came under their care, whenever his case shall be brought

before them, on the question of his advancement to the second class, or of his being recommended as an object of the royal mercy, or of his receiving some addition to his earnings when he shall leave the prison, or a gratuity for his good conduct after he shall have left it. Accordingly the rule respecting the Chaplain's Journal and Character Book runs as follows: "He shall keep a journal of all
 " occurrences of importance within his ob-
 " servation and knowledge, and also a cha-
 " racter Book, in which shall be entered the
 " names of all the prisoners, and against each
 " name a full and distinct account from time
 " to time, of all particulars relating to the
 " character, disposition, and progressive im-
 " provement of every such prisoner, for the
 " information of the Committee, commencing
 " with such history as he may be able to ob-
 " tain, either from the prisoners themselves,
 " or from others, of their education, connec-
 " tion, and former habits and course of life,
 " and noting from time to time what in-
 " struction they have respectively received
 " in the prison, what books have been put
 " into their hands, and at what time such
 " of them as have been admitted to the

“ Sacrament, have received it—their offences
 “ in the prison, (if any,) with their punishment,
 “ and the effect apparently produced there-
 “ by—the date of their advancement to the
 “ second class, and whether in consequence of
 “ recommendation for merit, or of the expira-
 “ tion of time—their appointment to be wards-
 “ men, monitors, or readers, if they shall ever
 “ have been employed in any of those situa-
 “ tions—the date of the death of such as may
 “ die within the prison, and such remarks as
 “ shall occur on the temper and disposition
 “ in which they shall appear to have departed
 “ this life, with entries of the interment of
 “ each in the burial-ground of the prison, or
 “ of the delivery of the body to friends—the
 “ dates of the discharge of such as shall leave
 “ the prison, with an account of their de-
 “ meanour upon such occasions, and any cir-
 “ cumstance connected with their prospects in
 “ life, which may assist the Committee in form-
 “ ing a judgment respecting the course which
 “ they are likely to pursue after their release,
 “ or inquiring at some future period into their
 “ situation in life ; to which should be added,
 “ in cases of such prisoners as should apply
 “ for the gratuity given by the Committee to

“ those who can bring testimonials of their
 “ good conduct for one year after their dis-
 “ charge, a memorandum of the ground of
 “ such application, and of the result thereof,
 “ founded on informations to be furnished by
 “ the Secretary. The Journal and Charac-
 “ ter Book are to be laid on the table of the
 “ Committee at every meeting.”

The Chaplain is also directed to take an early opportunity of conferring with any prisoner who shall be placed under punishment for any offence committed in a prison; and to facilitate his compliance with this direction, he receives a notice from the Governor of every such punishment, in a book containing a short memorandum or summary of the prisoner's offence, which book he returns to the Governor's office, when he has perused the entry on account of which it was sent to him.

Before I proceed to speak of the arrangements for giving religious and moral instruction at Millbank, I may perhaps be permitted to observe, that there are more difficulties in framing regulations upon this subject for a Penitentiary, than may appear at first sight, as this

branch of the system to be pursued in it must be viewed in connection with other parts of a complicated course of management, required for a number of persons brought together under peculiar circumstances. It must never be forgotten, that the Penitentiary at Millbank is not simply a school or a manufactory, but is also a place of safe custody, and of punishment by strict discipline; and the consideration of the regulations and practices, which would be best calculated for it in either of the two former characters, cannot but be often embarrassed by the necessity we are under of bearing constantly in mind the fact of its being a prison for convicts.

As the Chaplain is not subject to the control of the Governor, care must be taken that he does not interfere in the exercise of his functions either with the Governor's authority over his officers, or with his responsibility for the discipline or safety of the prison. By one of our early rules, the Chaplain was empowered "to direct any number of the prisoners to be assembled at his discretion, either in the Chapel or within their Pentagons for the purpose of instruction,"

and under this rule orders were formerly given to the Taskmaster to bring certain * descriptions of prisoners to the chapel without the Governor's concurrence, and I believe sometimes without his knowledge. The rules, however, are now altered on this point.—
 “ Whenever the Chaplain shall think fit to
 “ address or examine any number of prisoners
 “ belonging to the same ward, he may direct
 “ the warder of that ward to assemble them
 “ in the ward, taking care not to prevent them
 “ from going out into their court-yards at the
 “ hours appointed for air and exercise ;” but
 when he shall be desirous of assembling any
 of the prisoners in the Chapel, he is to “ no-
 “ tify in writing his wish upon that subject to
 “ the Governor, who will thereupon give the
 “ necessary orders † to the Taskmasters for
 “ their being so assembled.”

* Those of the first class, for instance, or of the second class, who could say their Catechism, or whom the Chaplain might be desirous of examining or of lecturing, previous to their taking the Sacrament.

† The Governor must on such occasions employ some of the Patroles, or of the Millers or Machine-keepers, (if the work is over in the yards,) either to attend the prisoners in the chapel or to supply the places of the officers

By our original rules, which have undergone many revisions, since they were first framed, the Chaplain was authorised to direct prisoners "to be instructed in reading and writing at his discretion, by any person resident within the prison, competent to give such instruction;" and the Schools being looked upon, under this direction, as belonging entirely to the Chaplain's province, the Governor (who was in those days a person of very inferior rank and station in life) was considered as having no more concern with the time and manner of holding them, than he has with the course of instruction to be pursued there. The arrangements connected with the Schools were neither framed by him, nor superintended by him, nor had he any responsibility upon the subject;—even his presence in the Pentagon during School time, if it had been frequent, would have been looked on with a jealous eye. This fundamental error has long since been corrected. All arrangements connected

taken from the Pentagons to accompany them there; and if the number to be brought together in the chapel be considerable, it may be necessary that some precautionary orders should be given by him for the security of the prison.

with the time and manner of holding the Schools are now made by the Governor and Chaplain, in concert with each other, and all orders respecting them are issued by the Governor to the Taskmasters. The persons who teach, are all prisoners, and are styled Monitors *; they are furnished with proper books by the Chaplain, and receive their instructions from him as to what is to be taught, or to be read, in School, to the prisoners, the Schoolmaster, of which there is one appointed for the whole prison, being the channel through which such books and instructions are conveyed to the different Pentagons, but they are not appointed without the concurrence of the Governor; the rule on this point directs, that the Chaplain shall name such “ of “ the prisoners to be monitors † or readers, as “ may appear to him to be most competent “ for those duties to the Governor, who will

* We profess generally to pursue the system adopted at Baldwin's Gardens, but we cannot follow it in all points; we cannot let our prisoners take each other's places, nor can we safely encourage the smart, sharp, way of asking questions and giving out orders practised in most of the National Schools.

† The Chaplain selects portions of Scripture occasionally to be read to the prisoners in their respective wards out of school-time.

“ insert their names for this purpose in the
 “ Taskmaster’s order book, unless he shall see
 “ some objection to the employment of any
 “ of the prisoners named, in the manner pro-
 “ posed, in which case he shall confer with
 “ the Chaplain upon the subject, and if there
 “ should be any ultimate difference of opinion
 “ upon that point, the matter may be referred
 “ to the Committee or the Visitor.”

The arrangements made for the Schools, and calculated particularly for the first class prisoners, are as follows :

The Schools are held on two evenings in every week, in the passages of the different wards, which are lighted up with the portable gas. Wards D and E, containing 16 prisoners in each of their two passages, have a school in each passage ; and the small ward B, containing only 16 prisoners, has its school in one of its short passages. The Schools being held after the prisoners have had their supper, might be of any duration which should be thought proper. At present they last for one hour and a half. An officer is always present in each passage, the Machine-keepers and Millers, and patrols, being employed to

assist the Warders on these occasions. The Taskmaster does not confine himself to any one of the Schools in his Pentagon, but goes round all of them in the course of the evening, leaving his assistant in the Taskmaster's tower. And although the presence of the Governor and Chaplain in the prison on school nights is not enjoined by any rule, yet it is evident that the Chaplain cannot well be absent on those nights, and in fact the Governor always goes round the whole or part of the prison during school-time, and sees how the schools are going on; without which attention on his part, the good order and regularity which now prevail in them would not long be maintained.

The prisoners, formed, as is mentioned above, into schools of 16 each, generally require to be subdivided, according to the difference found between individuals in respect to knowledge or capacity. It would be quite impossible to place the convicts confined in the Penitentiary, in different wards or passages, according to their ability to read, or write, or to the degree of cultivation which the mind of each may have received, before he came into prison, or even according to the

Church or religion to which the prisoner may profess to belong. Other principles of classification would demand attention, if we could classify at all; such as the previous habits and situation in life of the individual, his offence, the circumstance of his coming from Newgate or from a country prison, the character which he brings with him into the prison, &c. &c.; and it would probably be expected, that considerations connected with manufacture should have their weight in the allotment; but in truth, beyond the division made by Act of Parliament into first and second classes, with reference to which the prison is constructed, and all our arrangements are made, we have no opportunities of classification, and every prisoner must be placed in that ward in which there shall be a vacant cell on his arrival, with very little reference to any circumstances * connected with the individual himself; nor can we change prisoners from one

* The circumstance to be most attended to, when there are cells vacant in different parts of the prison, is perhaps the prisoner's previous employment—it is certainly desirable if the convict be a weaver to place him in a cell which is fitted up with a loom in it.

ward to another, and carry them about * to different parts of the prison at school-time, for the purpose of bringing those together whom it might be convenient to instruct in the same class. The same school, therefore, often contains some who have been well educated, and others who have every thing yet to learn ; some who can read and write, and cast accounts, and others who do not even know their letters. The arrangements in the Schools are conducted under the direction of the Schoolmaster, acting himself under the authority of the Chaplain. This officer does not reside in the prison, but is in daily attendance in it. On Sunday he acts as Clerk in the Chapel ; on other days he is in constant communication with the Chaplain and Taskmasters respecting the arrangements connected with the Schools, and the distribution of books, &c., besides copying papers, and

* Any attempt to interchange the prisoners of different wards at school-time, even in the same Pentagon, would produce great confusion, and would require more officers than we have in the prison, it would also occasion an intercourse between the different wards, which would be very undesirable.

making out statements for the Chaplain on the subjects within his department.

It is the business of the Schoolmaster to tell the Monitors or Teachers, of whom there are generally several in the same School, what each prisoner is to be taught, and to notify to them, in what order, and for what length of time, the operations of learning, or repeating, the Catechism or the contents of such books as are put into the prisoner's hands, of reading, writing, or doing sums in Arithmetic, are to be carried on, conforming, as far as may be practicable to the methods pursued in the National Schools, and acting in all points and upon all occasions under the direction of the Chaplain. The Schoolmaster also keeps a minute account of the qualifications and degrees of knowledge with which the several convicts come into the Penitentiary, of the instruction which is given to them there, and of the progress which they make respectively, from time to time, in the form of the Registers in use for that purpose at Baldwin's Gardens.

The prisoners, in general, like school, and

would consider it a hardship to be prevented from attending it; as, however, it is not meant that they should indulge their caprice by coming or staying away, according to the fancy of the moment, their attendance is not voluntary, and it having been not uncommon for some who occasionally wished to remain idle in their beds, to feign illness, that they might be left in their cells, no prisoner is now allowed to stay away from school on the plea of sickness, without a written order from the Governor, which is only given upon a certificate on the part of the Surgeon, of the prisoner's inability to attend.

The arrangements made for the instruction of the prisoners of the first class, have hitherto been extended to those of the second, and the schools of both classes are held at the same time, and under the same regulations; those of the second class being in the ward in which they work during the day. It is probable that, when the prison is got into its regular course, the prisoners of the second class, having all of them been for a considerable time in the first, will have learned their Catechism, with its explanations, and will have

knowledge enough of reading, writing, and arithmetic, to require no further schooling;—but when the Penitentiary was re-opened, we were obliged to make second-class prisoners of such as were very recently received, and there are many of those so promoted who are as much in want of instruction as the prisoners of the first class. It has therefore been necessary to continue the schools in every ward of the prison, the kitchens and bakehouse not excepted. When, however, the necessity for having schools in the second-class ward shall have ceased, some occupation must be found for the prisoners belonging to those wards in their stead, for otherwise they will be in a worse condition than if they had been still ignorant, the schools being considered, by most of the prisoners, as a relief from the dullness and tediousness of confinement in a separate cell, during a dark winter evening. This object may be attained either by continuing to bring these prisoners together under the present arrangement, and substituting a course of reading for the instructions which they now receive, or by allowing them to have lights in their night cells. This latter practice was strongly recommended by

the Committee of the House of Commons, which enquired into the state of the Penitentiary in 1825; and a provision has accordingly been introduced into our rules, to enable those who manage the Penitentiary to give this indulgence to the prisoners of the second class. Some experiments have been made, to ascertain whether it will be practicable to light up the night cells in the upper story of the prison with portable gas, at a reasonable expense, the result of which has not been unfavourable; but there are other considerations to be attended to upon this subject, before any determination can be taken upon it*.

* When arrangements were made for warming the Penitentiary, it never was in contemplation to heat any cells except those which were to be occupied in the day time. The night cells of the second-class prisoners were therefore left like the night cells in all other prisons, without any provision for artificial heat; but if they are to be used as sitting rooms, and prisoners who have been hard at work during the greater part of the day, are to sit up reading in them for an hour or two in a cold winter's evening, I doubt whether there will not be danger of injury from cold, especially if the prisoners should attempt to read in bed, which is very probable. These night cells have, however, glazed windows, closely fitted in wooden frames, and are in that respect less exposed

With a view of ascertaining what benefit the prisoners derive from the instructions given in the school, they are examined once in every quarter in their several wards, on days (it being impossible to go through the prison for this purpose in one day,) named by the Committee. The examination is conducted by the Chaplain, in the presence of the Governor, and in the part of the prison occupied by the Females, of the Matron, and of any such Members of the Committee as may be able to attend upon the occasion, (a notice having been sent round to each member, of the days fixed) accompanied by

to cold than those in most other prisons; and arrangements might be made for heating them. The New Gaol Act having directed that prisons built under it should have separate night cells for prisoners, it may deserve the consideration of those who may plan such prisons, whether they will not make provision for warming such cells, in a part at least of the prison—for, if the practice of sitting up during a part of winter evenings with lights to read, might be allowed in the Penitentiary, that indulgence will probably be thought still more proper in the county prisons, in many cases of imprisonment for slight offences, and, above all, in cases where prisoners are committed to take their trials, and have a claim to every indulgence and accommodation that can be afforded to persons in confinement.

any friends whom they may bring with them. The copy-books of the prisoners, who can write, are exhibited, and questions are asked of them by any of the persons present, on those subjects on which they have been instructed—the prospect of this examination has some effect as a stimulus to the diligence of the prisoners, and many of them are not insensible to the value of that instruction concerning their religious and moral duties, which they never before had so good an opportunity* of acquiring.

The Chaplain is empowered by the rules, to issue such books and tracts from the list of the Society for Promoting Christian Knowledge, or other lists which may have received the Committee's sanction, and such Gram-

* Many of the convicts sent to the Penitentiary are very ignorant, but I do not mean to subscribe to the opinion now in fashion, that ignorance is the great cause of the increase of crime—very unfounded statements have been circulated concerning the small number of convicts in the Penitentiary who had previously received any education—there never was a time, since the prison was first opened, at which it did not contain convicts who had been at National schools, as well as prisoners educated elsewhere.

mars and Spelling-Books, as he may think proper, either for the use of the schools, or to be read out of them, applying for the same, from time to time, to the Committee.

The consideration of the instruction to be afforded to prisoners, and of the books to be used in prisons, will probably engage more attention than has hitherto been paid to it, in proportion to the progress which shall be made in the improvement of prison management in other respects ; but I see, with concern, that reading and writing are taught to the convicts, in many prisons, with little or no regard to the more important instruction with which those acquirements ought to be accompanied. It is surely a misapplication of punishment to render it the means of raising the criminal to a higher level in society, without making him better ; to sharpen his intellect without improving his moral qualities, this being in effect, to confer additional power on one, who has already made a mischievous use of what he already possessed, without any security that he will conduct himself more properly in future. If we could send convicts out of prison at the end of their

confinement with four hands instead of two, or with twice the strength which they brought in with them, if we did nothing to prevent them from employing their hands in picking pockets, and their strength in breaking open the houses, or assaulting the persons of their neighbours, we should only increase the quantity of moral evil, and multiply crimes, instead of diminishing their number.

Nor is it enough to distribute Bibles in the prison, by way of religious and moral instruction; on the contrary, I entertain a very strong opinion, that when we have it in our power to give what publications we please, and to chalk out what course of reading we think proper, it is not desirable to set uneducated convicts to range through the Bible without previous instruction, or explanatory comment. I hope I shall not be considered in what I am saying, as meaning to question the expediency of the Bible Societies, of more than one of which I am a member; I never conceived these associations to be founded on the supposition, that the best course of education for an ignorant man was to put a Bible into his hand without pointing

out to him, in what order the different works contained in it should be read—which parts of the sacred volume are to be observed as rules for his conduct, and how much of it is referable to other times and circumstances—what expressions are to be taken literally, and what to be explained and modified by other passages in the sacred writings—in short, that the Bible, instead of abounding in topics of doubt and difficulty to pious, studious, and learned men, is so plain and easy throughout, that he who runs may read; I have always thought on the contrary, that we admitted the utility of other instruction, but that the Bible, (whatever may be the differences and controversies which divide the Christian world in respect to the meaning of parts of its contents,) being universally acknowledged by all Christians to be the word of God, we feel it to be essential to the welfare of mankind that it should be circulated as widely as possible, and we think this measure will be most effectually promoted, and Christian charity and good will among all, who profess faith in Christ, will at the same time be much increased, by the general concurrence and co-operation of all Christian men in its circula-

tion, without prejudice to the separate circulation by any of us of such other books or tracts as may, in our judgment, conduce to its being rightly understood, and duly observed. There is, moreover, a distinction to be taken between a prisoner and an individual out of prison, in respect to the use which is likely to be made of the Bible. A man who should sit down in his own house to read his Bible for the first time without note or comment, and without any previous instruction, is likely to derive less benefit from his study than if portions of it were put into his hands from time to time, in the order, in which it would be most easily understood, and explanations were also afforded to him in his progress, but some benefit he can hardly fail to derive from it, if he opens the book in a serious frame of mind, and with a sincere desire to search for the truth, and it is not likely that he should open it in any other disposition, since there will always be publications enough within his reach better adapted to his purpose, if he has no other object in view than to amuse himself, and pass away the time. This, however, will not be the case with a prisoner who shall be shut

up in a cell by himself with a Bible, during a long summer evening; he is very likely to have recourse to it merely as a story book, to choose out such parts as shall afford him entertainment, and even to dwell upon those chapters or expressions which, in his ignorance, and with his bad dispositions, he may misinterpret into something like a sanction or precedent for his own acts of vice or folly. There is nothing in this world which may not be misused, if some attention be not paid to the use of it.

The Report of the Committee of the House of Commons, which inquired into the state of the Penitentiary, recommended to our consideration the practice of indulging the prisoners with the use "of such works as may combine "rational amusement with religious and moral instruction," but this indulgence* had

* When I was examined in 1823 before the Committee of the House of Commons on this subject, a case was stated to me of a prisoner who had moved in a higher circle than most of his fellows, whose intellect was of a higher order, and had been more cultivated than that of the ordinary class of prisoners, and who was desirous of being allowed books of a more learned description than those in use in the prison, and I was asked, whether "a person

already been allowed to a limited extent, and there can be no objection to it in any prison,

“so circumstanced would be allowed such books?” To which I answered, that it was “impossible for me to say what the Committee of the Penitentiary would do upon a particular application of that sort: but if I were asked my opinion, I would not allow a person of that description books and amusement, which the meanest man in the prison should not enjoy.” When I gave that answer, I was not aware that the lists of the Society for Promoting Christian Knowledge contain books of amusement, and that such books had already been introduced into the Penitentiary—if I had known this, I should certainly have answered differently; for if the principle of allowing books of amusement in the prison be once admitted, and acted upon, there is no greater indulgence shewn to a scholar or a mathematician in permitting him to have a Latin, or Greek, or scientific book, than there is to a less educated man in putting Robinson Crusoe into his hands. Dr. Bennett stated to the same Committee, (page 303) that he had “lent to a prisoner a Latin grammar, and a Latin book, and that he (the prisoner) could now read it remarkably well.” And on being asked whether “he considered it to be in his discretion to give to the prisoners such books as he thought necessary for the state of their minds;” he says, that “if he found a particular book in his library, which he thought applicable to an individual, he should lend it him.” There is no such latitude given by the rules, and considering how seldom such cases as those alluded to are likely to occur, I cannot but think it better that a special order should be made on each, than that a discretion should be exercised

provided it be not allowed to interfere improperly with work. It is for the Chaplain to take care that the perusal of these books shall not supersede a due degree of attention to what the prisoners should learn in the first instance, and that the ability to pass a good examination in what they have learned from other books, shall be one of the conditions on which this indulgence shall be granted or continued.

In the choice, however, of publications to be put into the hands of the convicts, I certainly should not be inclined to select the books suggested in the questions put to me on my examination before the Committee of the House of Commons in 1823 ; I was asked

by the Chaplain, which would virtually supersede the rule laid down, and which would, after all, be insufficient to meet all cases that might arise, for the Chaplain may not have the book required in his library, and the Committee or the prisoner's friends may be willing to furnish it—the main object of the rule which confines the discretion of the Chaplain upon this subject, is to protect him against the importunities of persons wishing to introduce books or tracts among the prisoners, which he may not have time to examine, or on which he may not choose to give an opinion.

whether “ a judicious selection from the
 “ great modern Essayists, for example, the
 “ Rambler and Idler, and some of the papers
 “ of the Spectator, might not be allowed with
 “ advantage, not for amusement, but as mix-
 “ ing up a superior kind of moral instruction
 “ with religion ;” and in another part of the
 same examination, “ a judicious selection from
 “ history, Goldsmith’s History of England for
 “ example, and parts of the translation of
 “ Rollin’s Ancient History,” are suggested,
 “ as likely to better the moral and intellec-
 “ tual condition of the prisoners.” I thought
 then, as I do now, that such a course of read-
 ing would have a tendency to raise the minds
 of the convicts above their condition. It is
 the object of our endeavours to replace these
 individuals in the paths of honest industry,
 from which they have gone astray, and it
 would be no act of kindness to elevate them
 in general literature to the level of those who
 tread in the higher walks of life, if we could
 do so, but in fact it is not in our power to
 qualify them to be historians, or politicians,
 or moral philosophers, and if these persons,
 who are to get their bread by the sweat of
 their brow, or the lawful and diligent exercise

of the skill of their hands, shall be misled by a course of superficial reading in the Penitentiary into an imagination, that they are fit to sustain those characters, they will soon find, that the poet spoke truth, when he said, "a little learning is a dangerous thing."

If the time to be spent by prisoners in reading requires that the present list of books affording recreation should be enlarged, perhaps the publications which might be most likely to combine profit with amusement in a prison, are the narratives of such occurrences and transactions as are happening, or may happen, to persons in the lower and middling classes of society every day—accounts of individuals who have struggled successfully against temptation, and advanced themselves in the world by their own good conduct, or who have on the contrary, reaped the usual fruits of vice and folly, and of those in particular, who, having tasted of those poisonous fruits, have afterwards been restored to health, who having once made shipwreck of their peace and character, have been rescued through the will of Providence from destruction, and enabled by their own good resolu-

tions and the Divine assistance, to pursue a prosperous course during the remainder of their lives. There is another class of books which lay fast hold of the imagination, and may often be read with advantage, viz. voyages, travels, narratives of remarkable escapes, &c. &c. The reflections occasionally found in the works of men who have encountered difficulties and hazards by sea or land, their expressions denoting reliance on Divine Providence in the hour of peril, and the effusions of their gratitude for signal deliverance from danger, come directly from the heart, and are worth volumes of moral essays in their effect upon the feelings of ordinary readers; nor is the information to be afforded by those who have visited foreign countries concerning the state and condition of mankind out of England, without its advantages, to those, whose knowledge cannot be supposed to have extended beyond their own very limited circle. It would be profitable to the prisoner to be made in some degree acquainted with the regions which are still overspread by the clouds of ignorance and superstition, with the tribes of his fellow men who are not yet relieved from the miseries and privations of

savage life, with the manners and customs that prevail in many of the most civilized parts of the earth, in which the life and liberty of individuals are treated as of little estimation, where riches are without security, and poverty would look in vain for a provision in the time of sickness or old age; for it is impossible that the comparative advantages and comforts enjoyed in the country in which his lot is cast, should not sometimes force itself upon his attention, allay the feelings of discontent, and call forth those of joy and gratitude. To these publications might usefully be added, if we knew where to find it, some account of the punishments which await offenders in other countries—the mines, (in comparison of which the wards and courts of the Penitentiary are the abodes of cheerfulness and comfort) the gallies, the knout, the long imprisonments, the exposure to infamy, the mutilations of limbs, which form part of the criminal code even in Europe. If any one would draw up a statement of these things, in the spirit of truth and candour, and not with the disposition (with which too many talk of them) to undervalue the laws and usages of our country, the perusal of the

work might be of service to others, as well as prisoners.

The books ordered by the Committee are received by the Steward; they are then handed over to the Schoolmaster, to be delivered out by him as the Chaplain shall direct.

The Schoolmaster keeps an accurate account of all books issued, specifying when, and for the use of what part of the prison, or of what individual prisoner, each book was given out, and proper entries of these particulars are entered in the blank leaf of each book. The Schoolmaster also supplies the prison with stationery, (which he receives by the Chaplain's written order from the Steward,) either for the schools, or for such persons as have obtained permission to write letters to their friends.

The permission to write to their friends, as well as to be visited by them, is given by the Chaplain jointly with the Governor, but those subjects are of course expected to engage more particularly the attention of the Chaplain, and this obligation to attend to the com-

munications of the prisoners with their friends constitutes one of the peculiarities, which distinguishes his office from that of a clergyman having cure of souls in an ordinary parish, and which impose upon him very troublesome duties in addition to those which he has to execute in common with a parochial minister.

When the Penitentiary was first opened, a part only of the buildings being inhabited, and many of those confined in it not being able to write, the prisoners were less restricted by rules in their correspondence with their friends, than they are at present, the only notice of that subject in the rules being, that all letters to and from the prisoners should pass under inspection, to be forwarded or kept back according to the nature of their contents, but it was directed then, as it is now, that such letters as might be retained should be laid before the Committee or the visitor; it was customary at first for those, who wished to write, to apply for leave to the Chaplain when he went round the different wards of the prison, but when the number of such applications had very much encreased,

owing to the increase in the number of prisoners, and to the improvement, which many of them had made in writing, the Taskmaster drew out lists from time to time of all such as wished to write, and the Chaplain directed an issue of stationery, in conformity to the list, unless he saw reason to deny the requested indulgence to some prisoners, whose names were there set down. Such denials, however were not frequent; the number of letters became so great as to require more time for their perusal than could conveniently be spared for the purpose, and the Chaplain found the duty of superintending the correspondence so burdensome, that at one time he expressed a wish to be relieved from it, with which the Committee did not think it right to comply. If the Penitentiary had its full complement of prisoners, and every prisoner should write to his friends only once a month, (and many used to write much oftener,) there would be twelve or thirteen thousand letters to be read every year by the Governor and Chaplain, on their way out of the prison, besides all the answers which might be returned to these communications. The permission for prisoners to see their friends was at first sel-

dom granted, but it was given at a subsequent period much more freely than it is at present. By our original rules, this indulgence could be only allowed by the Committee or the Visitor, made after a reference to the Governor, Chaplain, and Master manufacturer, or in the case of Female prisoners, the Matron. But the prisoners now see their friends by an order in writing, signed by the Governor and Chaplain, and in the case of a Female prisoner, the Matron. It had always been declared in the rules, that this indulgence would be granted to those only whose conduct should appear to be such as to entitle them to favour, and would rarely be extended to prisoners of the first class, but when the power of giving these orders was transferred from the Committee to the Officers, little regard was paid to this declaration. The Governor in those days did not interfere with the discretion of the Chaplain upon this subject, and the Chaplain gave his consent for the admission of the prisoners' friends so liberally, that it became a general practice, having almost the authority of a rule in the prison, for a prisoner to be visited by his friends once a month ; nor was this indulgence always

withheld, even though the prisoner should have so misbehaved, as to have been under punishment in the course of the month preceding the visit. This free admission of prisoners' friends soon led to great evils. It unsettled the minds of the prisoners, without creating in them any feeling of gratitude, since they soon came to consider the order given for that purpose as a matter of course, rather than as a favour; it took up the time of the Inferior Officers very inconveniently, interfered with the ordinary arrangements and discipline of the prison, and precluded the possibility of proper inquiries respecting the persons admitted; and a large proportion of the prisoners having been received from Newgate, hosts of persons procured admission to see them in the character of their fathers and mothers, and other relations, who had no other consanguinity or family connection with them than what they derived from their common descent from Adam; and it was discovered that there had been among such visitors some who ought never to have been allowed to set foot in the Penitentiary, under any other order than that of the Secretary of State as prisoners.

It is not now the practice of the Governor and Chaplain to allow prisoners to see some friends and write to others at the same time ; they are generally permitted to write, or see their friends, at the end of six months after their reception, and again six months afterwards, while they continue in the first class ; those of the second class commonly have this indulgence once in three months. But whatever general rules the Governor and the Chaplain may lay down for themselves upon this head, they are under the necessity of making very frequent exceptions to them. It will sometimes be expedient to let a particular prisoner see his friends, as an encouragement to good behaviour, and sometimes because the friend is a person from whom he has a prospect of being furnished with employment on his discharge ; a justly offended parent, who is willing to be reconciled to him ; or a former master, who is willing to receive him again into his service, if he shall bring away a good character from the Penitentiary. A very good effect is sometimes to be produced in the mind of a convict by the advice or entreaties of those, to whom he is strongly attached by

duty or affection, and there are cases in which it would be harsh to deny a convict, whose spirits are depressed by the consequence of his offence, the opportunity of soliciting in person the pardon of him whom he has injured, or of inquiring after a wife and family whom his guilt has involved in poverty and disgrace.

The consideration of the circumstances and situation of prisoners with reference to friends, occupies a good deal of the time and attention of the Chaplain; and he not unfrequently takes the trouble of writing to prisoners' friends * at their desire. He is expected to take upon him the larger share of the correspondence occasioned by the necessary inquiries into the life and conversation of all prisoners received, and the future prospects of those whom it is intended to name to the

* It sometimes happens that the nearest relation of a prisoner, whose ordinary residence is at a great distance, may be accidentally in London for a short time, or may have come up from a remote part of the island to inquire after the prisoner. I remember an old man, of between 70 and 80, walking up from Yorkshire to see his daughter in the Penitentiary.

Committee, to be recommended to the Secretary of State as objects of the Royal Mercy * ; and when application is made on behalf of convicts, who have been one year out of the prison, for a gratuity in conformity to the promise held out in the rules to such as shall be able to prove that they have behaved well during that period after their release, the Chaplain is the proper person to conduct the correspondence necessary to establish the facts of the good behaviour alleged, to the sa-

* These inquiries are made with some caution, for we are very careful not to let prisoners themselves know, during their abode in the prison, whether there is any probability of their being soon recommended for pardon. To confer with prisoners upon this subject would lead to great inconvenience; every hope held out would be construed into a promise, and every prisoner would try hard to prove that he had better claims to be released than his neighbour. A prisoner who had been told that he would be soon released, would become an object of jealousy to some of his fellow prisoners, and be importuned by others to carry out letters for them; and whatever was found after his departure to have been conveyed out of the prison improperly, would be said to have been sent out by him. When a pardon arrives, the convict is brought out of his ward, and he is then told, that he is not to return to it.

tisfaction of the Committee*. Nor can the correspondence upon these subjects be considered as a matter of little trouble. When the Penitentiary shall be in full operation, 250 convicts will be released in each year, if we suppose the average period of confinement to be four years. There will be as many annually received; and I trust we may expect that the number of applications for rewards from those discharged, will bear a large proportion to the number of discharges.

It is to be observed in respect to the Chaplain, that if he should have occasion at any time to be absent from the Penitentiary, or should be interrupted in the execution of his office for a few days, by indisposition, he is likely to be under great difficulty in finding a substitute even for the performance of the Church service in the Chapel, and to read prayers in the Infirmarys, his own employment being so constant as to leave him no time to assist any of his clerical brethren in

* Where the persons to whom the prisoners refer are at hand, and can be seen personally, the Schoolmaster is generally employed to make the necessary inquiries.

return, while his place in the Penitentiary cannot be supplied by any temporary substitute, his duties there being such as can only be executed by a person conversant with the prison and the prisoners.

Under these circumstances, application was lately made by the Committee to the Secretary of State for permission to give the Chaplain a Curate, with a salary of 150*l.*, increasing 10*l.* every year, till it should amount to 200*l.* As this gentleman would probably be an unmarried man, it would of course be proper that he should commonly be employed among the male prisoners; but he might take any part of the duty in the Chapel, and occasionally take charge of the Females in the absence, or during the indisposition, of the Chaplain. In the application to the Secretary of State, which has not yet been complied with *, the expense of the Chaplain's

* I believe it is the intention of some of the members of the Committee who are more competent to that task than I can presume to be, to draw up some rule, stating how often the Chaplain should see each prisoner in ordinary cases, besides such calls as must be made upon him by the necessity of visiting prisoners under punishment, or

branch of the establishment is stated as follows :—

When the Curate's salary shall have arrived at its maximum of 200*l.*, the salaries of the Chaplain, Curate, and Schoolmaster, together will be 700*l.*; that is, when the prison, which is now fast filling, shall have received its full complement of 1000 prisoners, the salaries of these officers, if divided by the number of prisoners, will be 14*s.* per head. And if a convict shall have been imprisoned for four years, the expenses of his schooling, of the religious instruction given in the prison with a view to his reformation, and of the provision for his having the benefit of Divine

in peculiar circumstances; and we cannot but hope that a communication of such a rule to the Secretary of State will convince him that one Clergyman is not sufficient for the Penitentiary. Worldly motives may produce temporary habits or appearances of decency and improved manners, and prisoners may soon learn, that in nineteen cases out of twenty, honesty is the best policy, even in this world; but the reformation which is to be permanent, must be founded on religious impressions. Many people seem to think, that because idleness makes men wicked, habits of industry alone will make them good.

Service in the Chapel, will have amounted altogether, at the end of his confinement, to 56 shillings; a sum more than repaid by the prevention of a single robbery.

CHAPTER VIII.

Of the Master Manufacturer and the Employment of the Prisoners in Manufacture.

THE Master manufacturer resides with his family in the Hexagon; he attends to all operations of manufacture, within the prison, and to all dealings and transactions connected with that branch of the concerns of the establishment, out of it; but he acts generally under the authority and direction of the Governor, by whom the purchase of all articles wanted in his department, as well as in that of the Steward, must be sanctioned.

He has no power*, as Master manufacturer, to interfere in matters relating to the

* I say, "as Master manufacturer, because in the absence of the Governor he may be in charge of the prison as Deputy-Governor."

discipline of the prison ; nor are the officers in charge of the Pentagons, with the denomination of Taskmasters, under his direction, in the manner which that title may seem to imply. They receive materials for work from him, and communicate with him in respect to the way in which work shall be executed, and to the value to be put upon the workmanship ; and they report to him concerning its amount, and keep accounts of it according to his instructions ; but they not only refer to the Governor on all points on which the Master manufacturer's views may seem to be inconsistent with the rules and regulations of the prison, but must take the Governor's orders in many cases which might appear at first sight to be questions of mere manufacture. For instance, if the Master manufacturer wishes to employ a prisoner in weaving, instead of continuing him at tailor's work, it is not in his power to direct the Taskmaster to change his ward, or his cell, and place him where there is a loom ; nor can he take any second-class prisoner he pleases as an instructor, or direct whether he shall work or be a Wardsman. These are arrangements for which the Governor's orders are required ; and there

are many other points connected with manufacture, on which it often becomes necessary that the Governor should exercise a discretion ; such, for instance, as whether a particular prisoner is fit to be trusted with tools, which might be put into the hands of other prisoners without hesitation ; whether employment at a particular trade is suited to the state of health or strength of a particular prisoner ; in which latter case, the Governor may perhaps have occasion to consult with the Surgeon.

The regulations which concern manufacture, and the importance of the Master manufacturer, in a prison, will very much depend upon the principle on which prisoners are supposed to be employed. The employment of prisoners is sometimes considered as a part of their punishment, or as an aggravation of their confinement, and sometimes as a boon to be held out to them in alleviation of it ; sometimes as a mode of creating habits of industry, and sometimes of teaching the prisoners a trade, by which they may gain their livelihood after their discharge ; and sometimes it is looked to as a source of profit,

to repay a portion of the expense which they have brought upon the public : and as these very different views of the subject have prevailed, the work of convicts has been either compelled, or permitted, or purchased by indulgence, in different prisons.

Mr. Howard and those who joined with him in suggesting the erection of Penitentiaries for the reception of that class of convicts which had usually been transported, viz. such as had been guilty of crimes of a graver description than those for which offenders were punished in Houses of Correction, gave a severer character to their confinement than that of any imprisonment then known in this country, by the introduction of solitude, or a much greater degree of separation between persons placed in the same prison, than had previously been provided for in our prisons ; but they still retained hard labour, to which it had always been customary to commit criminals for punishment since Houses of Correction were first established *. In the 19th

* The distinction between the Penitentiary and the House of Correction was solitary confinement : hard labour was common to both. When it was expected that

Geo. III. cap. 74, in which they entered into many details concerning the management of their intended prisons, and the discipline which was to be pursued there; they directed that the labour should be “ of the hardest “ and most servile kind, in which drudgery is “ chiefly required, and where the work is lit- “ tle liable to be spoiled by ignorance, neg- “ lect, or obstinacy.” The labour, as well as the solitude, was to become less severe, in proportion as the convict should advance towards the termination of his imprisonment. If, however, the framers of this system had ever proceeded to put it in action, they would probably have soon discovered, that the se-

the National Penitentiaries would soon be built under the 19th Geo. III., it was enacted that parts of Houses of Correction in the different counties might be appropriated to convicts sentenced to be confined in those national prisons, until such prisons should be ready for their reception; and that the rules laid down in the 19th Geo. III. should be observed in the portions of the Houses of Correction so appropriated, as nearly as circumstances would permit. No such appropriation ever took place, but many of the rules of the 19th Geo. III. were applied to Houses of Correction generally; and hence in common language Penitentiaries and Houses of Correction are often spoken of indifferently, as if they were prisons of the same class.

verity of labour and the strictness of solitary confinement could not well go hand in hand, or be carried to their full extent at the same time, for that the most laborious operations were in general those which would most conveniently be performed by the joint exertions of several persons, and that in fact it is by no means easy to find hard labour for prisoners in solitude. When the Committee of the House of Commons appointed to consider the subject of Penitentiary imprisonment, in 1811, examined into the system of management pursued in the Gloucester Penitentiary, which had been erected under a special Act of Parliament for that county, drawn in conformity to the principles and plans laid down in the 19th Geo. III., we learned that hard labour was not in general use there, it not having been found practicable to combine such labour with close confinement, but that the prisoners were employed in such kinds of work as are performed in ordinary manufactories. And accordingly in the Act passed for the establishment of the Penitentiary at Millbank, we departed from the language of the 19th Geo. III. upon this point, and substituted for the direction con-

cerning "hard and servile labour," a provision, that the convicts should be employed "in such labour, as the Committee, who were "to be appointed to manage the prison, "should from time to time direct."

At that time, although most of the convicts sent for punishment to Houses of Correction were, as now, committed to hard labour, no such labour was provided for them; but manufactures were sometimes carried on in its stead, and very properly, employment of any kind being better than idleness.

In the Gloucester Penitentiary, the work of the prisoners was not attended with any advantage to themselves; but in many Houses of Correction the manufactures were conducted in the manner which was best calculated to make them profitable, convicted prisoners of all descriptions being stimulated to exertion by the indulgence of spending a portion of their earnings in articles of food; and a tone was by degrees adopted in these prisons respecting the employment of convicts, which was in direct opposition to the language of the law, the avowed object of

those who superintended their work, being to encourage the activity of cheerful industry, instead of inflicting punishment by hard labour.

Opinions, however, are much changed of late upon this subject; the convicts are now confined to a fixed prison dietary, even in those Houses of Correction, in which they were allowed some time since to live most luxuriously from the produce of their industry or ingenuity, though there are still, I believe, some prisons where the practice above mentioned is suffered to continue.

This change was probably less owing to the arguments used to shew the injurious effects of fostering manufactures in prisons by indulgence, than to the introduction of the tread-mill, a very useful invention, which furnished Houses of Correction with the means of employing prisoners in hard labour.

The Penitentiary at Millbank was planned, and a great part of it built and inhabited before the treadmill was known, but if it be a distinguishing mark of a Penitentiary that

prisoners should work in separate cells during the first part of their imprisonment, and that their punishment should become less severe as they approach the termination of it, the treadmill never could have been brought into operation for the general employment of prisoners in a prison of that description. With a view to the health of persons confined at Millbank, the arrangements for throwing water to the top of the building, and for grinding corn for the use of the establishment, have been so contrived, as to give laborious exercise to every Male prisoner (except those in the Kitchens and Bakehouse, or in the Infirmaryes) repeatedly in the course of each day—but for this purpose the mill, which is turned by a crank, has been preferred to the treadmill, the former appearing to bring the different muscles of the human frame more generally and vigorously into action, than the latter, which is impelled by the mere weight of the body, and requires little exertion except that of keeping the feet in motion *.

* The Treadmill is an instrument of hard labour, or of the kind of labour wanted for prisoners committed to hard labour in Houses of Correction, viz. of labour which is

The only stimulus to work in the Penitentiary besides the approbation and favour which will always be shewn in a well regulated prison to the diligence of prisoners, as well as to their other merits, is the appropriation of a per centage of one-eighth of the prisoner's earnings, to be laid up for him until his release, and of a similar per centage to be divided among the officers under whom he is employed. This appropriation of part of the prisoner's earnings to his own future benefit is not however (as I have observed in a former publication *) to be considered simply in the light of an encouragement to industry. It furnishes a fund to answer some

irksome and fatiguing, and it has the great merit of going its rounds regularly, without being liable to be accelerated, or retarded, or put out of order, by combinations of a few prisoners to exert their strength in a greater or less degree at the same moment. I believe also that the clamour raised against it, as producing injurious effects on the persons employed at it, is without foundation, but if merely used for exercise it has no particular advantage. The complaints which are chiefly to be removed or guarded against in a place of confinement, are scrofulous disorders, enlargements of the glands, &c.; and whatever operation shall put the upper part of the body most into activity, is likely to be most efficacious in such cases.

* See *Thoughts on Criminal Prisons*, 1821, page 60.

expences to which he may become liable during his imprisonment, such as * the postage of letters, or any charge for damage done wilfully, or by gross negligence, to any of the property of the prison ; it is some security for his general good behaviour, being subject to be forfeited by misconduct, and it is useful to him on his discharge, by affording him the means of support, till he can get into work ; but its principal recommendation is, that it tends to form a very important moral habit, that of contemplating with satisfaction the gradual accumulation of petty earnings, a much better foundation for industry than the stimulus created by any sensual gratification.

As it is but just, that those prisoners who are selected on account of their good behaviour to act as Wardsmen, or are employed on the business of the Establishment, as

* I do not know what rule we could make about letters to prisoners from their friends, if we had not some fund of this kind to resort to. If we were to take in all such letters at the public expense, we should be overwhelmed with the correspondence poured in upon us ; whereas it would be very hard to refuse all letters to prisoners which should not be post-paid.

Cooks, Bakers, &c., or in the case of Females, in the laundry wards, should not be in a worse condition in respect to their pecuniary gains than those who work in their cells, a value is put upon their services, and a per centage calculated thereupon is carried to their account. The sums thus considered as their earnings are less than many of them would earn in manufacture, but their per centage on them is one quarter instead of one eighth, the officers of the prison having no claim to any per centage on earnings of this description. The labour of raising water to the top of the building, and grinding corn for the use of the Establishment, is not made the subject of valuation, as it does not interfere with the work of the prisoners in their cells, the machinery being turned by all of them in succession during short periods, and considered merely as exercise.

The Officers' per centage amounts to one-eighth of the earnings of the prisoners in manufacture, and it is thus distributed,—one twenty-fourth to the Warder who has charge of the ward in which the prisoner is placed—one twenty-fourth to the Taskmaster of his

Pentagon,—and one twenty-fourth to the Master manufacturer.

It was directed in the 19th Geo. III., cap. 74, that the salaries of the Governors and Taskmasters of the Penitentiaries to be erected under that act, should wholly, or in a great measure, arise from the profits of the work done in them, that it might become the interest as well as the duty of each Governor and Taskmaster “to see that all persons under his and their custody and direction should be profitably and regularly employed.” But in the act which revived the general system of management chalked out by the framers of that statute, this direction was not inserted, and the Governor of the Penitentiary at Millbank has never had any personal interest in the profits of the prisoners’ work. The Committee consider him as having quite inducement enough, without the stimulus of private pecuniary advantage, to be anxious, that the prisoners should be regularly employed, for unless they are so, his prison will never be in good order. But we feel that there are duties of a much higher order to be attended to in a place, in which criminals are to be

punished and reformed, than that of making their work profitable. We know that manufacture may often be rendered productive in a prison by relaxing discipline, by allowing associations and practices, which ought not to be tolerated, and making the care of religion and morals a secondary object, or by encouraging or permitting exertions beyond the strength of the prisoners, or injurious to their health, and we rely upon the individual who superintends the general concerns of the establishment as Governor, to hold the balance even, in cases where manufacture would interfere with considerations of more importance, and to prevent the prison from being converted into a mere manufactory. While therefore we expect the Governor to take care, that the prisoners are not left without employment, we do not think it necessary or right to place him in a condition in which he shall be tempted to sacrifice higher interests to the desire of rendering their work as productive as possible, or shall be liable to any such imputation *.

* Speaking for myself, I own I entertain a doubt whether the per centage to the Officers, even as now given, has not some injurious effects in the prison.

It must be acknowledged, that to give to manufacture its proper share of consequence in a prison, and no more, and to keep prisoners regularly employed by compulsion and not by indulgence, will always be attended with some difficulty and trouble. Much has been said of the willingness to work exhibited by persons in places of confinement, but this willingness is in most a transient, rather than a permanent, feeling, a dislike of being unemployed, rather than a liking for employment. A prisoner who has been kept for some days in a separate cell, on his first coming into the Penitentiary or any other place of confinement, finds his time hang heavy on his hands, and manifests great anxiety for work, but we must not reckon too confidently upon the continuance of this disposition, or fancy that, because a man, when he was weary of doing nothing, became enamoured of industry, he will henceforward be found industrious. When the same prisoner shall have been for some time employed, he is very likely to grow as tired of work as he was of idleness, to relax in his exertions, and to make the most of every obstacle he may meet with in his manufac-

turing operations. It has been said that a bad workman is apt to quarrel with his tools ; such quarrels are very frequent in the Penitentiary, and they often extend to the prisoner's Warder, to his materials, and to the trade at which he is employed, as may be expected where the workman is not only without skill, but is very sparingly endowed with the virtues of temper, patience, and perseverance. The common feeling is the love of change ; the weaver would be a tailor ; the tailor would give up his needle for the loom, and each would like to work at one time, and to do nothing at another.

The easiest and most obvious way of getting rid of all these embarrassments and difficulties, as far as manufacture alone is concerned, was certainly that of rendering every kind of work and labour agreeable, by allowing the workman to derive immediate enjoyment from the fruits of his exertions, and to spend a portion of his earnings in food, or other articles purchased for present use ; and it was maintained a few years ago, when that was the practice, that there were no other means of carrying on manufacture in a prison.

“ Very soon after I had seen the Peniten-
 “ tiary *,” says Mr. Buxton, in 1818, “ the
 “ Governor of Bury gaol called upon me; he
 “ told me that, on the preceding day he had
 “ left his prison at five o’clock in the morn-
 “ ing, and at that early hour he had counted
 “ thirty-four spinning wheels in full activity.
 “ The prisoners had petitioned for permission
 “ to take their machinery into their night cells,
 “ that they might commence their labour be-
 “ fore the regular hours; their work had be-
 “ come not a matter of compulsion but of
 “ indulgence—a reward for good conduct.
 “ I asked him what would be the conse-
 “ quence if the regulations there used (as at
 “ the Penitentiary) were adopted by him?
 “ The consequence would be †,” he replied,

* See Mr. Buxton’s “ Inquiry whether crime and mi-
 “ sery are produced or prevented by our present system of
 “ Prison Discipline as to Penitentiaries.” Page 124, Sixth
 Edition.

† The person here alluded to was Mr. Orridge, one of
 the most intelligent keepers of a prison of his day. Mr.
 Buxton did not quite agree with him that the prisoners
 would altogether refuse to work, but apprehended, that
 without the incentive thus contended for, “ their labour
 “ would be languid and desultory,” he recommended that
 the allowance of meat in our dietary should be disconti-

“ that every wheel would be stopped.” The regulations at Millbank, on this head, are unaltered, but the wheels still continue to go round there, and though they may not revolve with as much swiftness as those in use at Bury gaol, when this conversation took place, and though our prisoners may not feel much inclination to keep them in action during the night, yet their motions are more equable and regular, than if produced by such excitement as was then recommended.

I believe, that a more correct view of this subject than was then exhibited by the Bury Gaoler, now prevails in that gaol, and that the practice of distributing a portion of their earnings to the prisoners has been discontinued there as well as in most of the best regulated Houses of Correction in this country ;

nued, and that, if the prisoner wished for that or any other indulgence, he might be allowed to purchase it out of his earnings, and he ended his article on the Penitentiary with the following sentence. “ I am much deceived if a
 “ man will not work much more cheerfully, and more industriously if he finds the product of his morning’s
 “ labour in his dinner and in his supper, than if he waits
 “ five years for it.”

but I mention these circumstances, to shew that there are difficulties to be encountered in keeping prisoners to their work, and to claim on that account on the part of the Penitentiary a reasonable establishment of attentive, intelligent, and well-tempered Officers, to enable us to execute the task which we have taken in hand.

I believe that it has long since been discovered in most of the Gaols and Houses of Correction in this country, that manufactures can seldom be carried on in a prison, whatever means may be used to encourage or stimulate the work of the prisoners, with any reasonable prospect of gain, and very rarely without much risk of loss. There may be a few prisons situated in parts of the country where manufactures are flourishing, to which persons may be willing to send materials from the neighbourhood, paying for the workmanship of them, when they receive the manufactured article ; but such employment must be precarious, and liable to cease at any moment, and it never can be prudent in those who manage Houses of Correction to manufacture articles for sale, on behalf of the

county, to any considerable amount, owing, among other reasons, to the uncertainty of finding a market for them.

The Penitentiary at Millbank, being a national prison, is considered as having a claim on Government to give it any assistance that can be afforded to it, without detriment to the other interests of the State, by dealing with us for such articles as we are able to furnish on reasonable terms; and we have accordingly been employed by some of the Public Departments, and expect to obtain in time the same kind of support from others. If we continue to receive that support, the earnings of the prisoners may prove considerable; but without it there might be great difficulty in placing our manufacturing concerns upon a safe and proper footing.

In an Appendix to the Rules and Regulations for Prisons, published by the Society for the Improvement of Prison Discipline, 1820, it is recommended, that “ preference should
“ be given to those trades, the knowledge of
“ which may enable the prisoners to earn
“ their subsistence on their discharge from

“prison*.” The same expectation, that prisoners may be qualified, by skill acquired in

* This description does not convey any very distinct idea to my mind; there are no trades, the knowledge of which may not enable the prisoners to earn their future subsistence, if they shall be able to procure employment at them. Several of the trades mentioned in the list subjoined to that recommendation, seem to me to be those in which the master tradesman would be least likely to look for journeymen amongst discharged convicts, the materials used in them being expensive, and the trust reposed in the workmen considerable; viz. the trade of watch-making, spectacle-making, mathematical instrument-making, &c. The recommendation alluded to in this note was given for Houses of Correction, in which the periods of confinement are shorter than those in the Penitentiary, and where, therefore, it is still less practicable to teach trades, than it is at Millbank. On this subject I expressed myself as follows, in 1821:—“A large
 “ proportion of the offenders committed for punishment
 “ to those prisons (Houses of Correction) are such as
 “ cannot be converted into manufacturers—nor is it desirable that they should be so converted; for the imprisonment, which was inflicted to prevent the repetition of the offence, is not intended to change the ordinary habits and course of life of the offender, after he shall have quitted the prison. To attempt to teach a labourer in husbandry, who has misbehaved, a turnip stealer, a breaker of hedges, or poacher, to make shoes and coats, during the short time for which he is confined in a House of Correction, is a mere waste of instruction and materials—it is cutting leather to pieces,

prison, to gain an honest livelihood on their release, has been often held out to the public, and much stress has been laid upon it by that Society, and by others. In the Committee of the House of Commons, which examined into the state of the Penitentiary in 1824, it was imputed as a defect in our management at the Penitentiary, that many of our discharged prisoners had not such knowledge; and instances were stated, of young men, who had worked as tailors in the Penitentiary for some years, without being able to finish a suit of clothes; my answer to this observation at the time was, that I never supposed they could make a suit of clothes, and that it never was professed in the Penitentiary to make the convicts complete workmen in any branch of manufacture. The Penitentiary is a place of punishment, not a school of manufacture; we give religious instruction to all our prisoners, and we teach

“ and spoiling cloth, without either increasing the punishment of the offender, or promoting his future advantage; whereas a manufacturer will be more effectually punished by being put to work requiring a degree of personal exertion, to which he is not accustomed, than if he were employed at his own trade.”



reading and writing to those who want those advantages, considering them as connected with moral improvement, but we only put such prisoners as are not required for menial offices in the establishment, to trades, for the purpose of employing them, and to keep them out of mischief. We hope that they will return better men into society, for the treatment they shall have received at Millbank; but it is not our object to send them back in a different class or condition of life, from that to which they formerly belonged—to convert Labourers in Husbandry into Weavers, and to turn Clerks, Book-keepers, Hackney Coachmen, Gentlemen's Servants, Artificers of various kinds, or petty Shopkeepers, into Tailors.

The work which we can procure, or execute, will, in general, be coarse wholesale work, which will not make finished workmen; and it can never be supposed (in the tailoring line for instance) that 600 prisoners, or any considerable portion of that number, can be employed in making clothes for customers, who are to be measured, and waited upon individually, at their own houses, and

with each of whom separate accounts must be kept. It seems to me, to be a great mistake, to suppose that any great advantage would result from what is called giving each prisoner a trade, by which he may earn an honest livelihood after he shall be released from prison. The convicts sent to the Penitentiary, have not, in general, been thieves from the cradle; most of them, during some part of their lives, have exercised some lawful trade or calling, in which it should be our endeavour to replace them, or they have connections who will send them into that line in which they have themselves opportunities of assisting them; instead of employing them at that particular trade at which they may have worked at Millbank. The few who have never been in a respectable line of life before they were convicted, and have no friends, would be much more properly disposed of by being transported to New South Wales under their original sentence, than by being confined at Millbank. We have quite difficulties enough to encounter in carrying on our manufactures there, without aiming at what never can conveniently be accomplished in a prison, on a large

scale, though particular instances may perhaps be cited, where prisoners have completely learned a trade in prison, and have practised it with advantage afterwards.

In illustration of some of the peculiarities which attend the employment of prisoners in manufactures at the Penitentiary, I will conclude this chapter with some extracts from a paper which I laid before the Committee of the Penitentiary, on the subject of its manufacturing concerns, in 1822.

“ It is obvious, that all work done by our
 “ first-class prisoners must be such as can be
 “ executed by a single person, in a cell of the
 “ dimensions of ten feet by six ; and it is also
 “ true, (though this proposition may not be
 “ equally evident at first sight with the former)
 “ that the prisoners removed from the first
 “ class into the second, must in general * pur-

* “ I say ‘*in general*,’ because I am aware that it will
 “ be convenient to do some kinds of work in the prison,
 “ which can only be performed by the second-class pri-
 “ soners: such as Carpenters’ work, Turning, and Glaziers’
 “ work for the prison ; and possibly some of the operations
 “ required for the preparation, or completion, of articles

“ sue the trades in which they were employed
 “ before their removal ; not only would it be
 “ troublesome to put prisoners to a new trade
 “ on their advancement into the second class,
 “ but it would be inconvenient to carry on dif-
 “ ferent trades in the two classes on another
 “ ground ; it is often necessary with a view to
 “ the discipline of the prison, to reduce, by
 “ way of punishment, to the first class, such
 “ prisoners of the second, as may have been
 “ guilty of serious offences, or as shall set a
 “ bad example to their fellow-prisoners, in
 “ which case it will not unfrequently be also
 “ necessary to bring forward a well-behaved
 “ prisoner of the first class to make room for
 “ the prisoner who is to be reduced ; and great
 “ embarrassment may arise if the parties so to
 “ be interchanged shall be of different trades ;
 “ if, for instance, one shall be a tailor, or a
 “ shoemaker, and the other a weaver.

“ The difficulty, however, of employing pri-
 “ soners, after their removal into the second
 “ manufactured in one class, must be carried on in the
 “ other. The kitchen also, and bake-house, must be filled
 “ with prisoners of the second class, who could only work
 “ at trades before their promotion.”

“ class, in the same kind of work at which they
 “ have worked in the first, will be greater in
 “ proportion to the number of trades carried
 “ on by us ; the more so, as we have other
 “ points to attend to, besides the convenience
 “ of manufacture, and it may often be incon-
 “ sistent with the peace or security of the
 “ prison, or with the moral treatment of par-
 “ ticular prisoners, to place in the same second-
 “ class cell, or even in the same ward, those
 “ who might work together with most advan-
 “ tage, if the interests of manufacture only
 “ were concerned. All our prisoners must go,
 “ of course, after half the term of their impri-
 “ sonment shall have expired, into the second
 “ class, if not sooner transferred thither by
 “ order of the Committee : but as it might not
 “ be practicable to find room in the second-
 “ class wards for every prisoner who must be-
 “ come entitled to such advancement, if we
 “ were to wait until such right of removal
 “ should have accrued, it has been usual, with
 “ a view to the convenience of the prison, as
 “ well as for the encouragement of good be-
 “ haviour among the prisoners, to bring most
 “ of them into the second class before their
 “ regular time of promotion arrived : upon

“ every such transfer the Committee has to ad-
 “ vise with the Chaplain and Governor, as well
 “ as with the Master manufacturer, and when
 “ the prisoner comes into the second class it
 “ becomes the duty of the Governor, (who di-
 “ rects in what ward and cell the prisoner shall
 “ be placed,) to consult the Chaplain, as well
 “ as the Master manufacturer, upon that
 “ head; but I am afraid it will sometimes
 “ be difficult to make such arrangements on
 “ these points as shall be satisfactory to all
 “ parties, and that we shall find it impractica-
 “ ble to keep a due proportion of prisoners of
 “ each class conveniently employed in several
 “ different trades, unless considerations, con-
 “ nected with manufacture, be allowed to have
 “ more weight in the promotion of prisoners,
 “ and in determining the ward in which par-
 “ ticular prisoners shall be placed, than they
 “ ought to have.

“ When the prison was first opened, the
 “ Committee was desirous of availing itself of
 “ the assistance of such prisoners as were able
 “ to instruct others in any kind of work, and
 “ was also inclined, with a view to the advan-
 “ tage of the prisoners themselves, to employ

“ them in those branches of manufacture, in
 “ which they had respectively worked before
 “ they became prisoners, and might be likely
 “ to work again after they should have quitted
 “ the prison. Upon these principles we per-
 “ mitted a prisoner, who was skilled in making
 “ glass beads, to work at that trade, employing
 “ him at the same time to instruct two others.
 “ We set another prisoner to make tin cans for
 “ the use of the prison, and allowed his brother
 “ to have access to him, for the purpose of
 “ perfecting him in the manufacture of those
 “ articles, and we had at one time several cells
 “ filled with prisoners employed in making
 “ rugs, under the direction of a fellow-prisoner,
 “ who was able to give instructions in that
 “ branch of manufacture. The blower of glass
 “ beads misbehaved, and was reduced to the
 “ first class, in consequence of which his scho-
 “ lars were necessarily put to other trades: the
 “ tinman’s brother abused our confidence, and
 “ was of course excluded from the prison : the
 “ rug-maker was pardoned, and though suffi-
 “ cient knowledge of rug-making had been
 “ acquired in the prison to have enabled us to
 “ carry on that manufacture, we could no longer
 “ depend upon a relation of the pardoned pri-

“ soner, who had hitherto furnished us with
 “ work, for continuing to employ us. All these
 “ kinds of manufacture, as well as flax-break-
 “ ing (which was unprofitable, besides being
 “ liable to the objection of filling the prison
 “ with dirt and litter,) have been discontinued,
 “ and we now confine ourselves, with the ex-
 “ ception of a few operations required for the
 “ use of the prison, to Shoe-making, Tailors’
 “ work, and Weaving, on each of which I will
 “ make some observations, in regard to the de-
 “ gree in which it appears to me to be an eli-
 “ gible branch of manufacture for the employ-
 “ ment of prisoners in the Penitentiary.

“ The trade of Shoe-making does not seem
 “ to be a desirable one for us to exercise, be-
 “ yond the making and mending of our own
 “ shoes. The Shoe-makers’ knives are formi-
 “ dable instruments, to be placed in the hands
 “ of a large body of prisoners, and I once saw
 “ a prisoner break the bars of a cell window
 “ like glass with his lap-stone. The material of
 “ which shoes are composed is costly, and the
 “ work liable to be spoiled by a very slight
 “ degree of inattention or want of skill ; one
 “ slip of the knife may occasion more loss in an

“ instant than the prisoner’s earnings during a
 “ whole week will compensate. It is moreover
 “ often very difficult to ascertain correctly,
 “ whether the imperfection in the shoe is owing
 “ to faulty leather, or to bad workmanship, and
 “ in the latter case, whether the workman has
 “ injured his work wilfully or by culpable neg-
 “ ligence, and ought to pay for the injury, or
 “ has only erred from want of skill ; and the
 “ moral effect of a wrong decision upon a point
 “ of this kind is very mischievous*. Shoes are
 “ made in the Penitentiary for Government
 “ with leather furnished to us for that purpose,
 “ and for some schools or charities with leather
 “ found by the establishment, (of work for in-
 “ dividuals we do very little in this line.) In
 “ the former case, very great nicety must be
 “ observed to make the articles strictly con-
 “ formable to pattern or instructions ; and in

“ * In a common manufactory it is not so important for
 “ the master to ascertain, whether work is spoiled by want
 “ of skill or by negligence, for in either case he would pro-
 “ bably take the same course and prevent the recurrence of
 “ such a question, as far as regards a particular workman,
 “ by turning him away : but we cannot do this in the Peni-
 “ tentiary : if such a question should occur repeatedly re-
 “ specting the same individual, we must decide it as often
 “ as it shall arise.”

“ the latter, much judgment is required on
 “ the part of the Master manufacturer in the
 “ purchase of the leather*.

“ Tailors’ work is at present done in the pri-
 “ son for Government only, and the cloth is fur-
 “ nished to us in the piece; at first we employed
 “ hired journeymen to cut out all the articles
 “ required, of late some prisoners have been
 “ taught to perform this operation, but a
 “ part of the cutting out is still done by
 “ persons hired for that purpose; this is an
 “ operation of great nicety, for, on the one
 “ hand our favour with our employer depends
 “ mainly upon our getting the greatest possible
 “ number of articles out of a given quantity of
 “ cloth, so that the allotment of a fractional
 “ part of an inch too much to a garment is a
 “ serious mistake, while on the other hand the
 “ slightest deficiency from the standard mea-
 “ sure will inevitably occasion the rejection of
 “ the article, and throw upon us a heavy charge
 “ for the materials of which it is composed.

“ The inconveniences attending this branch

* Since the above was written, the trade of Shoe-making has been discontinued.

“ of our manufacture are, 1. The extreme
 “ nicety required in cutting out, as already
 “ mentioned, and the risk of loss consequent
 “ thereupon. 2. The bulk and weight of
 “ some of the articles, particularly the great
 “ coats, (the conveyance into a ward of the
 “ number of great coats which the prisoners
 “ of that ward can make up in a week, the dis-
 “ tribution of them into the several cells, the
 “ collection and carriage of them to a different
 “ part of the prison for the purpose of being
 “ inspected, and their final delivery into the
 “ care of the Master manufacturer, being at-
 “ tended with a great deal of trouble.) And
 “ 3. The frequent occasion there is, in making
 “ these great coats, for the use of the tailor’s
 “ goose, to press down the seams of the work,
 “ which renders it necessary, that a prisoner
 “ should be constantly running from cell to cell
 “ to wait on the other prisoners employed in
 “ this work, with that instrument made quite
 “ hot, and that he should have constant access
 “ to a fire for the purpose of heating it.

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“ If the operation of weaving could be ex-
 “ tended so as to become the principal or only

“ employment of the prisoners, it would in my
 “ opinion be far preferable to any other kind of
 “ work. The materials to be sent in are not so
 “ large in quantity, where the cloth itself is to
 “ be made, as where it is only sent to be con-
 “ verted into articles for use ; and the noise of
 “ the shuttle not only indicates to the Warder
 “ that the prisoner is at work, but takes away
 “ the opportunity of talking from one cell to
 “ another, or to a fellow-prisoner of the second
 “ class in the same cell, or even of singing or
 “ whistling, for though the song may be no
 “ uncommon accompaniment to the hum of
 “ the spinning-wheel, the clatter of a number
 “ of fly-shuttles is sufficient to overpower the
 “ utmost exertion of the human voice ; neither
 “ is any opportunity afforded to the weaver of
 “ embezzling a part of the materials with which
 “ he is entrusted ; it is surprising to what an
 “ extent the practice of embezzlement has been
 “ carried among our shoemakers and tailors :
 “ in a search at which I assisted two or three
 “ years ago, large stores of leather were dis-
 “ covered under the stone pavement in some of
 “ the cells, and many instances have since oc-
 “ curred of shoes made privately out of leather
 “ withheld from the portion of materials given

“ out, while the tailors are constantly cabbag-
 “ ing to make themselves extra pockets, or
 “ bags, or some other trifling articles which are
 “ not allowed. The evil arising from these
 “ practices is not to be measured by the loss
 “ occasioned by them to the Penitentiary, or
 “ its employer, for every such act is a viola-
 “ tion of honesty, and runs counter to the en-
 “ deavours used in the prison to renew the
 “ moral character of the prisoner.

* * * *

“ I am inclined to think, after a good deal
 “ of consideration, that it will not be advisable
 “ to attempt to do any thing in the manufac-
 “ ture of woollen articles, (unless perhaps in
 “ weaving serge for our own use ;) some of
 “ the processes to which woollen cloth is sub-
 “ jected, are of too nice a nature to be en-
 “ trusted to prisoners ; and some, if I am not
 “ misinformed, must be continued for more
 “ hours, without stopping the work, than will
 “ be found in a prisoner’s day, which cannot
 “ well be prolonged beyond the hour for lock-
 “ ing up, and must not, at all events, exceed
 “ a certain number of hours.

* * * *

“ In my judgment, the best employment
 “ for the prisoners in the Penitentiary will be
 “ found in the manufacture of common and
 “ coarse articles, in which the value of the
 “ materials shall bear a small proportion to
 “ that of the workmanship, and which, requir-
 “ ing but little skill to make them, will not
 “ render much instruction necessary : our ob-
 “ ject is, to employ all our prisoners, and to
 “ reward industry, rather than ingenuity ; and
 “ the less assistance our prisoners have occa-
 “ sion to receive, either from their officers or
 “ from each other, the better.

* * * *

“ We ought to work for Government ra-
 “ ther than execute orders for individuals.
 “ If we deal with Government, we are at all
 “ events sure of our money ; and all the risk we
 “ incur, if we buy in our materials at a fair
 “ price, is the chance of a fall in the market be-
 “ tween the day of our purchase and the time
 “ of the sale to Government ; but the chances
 “ of rise and fall during that interval are equal ;
 “ the fluctuations of the market are likely to
 “ operate in our favour as often as against us,
 “ and if we supply a certain quantity of any

“ article regularly, the gain and loss in a given
 “ period of any length will most probably coun-
 “ terbalance each other : if we work for orders
 “ from individuals, we must expect at one time
 “ to have many orders pouring in upon us, and
 “ at another to have few or none to keep us
 “ going ; in such cases, the conductor of an
 “ ordinary manufactory accommodates, I pre-
 “ sume, the strength he employs, to the extent
 “ of the demand upon him for exertion. When
 “ trade is brisk, and he is pressed for work in a
 “ hurry, he takes on additional hands, or em-
 “ ploys those commonly in his service night and
 “ day. When there is little doing in the arti-
 “ cles which he manufactures, he either re-
 “ duces the number of his workmen, or employs
 “ them fewer hours in the day, or fewer days in
 “ the week ; but what are we, the managers of
 “ a prison, to do in these emergencies ? We
 “ have no power of suiting our labour to the
 “ occasional demand for it ; we can neither add
 “ to, nor diminish, the number of our prisoners,
 “ nor can we task their exertions beyond their
 “ ordinary rate of work, nor shorten their hours
 “ of employment : our motions can neither be
 “ accelerated upon any demand for increased
 “ activity, nor suspended during a temporary

“ stagnation of trade. Whatever variation shall
 “ take place in our strength, will be wholly in-
 “ dependent of the state of the markets, or the
 “ number of orders we may have received, and
 “ we may be deprived of the use of our best
 “ workmen, (in consequence of the expiration
 “ of their term of imprisonment, or by their
 “ becoming entitled through merit * to pardon,
 “ or being under punishment for misconduct,)
 “ when we have most occasion for their ser-
 “ vices. The order which would best suit the
 “ Penitentiary, would be an order from Go-
 “ vernment, to supply a certain quantity of
 “ goods annually, or at stated times, at prices
 “ to be fixed with some reference to the price
 “ either of the raw material, or of the manufac-
 “ tured article in the market ; and I cannot see
 “ that such an arrangement would be attended
 “ with any loss or inconvenience to Govern-
 “ ment. I am much mistaken, if it would not

* “ There is this difference between a Manufactory and
 “ a Penitentiary, which should never be lost sight of, viz.
 “ that those who work in the latter, are discharged for the
 “ very reason which would ensure their continuance in the
 “ former, and *vice versa*, the bad workman, whom the ma-
 “ nufacturer would get rid of, must remain in the Peniten-
 “ tiary till his term of imprisonment shall have expired.”

“ be better for us, all circumstances consider-
 “ ed, to work for Government at any price they
 “ will give us, than to depend upon individu-
 “ als for employment; since, if Government
 “ should at any time give us less than we ex-
 “ pected for our goods, we shall have lost no-
 “ thing but a portion of our earnings; whereas,
 “ if we depend upon orders, and orders should
 “ not come in, we may not immediately be
 “ prepared with other employment, and in
 “ that case, the prison must be in a state of
 “ confusion and disturbance.

“ The practical conclusion which appears to
 “ me to result from the foregoing statements
 “ and remarks is, that we should employ our
 “ male prisoners to most advantage, with refer-
 “ ence to the various points and considerations
 “ adverted to above, if we were to make them
 “ all weavers * of some one coarse article used

* “ This plan could not be extended to the females; the
 “ second-class wards, in their part of the prison, not being
 “ sufficiently spacious to hold looms enough; besides which
 “ a woman, as we know by experience, is not able to put the
 “ warp into the loom without assistance from a man; but if
 “ the article woven by the males should be such as to require
 “ beetling, a mill for that purpose to be turned by the female

“ by Government in large quantities, such as
 “ sacking, coarse sheeting, or sail-cloth, keep-
 “ ing only as many tailors and shoemakers at
 “ work as might be necessary to make and
 “ mend for ourselves. If Government could
 “ not engage to take the whole of the manu-
 “ factured article off our hands, I own I do not
 “ see why we should be afraid of taking the
 “ chance of the market for a part of it, pro-
 “ vided it be a coarse article in common use ;
 “ and provided also, that we do not over-value
 “ our labour in the prison. If we had only
 “ yarn of one quality to purchase as the mate-
 “ rial for our manufacture, we should of course
 “ be able to make arrangements for procuring
 “ it quite as cheap as it could be got by others,
 “ if not cheaper; for, requiring a large and re-
 “ gular supply, and being certain paymasters,
 “ we should be very eligible customers. If,
 “ however, the produce of the work of all the
 “ male prisoners in any one article should be
 “ thought too great to be either taken by Go-
 “ vernment, or sold on our own account with-

“ first-class prisoners in each Pentagon under similar regu-
 “ lations to those adopted for the water-machines and
 “ flour-mills in the other Pentagons, would be a great im-
 “ provement in that part of the prison.”

“ out loss, (which, however, I do not believe
 “ would be the case,) I would then propose,
 “ that at least all the prisoners in the same
 “ Pentagon should weave the same article. I
 “ am satisfied that such an arrangement would
 “ introduce a much greater degree of order and
 “ regularity into the prison than can prevail
 “ there, while the manufactures are on their
 “ present footing. The duties of the Task-
 “ master would be much less complicated than
 “ they now are, if he had only one trade to su-
 “ perintend, and if he had no other implements
 “ and materials than those used in weaving to
 “ hand over from the Master manufacturer to
 “ the Warders, and nothing but the produce
 “ of that manufacture to return to him, instead
 “ of having, in addition to these articles, a va-
 “ riety of other articles and stores to pass back-
 “ wards and forwards between the Master ma-
 “ nufacturer’s office and the Pentagon; all of
 “ which must be regularly entered in his ac-
 “ counts. If the same kind of work were done
 “ all through the Pentagon, each Warder
 “ would be competent to the management of
 “ any of the wards in it; and in the event of
 “ the sickness or sudden dismissal of a War-
 “ der, in which case we are obliged to put a

“ Patrole in charge of his ward, who in general
 “ knows nothing of the manufacture carried on
 “ there, the Warder of the next ward would
 “ be able to assist, and give any instruction that
 “ might be required; whereas, according to our
 “ present arrangements, a ward suddenly de-
 “ prived of its Warder, may be thrown into
 “ great confusion. We should also, by putting
 “ all those of our prisoners who have an op-
 “ portunity of communicating with each other
 “ upon the same footing, avoid the frequent
 “ applications made to us to let prisoners go
 “ from one trade to another, and get rid of all
 “ the complaints and heart-burnings occasion-
 “ ed by one prisoner having lighter or more
 “ profitable work than his neighbour in the
 “ same trade, which he seldom fails to attri-
 “ bute to partiality in the Warder, or in
 “ some fellow-prisoner entrusted to give out
 “ the work.”

CHAPTER IX.



Of the Committee, Secretary, and Accountant.

THE Penitentiary is under the direction of a Committee of Management and Superintendence, consisting of not more than twenty members, nor fewer than ten, nominated by the King in Council.

The members of the Committee, three of whom form a quorum, exercise an authority of the same nature over this establishment with that which is possessed by Justices of Peace assembled in their General Quarter-Sessions, with reference to the County Prisons. They meet once a month, or oftener, at their discretion; the day to which the Committee adjourn being fixed at each meeting, and notified by the Secretary to every Member. But the Committee may be called together at any time, by a summons issued

by the Secretary, (giving not less than two days' notice of the day of meeting, and stating the objects of it) by order in writing of any two of its members, or by one member acting as visitor, under the appointment hereafter mentioned.

The Committee make rules for the regulation of the establishment, submitting such as concern the treatment of the prisoners, to the Judges of the Court of King's Bench, before they are put in operation, to be sanctioned by a declaration in writing on their part, that they see nothing in them contrary to law; which rules are laid before his Majesty in Council and the two Houses of Parliament, within six weeks after the Commencement of the first Session of Parliament after such sanction shall have been received, and they direct what manufactures shall be carried on in the prison, or in what manner the prisoners shall be employed.

The Committee appoint all the officers and servants connected with the establishment, having previously received the approbation of the Secretary of State for the Home Depart-

ment, to the amount of the salary to be paid to each, as well as to the number and description of the officers and servants to be employed, in addition to the Governor, Matron, Chaplain, and the Surgeon and Apothecary, whose offices are mentioned in the Act of Parliament by which the Penitentiary is regulated, and cannot be discontinued.

The only acts of the Committee, in the management of the Penitentiary, which require the sanction of higher authority, to render them valid, are those which relate to such alterations as they may see occasion to make from time to time, on the head of Officers and Servants, or in the rules respecting prisoners, mentioned above; but they make an annual report to the King in Council, and to both Houses of Parliament, on or before the 15th of March in every year, if Parliament be then sitting, and if not, then within fifteen days after its next sitting, specifying, among other particulars, the expenses of the prison and the earnings of the prisoners, during the year ending on the 31st December preceding.

The Committee have also power to remove all their Officers and Servants, but are restrained, by Act of Parliament, from dismissing persons from their service, except at a meeting specially summoned for the purpose of taking the question of such dismissal into consideration ; but any Officer or Servant may be suspended by the Committee or the Visitor, and the authority which exercises the power of suspension, is competent to make the necessary arrangements for the temporary performance of the duties of the party suspended, who must quit the prison without delay, and not return to it, until the Committee meet to consider of his discharge or restoration.

The Committee examine, at their several meetings, into the state of the prison, and enquire into the behaviour of the Officers, as well as that of the Prisoners, visiting occasionally every part of the building, in which prisoners are confined. They read the Journals of the Governor, Chaplain, Surgeon, and Matron, and give such directions as appear to them to be necessary on the matters contained therein, or especially re-

ported to them by the Officers; and they receive a great variety of returns relating to the employment and health of the prisoners, and the expenses of the prison. All contracts and agreements for articles required for the use of the establishment, are signed by the Governor, under their direction; tenders for contracts of importance are delivered to the Committee in the first instance, but in cases of less consequence the Governor brings before them, for their approbation, such proposals as appear to him to be eligible; and all repairs or arrangements which will be attended with any considerable expense are previously sanctioned by their authority. Orders for the payment of bills and other demands on account of the establishment, are signed in Committee by the Chairman and two other members.

The Committee promote prisoners for good behaviour, from the first class to the second, before the time at which they would become regularly entitled to be placed there, and they recommend such as have conducted themselves properly in the second class to the Secretary of State, as objects of the royal

mercy; upon these occasions they attend very much to the opinions of the Governor and Chaplain, but they refer also to the Character Books of the prisoners, and exercise their own judgment on the merits of the cases under consideration.

The Committee direct, in what manner prisoners shall be clothed when they leave the prison, and may order any sum of money, not exceeding 3*l.* to be then paid to them, in addition to the per centage to which they may be entitled on their earnings; and all those who can produce satisfactory evidence, at the expiration of one year after their discharge from confinement in the Penitentiary, of their good conduct during that period, receive such further sums of money as the Committee think fit to grant—such claims, however, are never allowed without due investigation.

The Committee appoint one or more of their members to act as Visitor or Visitors of the prison, during the intervals between their meetings; whose duty it is to visit the prison

from time to time, and who may make any occasional * order, or give any directions, in case of emergency, which might be made or given by the Committee, if they were sitting, but every such order must be in writing, and must be reported to the Committee at their next sitting, together with the circumstances by which it was occasioned. The order itself is entered in a book, called "The Visitor's Order Book," which is regularly read after the Governor's Journal, in Committee; but the circumstances occasioning it, if not recited in the order itself, or apparent on the face of it, may either be entered in a book, called "Visitor's† Book," or made the sub-

* Any member of the Committee may, at his pleasure, inspect any part of the prison, and may make such inquiries of the several Officers and Servants of the establishment as he may think proper; he cannot, however, give an order without being a Visitor, but must report such matters as appear to him to require particular attention to the Visitor, or reserve them for the Committee, at his discretion.

† When the prison was first opened, the Visitors were accustomed to keep in this book a kind of journal of their visits to the prison, and an account of the state in which they found matters there, accompanied by remarks on prac-

ject of a separate report, or communicated verbally to the Committee, at the Visitor's discretion.

Many cases are pointed out in the rules and regulations, in which the Governor is directed to report without delay to the Visitor, either for the purpose of receiving his directions in writing, or his assistance in the way of advice, or simply that the Visitor may be kept constantly apprised of all important transactions and occurrences in the prison; such for instance as the death of a prisoner; and the Visitor is of course applied to if any case should arise, for which the rules and regulations of the prison have not sufficiently provided.

The continuance of confinement in a dark or refractory cell inflicted as a punishment by the Governor, is limited by Act of Parliament to three days, unless it be sanctioned by the approbation of the Visitor within that time;

tices which prevailed in the prison, or which they recommended to be adopted, but the present Governor keeps so accurate and full a journal, that little has been written of late in the "Visitor's Book."

in which case it may be prolonged, by his authority to fourteen days.

No officer or servant belonging to the prison sleeps out of it, without an order from the Committee or the Visitor ; nor can any of the superior officers admit inmates to reside with them as part of their families within the prison, without a similar order.

In a place in which 400 female prisoners are to be confined under the care of a considerable number of female officers, who, owing to the active duties to be performed by them, cannot be selected from persons advanced in life, it is necessary that the Governor, Chaplain, and Surgeon should be married men ; and though there is no positive rule requiring that qualification on the part of the Master manufacturer and the Steward, it is convenient that they should be so ; and in fact both these officers have wives and children living with them in the Penitentiary. The families of these several officers occupying a considerable portion of the Hexagon building, consist of many persons ; and it is essential to the good order of the Penitentiary,

that all these persons should be very circumspect in their conduct, that they should be positively forbidden to hold any intercourse, with the prisoners; and that the slightest appearance or suspicion of any disposition on the part of any of them to infringe this prohibition should be noticed without delay. It must be obvious that cases may often occur in a prison, where there are so many persons residing within the walls who are not prisoners, in which the Governor will readily avail himself of the authority of the Visitor, and in which it would be difficult, or at least very unpleasant to him to act without some support of this kind.

The most important part, however, of the Visitor's duty, is to go round the prison occasionally, and to attend to it in such a manner as to afford an opportunity of communicating with every prisoner who may have any complaint to make, or who has any matter to mention, on which he is desirous of being heard. The knowledge which prevails in the prison, that any convict within its walls may obtain a hearing from the Visitor, not only tends to conciliate the good-will of the pri-

soners, and gives us the means of reconciling their minds to some things which may appear at first sight to be hardships, but it operates as a great protection to the officers, (especially to the Governor,) against charges of injurious treatment alleged by discharged convicts, to have been offered to them during their confinement, since it deprives the party so complaining of every pretence for saying that there was no quarter to which application might have been made for relief or redress, when the injury was sustained.

The Committee has a Secretary, who is also Accountant. His duties as Secretary are to summon Committees, and to attend all their meetings, as well as those of any of their Sub-Committees; to keep regular records of their proceedings, to write such letters as may be ordered by the Committee, and to enter in the minute-book of instructions to the Governor a copy of every resolution in which he is personally concerned, or which relates to the discipline and good order of the prison, or to the duties of its officers and servants, except the Chaplain, whose instructions are entered in a separate minute-book of his own.

His duties as Accountant are more numerous and complicated, as he keeps a very detailed account of the expenditure of the establishment in all its branches, examines all bills, and prepares the proper checks to be signed by the Committee. Whatever may be the expenses of the Penitentiary, its accounts have been kept in such manner, for some years past, (ever since the office of Secretary and Accountant has been placed upon its present footing;) that an accurate and minute statement of its expenditure can be furnished at any time, whenever the propriety of any of the charges incurred shall come under consideration.

The office of Secretary and Accountant is open every day, except Sundays, Christmas-day, Good Friday, and Ascension-day, and either the Secretary or his Clerk is employed there from eleven o'clock till 5.

CHAPTER X.

Of the Punishments for Misbehaviour in the Penitentiary.

WHERE prisoners are kept at work under a strict course of discipline, they will probably commit more offences against the rules of the prison, and fewer means will be found of punishing them, than would be the case, in an ordinary place of confinement. Persons who come into prison, because they have not controlled their passions or evil propensities while they were at large, must be expected to be impatient of restraint, when they get there, and they who have chosen to rob rather than to work, while they were their own masters, are not likely to become cheerfully industrious all at once, when they are put to some employment, to which they have not been accustomed, in cells by themselves. Where little attention is paid to the behaviour of prisoners, they quarrel, if at all, with

each other, but in a Penitentiary they will be found to quarrel most with their officers and with their work, very commonly with the latter, for neither the materials nor the tools supplied to unwilling or unskilful workmen are ever what they ought to be in the eyes of those who are to use them. In prisons, in which discipline is relaxed, where the prisoners are generally allowed to receive whatever articles may be sent in for them, and are accustomed to see what friends and acquaintance they choose, the task of punishing is comparatively easy, for the mere suspension of indulgence will operate as punishment. And the secret of management in many prisons, which appear to those who walk through them, to be well regulated, is only, to observe which of the prisoners shall acquire dominion or influence over the rest, and to engage them by the hopes of being recommended for pardon before their term of imprisonment shall have expired, or of being favoured in some other way, to assist in maintaining the tranquillity of the prison*.

* When I was going round one of the City prisons, with other members of a Committee of the House of Commons some years ago, a prisoner complained to the Keeper

The punishments in the Penitentiary, under the Act of Parliament, by which that establishment was originally regulated, are the substitution of bread and water for the prison diet, and close confinement either in a refractory cell, (*viz.* a cell into which a small portion of light is admitted,) or in a cell entirely dark—which punishments the Governor may inflict for three days by his own authority, and for fourteen days with the approbation of the Visitor of the prison. The Committee may prolong these punishments

in our presence, that a dispute between him and a fellow-prisoner had not been fairly decided, and that he had been unjustly removed from being wardsman. The Keeper told us privately, that it was not clear, that the prisoner had done any thing wrong, but that he was not fit to be wardsman, for he could not keep the other prisoners of the ward in order. Prisoners ought not to be invested with authority over their fellow-prisoners, or to be employed generally in making reports of their conduct. I do not mean to say that intelligence given by prisoners on particular occasions should not be attended to, but great caution is necessary in acting upon such intelligence. I have known more instances than one, in which the party giving information of a crime or criminal project, has originally instigated it, for the purpose of gaining credit, by giving evidence against the other prisoners concerned in it, or by openly interfering to prevent its success.

till the end of one month, or may impose any of them for that period by an original sentence, if the case shall have been reserved for their consideration. The Committee may also degrade the offender, (if a second-class prisoner) to the first class.

Before the passing of the 7th and 8th Geo. IV., cap. 33, in the last session of Parliament, there was no authority in any quarter to visit offences in the Penitentiary with corporal punishment, and perhaps if such convicts only were confined in it as had lately become criminal for the first time, the punishments originally authorized might have been sufficient for their control, but we have always had a considerable number of prisoners in this prison who are no novices in guilt, but have been hardened in vice, and trained up to the commission of crimes by repeated imprisonments elsewhere.

Confinement in a dark cell operates very differently upon different tempers and dispositions; to some persons it is a very severe infliction, but there are others on whom it produces very little effect, and its operation

is frequently so weakened by repetition, that some who appear to be completely subdued by it in the first instance, grow at length to bear it with indifference, and seem to care very little whether they pass their time in the dark cell, or in their ordinary cell in one of the wards of the prison. The dislike to a diet of bread and water does not wear off so soon.

I suspect that some of those who dwell upon the terrible effects produced by darkness and solitude upon the human mind, when they are holding out confinement in a dark cell as an infallible cure for all prison disorders, have not maturely considered the very limited extent to which such confinement can be carried with a due regard to the health of the prisoner. We can render the cell completely dark, but we cannot prolong unbroken solitude for many days together, unless we are prepared to risk the infliction of a capital punishment under the name of confinement in a dark cell. By our rules, the Surgeon visits the party undergoing such punishment, daily, and the prisoner may always contrive, if he chooses, to render it ne-

cessary that the Surgeon shall have a good deal of verbal communication with him. There is no rule which defines how often he shall be visited by the Governor and Chaplain, but they will not leave him long unnoticed, for their own sakes. He must have daily food, and attention must be paid to the removal from the cell, of what would make it offensive and unhealthy; for it cannot be supposed that every dark cell has a water-closet attached to it; nor is it easy to construct cells, which must have air passing through them, in such a manner as to make them quite impervious to sound, and if the prisoner shall not be able to make himself heard, so as materially to disturb the prison, it is, nevertheless, in his power to bellow till he makes himself so hoarse, and becomes so exhausted, that he must be removed to the Infirmary. It should also be remembered, in considering the efficacy of this mode of punishment, that it has no operation at all in the way of example. In a case of a mutiny among prisoners, more effect would be produced by picking out one or two of the ring-leaders, and flogging them in the presence of the rest, than by the confinement of any

number in dark cells ; and when the prisoners shall once contrive to fill the dark cells, if the rules of the prison shall not allow of corporal punishment, the power of enforcing discipline or obedience is at an end.

On the propriety of inflicting corporal punishment for prison offences, much difference of opinion has of late prevailed in this country. When I brought in the Act under which the Penitentiary was first regulated, I certainly thought that no power of applying such punishment would be wanted at Millbank. I was led to believe this, partly from an expectation, that our prisoners would be of a less obdurate description than ordinary convicts for transportable felonies, but principally by having concurred with others in overrating the influence of solitary confinement on a refractory prisoner, but experience has long since taught me, that I was too sanguine in that belief. When the Prison Bill was in a Select Committee of the House of Commons, in 1822, a power of inflicting corporal chastisement for prison offences was inserted in it ; but when the Bill came to be discussed in a Committee of the whole House, the

clause giving that power was expunged, and the current of opinion ran so violently against it, that no person except myself thought it worth while to say any thing in its favour. The Bill not having passed into a law that session, owing to the lateness of its arrival in the House of Lords, it was sent up again to their Lordships in 1823, in the shape in which it had gone through the Commons in the preceding year, viz. without the power alluded to. The Lords, however, amended it, by putting in words, authorising the infliction of personal correction under the order of a magistrate for offences committed by male prisoners who had been "committed for felony, or sentenced to hard labour;" to which amendment the Commons, some of the members of which had considered the subject more deliberately than when it was first presented to them, agreed.

There are, however, some persons who cry out against the use of this punishment. The last report of the Society for the Improvement of Prison Discipline, complains that "whipping is in use in some prisons," and states, that "in 21 county prisons the punishment of

“whipping was practised during the last year,” condemning the practice generally, without at all entering into the circumstances of any case in which that chastisement was inflicted.

In former times, men were cruel in their punishments as they were unfeeling in their sports. The milder manners and better taste of modern days have led to much improvement in both these respects, and I do not imagine, that any one would now wish to see revived the barbarous practices of cutting off the limbs of criminals, or mutilating their bodies, for which imprisonment has been substituted; but I am afraid we shall much deceive ourselves if we suppose that we shall not find crimes increase in consequence of this substitution, unless we shall bestow more trouble and expence in rendering imprisonment effectual to its object than many persons are prepared to see employed for that purpose.

It is the fashion to say now that punishments are inefficacious in proportion to their severity; but I wish I could see some proof of this position founded upon facts, instead of arguments in support of it resting upon ab-

stract reasoning; for, unfortunately, mixed with the self-congratulations with which some modern writers announce their new discoveries of the true principles of criminal law, and the panegyrics bestowed by them on the growing reluctance to rigour in the administration of justice in this country, we hear the voice of complaint on every side concerning the rapid rate at which crimes are increasing. I doubt very much the truth of the position alluded to; I suspect that, if every man who was convicted of picking pockets, were punished by having his right hand cut off, instead of being sent for punishment to a place where he might learn to pick pockets more adroitly, fewer offences of that description would be committed than under the present system; and that if every convict for larceny, or a felonious fraud, were branded with some mark on his forehead or cheek, which should make him notorious, instead of being confined for a time among older thieves than himself in a county gaol, the quantum of larceny and fraud would be diminished. The objections against severe punishments are not, that they are inefficacious, but that their severity engenders or keeps alive a spirit of cruelty; and that if crimes can

be prevented or repressed by a milder course, we have no just right or authority to inflict them. If this view of the subject be correct, it is by regulating properly that punishment by which almost all other pains and penalties are now superseded in this country, and not simply by relaxing ancient rigour, that the state of the law is to be improved ; and with this view we ought to retain so much of the severity of former times as may be necessary for the purpose of maintaining a strict discipline in prisons, and of making them, if possible, places of reformation, but at all events places of punishment.

Some persons seem to think that no convict can be reformed in a prison, while others speak as if they believed that his reformation was effected as soon as he entered the prison walls, and that there was something in the atmosphere of the place which so calmed and put to sleep his violent or irregular passions, that he would henceforth behave to the entire satisfaction of those set over him, provided he had good food and civil treatment. But these opinions are equally remote from the truth. There are few criminals in confinement, of whose amendment

some hopes may not be entertained, but there are perhaps fewer still, who, from the time of their coming into prison, require neither punishment, nor the fear of it, to prevent the evil dispositions, which brought them there, from occasionally breaking out into action.

It is said, however, that whipping counteracts reformation, by hardening and degrading the prisoner; and perhaps in some cases it may do so; but it is a less evil that a refractory and profligate prisoner should be hardened and degraded, than that he should harden and degrade others. What greater debasement of the human mind can be produced by whipping than is the consequence of the association of criminals uncontrolled, perverting the intellect, and deadening all feelings of shame and remorse? It should be remembered, that whatever may be the injurious effects occasioned by corporal chastisement, they fall upon the party whose conduct has provoked it, which is surely more just than that others should be annoyed by his violence or disgusting language and demeanour, or should be corrupted by his evil example and profligate instructions.

There is also another class of persons, on whose account, even for the interest of the prisoners themselves, adequate means should be provided for enforcing obedience in prison; I mean the officers, and particularly the inferior officers. It is agreed, on all sides, to be of great importance, that those who are to have the charge of prisoners should be men of decent habits and respectable character, not taken from the lowest ranks of life; and it is a rule in all prisons, that an officer should never lift his hand against a prisoner except in self defence; but it will be in vain to endeavour to prevail on such persons, as are above described, to attend on prisoners, and to abstain, when insulted by them, from resenting their insolence on the spot, unless they shall know that the prisoner's misbehaviour may be visited on their complaint, by some other penalty than that of confinement in the dark cell, for which many of the offenders care very little, and during which some of them will, as we know by experience in the Penitentiary, continue their insults.

While, however, I contend for the neces-

sity of preserving this power of inflicting corporal punishment for misbehaviour in prisons, I am strongly of opinion, that it is a power which ought rarely to be brought into action, and which, being very liable to be abused, or to the suspicion of abuse, ought to be placed in some other hands than those of any officer having the charge of the prisoners. It was on this view of the subject that we considered ourselves at the Penitentiary as having gained a material point, when we prevailed upon those, who passed the 7 and 8 Geo. IV. to adopt our suggestion of calling in the aid of a County Magistrate, to give the order for such punishment when required; such Magistrate being in all other respects unconnected with the Penitentiary, and coming therefore to the consideration of the circumstances laid before him, with the impartiality of a judge in ordinary cases, having received no offence, either by any insult offered him in his own person, or in that of any other person acting under him, or by any disrespect shewn to his authority.

Accordingly, the 7 and 8 Geo. IV. cap. 33. after authorising the Committee of the

Penitentiary to specify in a regulation, (to be sanctioned in the same manner with their other rules and regulations, by the Judges of the King's Bench,) what offences committed by Male prisoners shall appear to them to deserve corporal punishment, empowers the Governor to report any such offence to a Magistrate for the County of Middlesex, who is to inquire into the same, (on oath, if he shall so think fit) and if he shall be of opinion, that such offence, by the regulation above referred to, and under the circumstances of the case, is deserving of corporal punishment, may order the offender to be publicly or privately whipped. The following offences have been specified by the Committee under this Act, as rendering the parties committing them liable to corporal punishment.

1. Mutiny, or open incitement to mutiny in the prison.

2. Personal violence to any Member of the Committee, Officer, or Servant of the prison, or to a fellow-prisoner, or threats of such violence, or grossly offensive or abusive lan-

guage, to any Member of the Committee, or to any such Officer or Servant; or the offence of sharpening the knives* allowed to prisoners in their cells, or of having such knives found on them out of their cells.

3. The offence of making a noise, when confined in a refractory or dark cell, tending to create annoyance or disturbance in the prison.

4. The offence of prisoners fastening themselves up in their cells, or wilfully or wantonly breaking the prison windows, or destroying the property of the public in the cells.

The prisoners, on whom corporal punishment shall be inflicted under the above regulation, cannot be also punished by confinement in the dark cell, or by being kept on bread and water; but they are liable, if

* The knives allowed to the prisoners in their cells for the purpose of cutting their food, are rounded at the end, and can hardly be used as weapons of offence in that state, but such knives have, in some instances, been sharpened into daggers.

in the second class, to be reduced to the first.

Prisoners guilty of assaults on any of the Officers or Servants of the prison, may be prosecuted, by order of the Committee, in the ordinary courts, and shall on conviction be continued in the Penitentiary for such time as the Court shall direct, after the expiration of their original term of imprisonment, not exceeding two years, instead of undergoing their additional punishment in the Common Gaol, or House of Correction; and prisoners escaping, or breaking any wall with intent to escape, may also suffer an imprisonment in the Penitentiary, on being convicted of such offence; but it will not often happen that prosecutions can be carried on, without great inconvenience, by the ordinary course of law, for acts committed among persons, most of whom are incapable (as being felons) of being produced as witnesses in a court of justice, without first being rendered competent to give testimony, by a pardon.

The 7 and 8 Geo. IV. contains another

power, which is intended to operate as a punishment for offences in the Penitentiary, but which must be acted upon with a good deal of caution, and was indeed not applied for by the Committee, till after a good deal of doubt and hesitation. By that statute any convict, Male or Female, who, after being subjected to confinement in a dark cell, shall appear to the Committee during the first half of the period of his or her imprisonment, to be incorrigible by the discipline of the Penitentiary, may be removed by the order of the Secretary of State, to any place appointed for the reception of convicts under sentence of transportation, and will in that case become liable to the consequences of his or her original sentence, as if never ordered to the Penitentiary.

The introduction of this practice of sending prisoners for misconduct to the Hulks, or New South Wales, from the Penitentiary, is an experiment, and it is one which has only been adopted because we had nothing before us but a choice of evils—on the one hand, it is impossible to deny that the chance of being able to effect such a change has a tendency to

unsettle the minds of the prisoners, and that a wish for such removal may, in some cases, operate as an inducement to misconduct, since it is notorious that very serious offences have been committed in the Penitentiary, for the express purpose of procuring it ; and on these grounds I have on more than one occasion contended against the power alluded to ; but, on the other hand, the Penitentiary was established and the system formed, on the supposition that a selection would be made of the convicts to be sent to us, and that we should not have to contend with habits of profligacy, long since formed, and become inveterate by a residence in the Hulks, and other prisons ; and so much mischief and disturbance has been created by a few hardened offenders, that we have thought it desirable to provide for the removal of prisoners of that description, even at the risk of the inconveniences which may result from this practice ; and some hope is entertained, that those, who are well disposed, and who yet retain the regard of some respectable friends and connections, will see the folly of provoking their removal from the Penitentiary by misconduct, when they reflect that, instead of ef-

fecting their object, they may possibly only incur corporal punishment in the prison in which they are now confined, and that if they should effect it, they will have to serve out the whole term of their original sentence, and cannot expect to be treated with any indulgence in a place to which they are sent as incorrigible *. It is impossible not to see that the result of this experiment however will mainly depend on the manner in which the prisoners removed from the Penitentiary as incorrigible, shall be treated after their transfer to the Hulk establishment.

It is provided, by one of the rules of the Penitentiary, that whenever the Governor shall deem it necessary to put handcuffs or fetters upon any prisoner, he shall immediately enter the circumstances of the case in his Journal, and shall give notice, within twenty-four hours after such fettering, to the Visitor

* Speaking for myself, I should add, that I entertain a confident hope that the Hulks will not be suffered long to remain in their present state, but will become an object of more dislike and apprehension to profligate men than they now are—they are terrible enough now to those in whom the sense of shame is not extinguished.

of the prison, unless the Committee shall be appointed to meet within that time. As nothing is said upon the subject of irons in the Acts of Parliament by which the Penitentiary is regulated, the Governor's authority to use irons of any kind, stands upon the clause in the first of those Acts, the 56 Geo. III. cap. 63, giving him the powers incident to a Sheriff or Gaoler, who may, I conceive, put irons on his prisoners for the purpose of restraint, whenever the use of them may be necessary to prevent outrage or disturbance in his prison, but has no authority to employ them for any other purpose. I take it to be quite clear, that irons cannot legally be used by the law of England, either by way of punishment, or to distinguish different classes of prisoners; nor can the use of them, to prevent escape, be justified within the walls of a prison; for every prison ought to be so built, that prisoners may be safely kept in it, with reasonable vigilance on the part of the keepers or guards, and prisoners are not to be ironed to save expence to the county, or trouble to the gaoler.

The following passage in the late Report

of the Society for the Improvement of Prison Discipline, seems to be expressed with some want of accuracy upon this subject. “ There
 “ is a great diversity also in the mode of re-
 “ straining and punishing prisoners. Solitary
 “ confinement appears to be very generally
 “ adopted for offences committed within the
 “ prison, but irons and whippings are found
 “ to be in use at several gaols. In twenty-one
 “ county prisons the punishment of whipping
 “ was practised during the last year, and in
 “ no less than fifty irons were used.” Solitary
 confinement seems to be here put in opposi-
 tion to irons and whipping, as if it could
 supersede the use of both of them, but irons
 and whipping have no reference to each
 other, and solitary confinement and irons
 must frequently go together. A prisoner
 confined in a dark cell may assault the person
 who brings him his food, or attends him
 there, whenever his cell gate is opened, or he
 may disturb the prison by knocking with his
 drinking can, or some other article or utensil,
 against his gate, or, while his hands are at
 liberty, he may contrive to do a great deal of
 mischief, even in a dark cell, or he may
 threaten the lives of his officer or fellow-pri-

soners, or his own life. I cannot see how any person can be prepared to blame the use of irons in any prison, without knowing under what circumstances they have been used.

Notwithstanding all the time and pains we bestowed in a Committee of the House of Commons, during two Sessions of Parliament, on the Bill which was framed into the Act of the 4 Geo. IV. cap. 64. and on the revision and amendment of that Act by the 5 Geo. IV. cap. 34. two years afterwards, there is an inaccuracy of the same kind with that noticed above, in the schedule of particulars to be returned from the county prisons under the late Acts. A return is required to be made, under head 32, entitled "Reasons for punishment by solitary confinement, by whipping, or irons," as if irons were an authorised punishment. It may further be observed here, that the manner, in which this interrogatory is answered from some of the county prisons, makes it absolutely nugatory; for they return the reasons of their proceedings generally, whereas the information wanted is a statement of the reasons of each of these modes of proceeding, viz. of the solitary confinements, of the

whippings, and of the use of irons, separately, in each of the cases. There is no such confusion in the body of the Bill between whipping and irons, since the former can only be allowed, when inflicted by order of a magistrate on certain classes of prisoners, whereas the use of the latter is not confined by the Act to any description of prisoners, but is to be resorted to by the Governor in cases of urgent necessity, and must be notified within a certain time to the Visiting Magistrates.—It would, however, have been better, if the Act had stated distinctly, that the use of irons is recognized as a measure of prevention only, and not as a mode of punishment.

CHAPTER XI.



*Annual Expenses of the Penitentiary and the Hulks
compared.*

THE annual expenses of county prisons have never been brought before the public in such a shape as to admit of a comparison between the same heads of charge in different Gaols and Houses of Correction, or between the charges in any of those prisons, and those in the Penitentiary, except in respect to the articles of food and clothing, the cost of which must vary according to the parts of the country in which the prisoners are situated, and the class of prisoners confined.

Articles of food and clothing must of course be dearer in some places than in others, and they must be supplied in greater abundance in prisons, in which convicts are to undergo

a long confinement, than would be necessary where persons are only to stay for shorter periods. Some classes of prisoners come into prison for so short a time, that they do not require to be clothed by the public at all; and the principle of allowing an increased quantity of food in the case of long imprisonments, is acknowledged and acted upon in many county prisons, the diet of the prisoner being improved in them, after he shall have been some months in confinement.

Without endeavouring, therefore, to institute comparisons between the expenses of the Penitentiary and those of any of the county prisons, I will only here observe generally, that the charges incurred on other accounts than those of food and clothing, will probably be found to be highest in the prisons where those points are most attended to, which have been pressed upon the attention of persons concerned in the management or superintendence of prisons by all who have written or spoken upon the subject for some years past. Instruction and cleanliness are chargeable, as well as inspection. Bibles and Prayer-books and religious tracts cost some-

thing, though they may perhaps be procured cheaper than other publications ; and sheets, soap, mops, brushes, pails, &c., cost a good deal ; even Dean Swift's observation, when he reproved the beggar for holding out a dirty hand to receive alms, " that water may " be had for nothing," is not true in a prison ; for the machinery by which water is distributed to different parts of an extensive and lofty building, is expensive in its repair, and in the attention it requires to keep it in good order, as well as in its original construction.

It is undoubtedly possible to be extravagant on these, as well as on all other matters ; and it is a very proper subject of inquiry, whether more trouble and expense may not be bestowed upon them at Millbank than is necessary ; but the accounts of the Penitentiary are kept with a degree of minuteness and accuracy not commonly practised in prisons ; and one year's detailed expenses, as well as all our rules and regulations, have been laid before Parliament. The prison itself may be seen by any person desirous of looking into such subjects, without difficulty, by an order from the Secretary of State

for the Home Department, or with a member of the Superintending Committee ; and every disposition has been shewn upon all occasions, both by the Committee and the Governor, to furnish information to all who may require it, on all points connected with the establishment. We have surely, therefore, a right to expect from those, who are dissatisfied with the expense of our proceedings, that they should point out to us what they see in our arrangements deserving of their censure, the objects to which those arrangements are directed, not being denied to be such as ought to be pursued.

As, however, the prisoners in the Penitentiary, if not confined there, would be sent to the Hulks, it may be worth while to compare the cost of their confinement in this prison with the expenses that would be incurred on their account, if the other branch of the alternative were adopted, in order that we may see what sum the public is paying per head on behalf of each convict, whom we are endeavouring to save from utter degradation, and restore to society ; and by what circumstances in the treatment of such convict the

excess of expenditure on his account at Millbank is occasioned.

The cost of the convicts in the Hulks, during the first half year of 1826, (the average number on board being 3472,) appears to have been 35,426*l.*, or about, per head, 10*l.* 4*s.*

The cost for the second half year (the average number being 3748) was 44,328*l.*; or, if we deduct 8,128*l.*, (the charge of fitting up a new vessel,) 36,200*l.*; making the expense for that half year, per head, 9*l.* 10*s.*

The amount, therefore, of the expense of a single convict, during the whole of 1826, in the Hulks, was 19*l.* 14*s.*; and the whole charge of a convict, sentenced for seven years, would amount, according to this statement, if he were kept under punishment for his full term, to seven times 19*l.* 14*s.*, or the sum of 137*l.* 18*s.*

A prisoner in the Penitentiary, provided 1000 convicts were confined in it, and the establishment of officers and servants were

completed to its full extent, would cost annually about 28*l.* * ; or, if he should remain there during his whole term of five years, 140*l.*, being 2*l.* 2*s.* more than he would have cost in the Hulks.

It is obvious that the difference of the periods for which a convict is liable to be imprisoned in the two establishments, ought to be taken into the account ; for if the Legislature has directed that a confinement in the Penitentiary for five years should be equivalent to a punishment for seven years on board the Hulks, in consequence of an improved system of discipline and management in the Penitentiary, the increased annual expenses occasioned by that system of discipline and management, can no otherwise be considered as additions to the burden brought by the convict upon the

* It is obviously unfair to estimate the expense of prisoners by the cost incurred while the prison is filling. During the year 1825, while the prisoners were very few, the cost of each prisoner will be found, by dividing the sum expended by the average number confined, to amount to 57*l.* 17*s.* ; in 1826, to 42*l.* 14*s.* ; in 1827, to 35*l.* 17*s.* ; and of course, as the number confined approaches the complement of the prison, the cost per head diminishes.

State, than as they may exceed what is saved by shortening the period during which he continues burdensome. The expense of the prisoner in both cases must be taken to be the actual cost of his imprisonment ; and this calculation is entirely independent of any value which may be attached to the supposed reformation of the convict in either of the establishments alluded to.

In the case of a convict sentenced for fourteen years, who shall be placed in the Penitentiary for seven, the amount of the expense incurred on his behalf will be much less in the Penitentiary than in the Hulks ; his cost in the former being 196*l.* whereas it would have been in the latter 275*l.* 16*s.*

If it be said that no prisoner, who is tolerably well-behaved, ever remains in the Hulks till near the end of his term of imprisonment, this observation should incline the scale still more in favour of the Penitentiary ; for, without being over-sanguine in our expectations of the reformation to be effected at Millbank, we may surely be allowed to hope, that whatever number of the convicts

on board the Hulks shall deserve to have their time shortened there by good conduct, there will be found still more in the Penitentiary, whose merits will entitle them to a remission of the same proportion of the period for which they came into that prison.

It may, however, be asked, why the annual expenses of a convict in the Penitentiary should be greater, by above eight pounds, than that of a convict in the Hulks?

This question might be answered more distinctly, if we had, in the papers laid before Parliament, a detailed account* of the ex-

* The Committee of the House of Commons, of which I was Chairman in 1812, had before it a detailed account of the charges of the Hulks for the year 1811. The convicts cost then above 32*l.* per head, exclusive of 3 or 4,000*l.* spent in allowances to those who laboured on shore, and on additional guards. The Committee suspected, that the contract under which the convicts were then maintained, was not a fair arrangement for the public, and recommended that the subject should be reconsidered, and the contracts made in future in a different form; but it does not seem easy to account for the extent of the reduction of expenses in the Hulk Establishment since that time, unless the number of officers and guards has not kept pace with the increase in the number of convicts.

penditure of the Hulk Establishment in the same form with that given respecting the Penitentiary, instead of a statement of the expenses of each vessel in the lump. Two reasons, however, may be given for an excess in the expenses of the Penitentiary: the first is, that the accounts of that prison comprehend charges, some of which are not incurred for convicts on board the Hulks, while others are defrayed in those vessels, either wholly or in part, by the convicts themselves; and the second, that the establishment of officers and servants at Millbank is very different from that of the Hulks.

I suspect, that the allowances to prisoners in different Hulks, as well as the practices observed at their different stations, are very different: but sheets are not furnished by Government in any of them; and, I believe, in all, the convicts find many articles, commonly deemed necessities, such as knives, combs, towels, and pocket-handkerchiefs, &c. &c., at their own expense. Their dietary is also eked out by provisions purchased by themselves. They are allowed, in some of the Hulks, to receive one shilling per week

from their friends ; while, in others, the free intercourse which is permitted with those who visit them, enables them to receive any thing which their friends may choose to give or send them ; and there are convicts who have opulent connections, or have themselves property held in trust for them. The money thus received, together with sixpence a week paid to them in part of their earnings on shore, they spend on board in the articles alluded to.

Assuming, therefore, that many of the articles so purchased, are necessaries, I think, that I am at liberty to debit the cost of the convict on board the hulks with a large portion of this 1*s.* 6*d.* per week, (3*l.* 18*s.* per annum) or to deduct from the excess of expense in the Penitentiary the greater part of the charges connected with cleanliness, as well as the cost of such part of the dietary as might be dispensed with, if the prisoners were allowed to purchase additions to their food, or receive supplies from without. It may also be remarked, respecting the dietary, that some of the articles of which it is composed, are probably much dearer at Millbank than

they would be at a distance from the Metropolis.

The establishment of officers and servants in the Penitentiary differs, in many respects, from that on board the Hulks. It has been long since discovered to be necessary, to have at the head of the former prison, as Governor, a person of a very different rank of life from that of the officers who are in charge of the convicts on the Hulks, under the title of "Overseers," or "Captains," of the Hulks. The religious and moral instruction afforded the Millbank prison, and the medical superintendence there, are also, of course, very superior to any thing which is to be found in the other places of confinement here alluded to. But these are not the parts of our Establishment on which I am disposed to lay the most stress, as increasing the comparative expense of the Penitentiary; for I do not know the salaries of the Captains, Chaplains, and Surgeons of the Hulks; and I am not sure that what is paid to the superior officers at Millbank, is materially more than the pay of the corresponding officers in the Hulks. The excess of expense on the head of the Esta-

blishment at Millbank, arises from the cost of the inferior officers. The strict discipline observed at the Penitentiary, the vigilant inspection of the persons confined in it, the nature of the reports made to the Governor respecting the conduct of the prisoners, and the accounts kept in every ward of the prison, require that the inferior officers of this prison should be of a higher class, and more in number, as well as more expensive, than those in the Hulks*. The warders in charge of the convicts at Millbank are taken, with very few exceptions, from non-commissioned officers in the army, discharged for length of service, and they are selected from the best description of those officers.

The persons employed in the management or inspection of the convicts in the Penitentiary, are also all brought into its accounts; whereas, at some of the stations, at which convicts are employed from the Hulks, order is kept among them on shore by a sentinel,

* I should say that each warder costs 12*l.* or 13*l.* more than a guard belonging to the Hulks; but I am not sure that I know correctly what is paid there.

or by some persons belonging to the dock-yard ; and, at some places, if I am rightly informed, a convict is set over each gang for that purpose, who does not himself work. Convicts are certainly employed on board the vessels in duties which are not performed by prisoners in the Penitentiary ; in all the Hulks, the Captain's clerk and the Surgeon's mate are convicts ; and in some, if not in all, there are a convict schoolmaster, a captain's servant, and a carpenter, and possibly some others, who are not paid in money, but are remunerated by indulgences, and by being kept on board the ship, instead of being sent on shore with their fellow-convicts to labour. It is not necessary to consider here whether these arrangements are more or less proper than those at Millbank ; but it is evident that they diminish the expenditure of the Hulks by the charge of between forty and fifty officers and servants at least.

It may further be remarked, that many of the expenses connected with a prison on shore, are necessarily much greater than would be incurred in the Hulks. The quantity of

fuel to warm a large prison, in which convicts are to be confined in the day time, is very different from that required in the Hulks; and there is nothing in the Hulk Establishment analogous to the charges of keeping in order above 1500 locks for cells and passages, or machinery for throwing water to the top of every part of an extensive and lofty building.

It would be a work of too much time to endeavour to enumerate the various heads of expense at Millbank, which are either created or increased by the system pursued there, but of which the propriety will not be disputed. The expence of postage, for instance, is considerable: on the first reception of a prisoner, a correspondence takes place between the Governor, and such persons as may be referred to by the convict for the purpose of shewing that he has lived honestly previous to the commission of the offence of which he has been convicted, or who may take an interest in his welfare. If a prisoner should, at any time, be dangerously ill, his friends are written to; and before a convict is recommended for pardon, although any intention of applying for the Royal Mercy on his behalf

is carefully concealed from him, yet his friends and connections are generally consulted by letter, on the manner in which he may be employed, or disposed of, after his discharge. Applications for the rewards given for a year's good behaviour, after the convict's release from prison, also bring an expensive correspondence on the Penitentiary.

It is not worth while to go into an examination of the statement of the earnings of the convicts in the Hulks in the papers laid before Parliament, as that statement, though headed as an account of earnings, is, in fact, only an estimate, and an estimate which seems to be founded on very erroneous principles, and which will appear, on a very slight consideration, in no degree to bear upon the question of what might be gained by a transfer of the male Prisoners in the Penitentiary to the Hulk Establishment *

* It is evident that any argument or remark, which may be founded on the comparative value of the work done by convicts in the two establishments, must be totally inapplicable to two-fifths of the convicts to be sent to the Penitentiary; viz. the female convicts, who could not be set to labour in the different Government yards.

The value of the services of the convicts per head, is taken in this document as being the same at every station at which convicts are employed, which is not likely to be the case. When the enquiry into this point took place in 1812, the convict labourer was considered at one station as equally valuable with a hired man; while at another, his work was not reckoned equal to more than one-fourth of the value of free labour. Assuming, therefore, that he is much less profitably employed at some stations than at others, I contend, that the earnings of the convicts belonging to those Hulks where they earn the least, should be compared with those of prisoners in the Penitentiary, with a view to any question that may be raised concerning the expediency of retaining that prison; and I do so for this reason—of course the Government have fixed at the stations, at which the services of the convicts could be used with most advantage, as many convicts as could be so advantageously employed, before they sent the remainder to places where their work is less valuable; and if five or six hundred convicts were now to be added to those in the Hulk Establishment, they must go to places

of the latter description, as the demand for services of the most valuable or profitable kind would not be increased by their transfer. That Government cannot find employment for all their convicts now belonging to the Hulks, at 9*s.* 12*s.* and 13*s.* 6*d.* per week, I think is clear, from the following circumstance: that a plan has been lately in agitation, and is, I believe, now in progress, for setting a considerable number of convicts from the Hulks on a tread-mill, to grind corn for the supply of flour to the Navy; by which they are not expected to earn above 1*s.* 6*d.* or 2*s.* per week; and, with that produce, if the employment of the convicts in that manner be desirable on moral grounds, I should say, the Public may very well be contented.

If, however, it could be made out, that all the male prisoners now in the Penitentiary might be more profitably employed in some public works in some of the dock-yards than at Millbank, which may perhaps be the case, and that they could be maintained for a few pounds per head less elsewhere, during the few years for which they are to be confined, it would not follow, that the State would be

a gainer by adopting the proposed saving, even in a pecuniary point of view, (and in no other am I now looking at this subject,) if the system of imprisonment, under which they were to be so employed and maintained, be less favourable to their moral improvement, or more likely to increase their vicious habits and propensities than that under which they are confined in the Penitentiary. A convict, who, after his release from prison, is reunited to the respectable part of his family or connections, and gains an honest livelihood by his industry, is become profitable to the community instead of being a burden to it; but he who returns into society from a prison with worse dispositions, and a greater stock of vicious knowledge, than he had when he entered it, and consequently follows such courses, as will bring him a second, or even a third time, into confinement as a criminal, will cost the country a sum, in comparison of which the single imprisonment of the former, conducted on the largest scale of expense, which it is possible to contemplate, will be trifling. If any person acquainted with the history of a convict, who has been repeatedly on board the Hulks in that charac-

ter, and who has spent the intervals between his several periods of confinement in committing depredations upon the public, will add to the charge of his several imprisonments the value of the plunder, which has been the support of his wasteful life, while he was at large, and will further calculate the expences incurred in detecting, pursuing, apprehending, and prosecuting the criminal, it will be a matter of surprise to see how large a sum of money would have been saved to the community, if his reformation had been effected, when he was in confinement under his first sentence ; and yet there would be many particulars wanting in an account so made up, which might properly find a place there, such as the expences occasioned by criminal attempts, which had not proved successful, and the loss arising from the acts of others, who had been seduced into the commission of criminal practices, by the example or solicitation of the offender, whose case we are now considering. It must be remembered while we are considering the question of the propriety of incurring a little more or less expense on account of the Millbank Establishment, that, when it shall be in full operation, more

than 200 prisoners will be annually discharged from it to become good subjects, or to be a constant source of trouble and expense to the country during the remainder of their miserable lives.

CHAPTER XII.

Of the Offenders who are the fittest objects for Confinement in the Penitentiary—Females ought not to be withheld, for the purpose of being sent abroad, to supply the want of Women in New South Wales—Boys not proper Objects for the Penitentiary—Best mode of disposing of Convict Boys.

By the 19th Geo. III. imprisonment in the Penitentiary then in contemplation would have taken place under a sentence or order of the Judge in the Court in which the offender was convicted. Prisoners are now confined in the Penitentiary at Millbank, under an order from the Crown, signified through the Secretary of State for the Home Department, commuting the sentence of transportation passed in the Court, for a term * of im-

* Viz. for five years instead of transportation for seven ; for seven years instead of fourteen, and for ten instead of transportation for life.

prisonment equal to that which would have been imposed on the convict under the Act above mentioned by the Judge. The arrangements for sending convicts to the Penitentiary under the 19th Geo. III. would have been attended with great inconvenience. The prison being incapable of receiving more than a certain number of prisoners, the number which the Judges might send from each circuit was limited. Ten might be sent from one circuit; twelve from another; sixteen from a third, &c. &c.; but it would be impossible for a Judge on one circuit to know, how many offenders his brethren might have sent from their respective circuits, and either a large portion of the prison must always have been kept unoccupied, upon the chance of offenders being sentenced to be confined there, or there might have been sometimes a greater number so sentenced than could be received. And this was the more likely to happen, as there was no direction in the Act with respect to the proportions to be observed between the males so to be sent and the females. The convicts might have been all of one sex; it might also often have happened, that a Judge who had sentenced his full number of con-

victs to the Penitentiary before his arrival at his last circuit-town, might have found prisoners there of such a description, as to make him very much lament that he had been called upon to exercise his powers in this respect at the beginning of the circuit, before he could know what he was to meet with at the end of it.

It is moreover desirable on other accounts that this matter should be left to be determined by an order through the Secretary of State. If the Court, before which a criminal has been tried for an offence which renders him liable to transportation, were to pronounce finally by its sentence, whether he should undergo that specific punishment, or should be imprisoned at home, it would be necessary to decide that point immediately on his conviction ; whereas there may be many circumstances connected with the commission of his offence, or with his future prospects in life, which ought to have an influence on that decision, but which cannot well be known till some time afterwards. Neither the offender nor his friends can be supposed to be very communicative upon such matters

before his trial ; and many inquiries which the gaoler may be directed to institute concerning him when under sentence, could not properly be made, while he was unconvicted. In many cases, the disposition and temper of the individual himself will be better understood during a short continuance by him in gaol as a convict, than it was before his trial ; the mask, which has been worn in the hope of acquittal, being generally thrown aside after conviction : and, indeed, many of the circumstances which would most clearly point out a convict as a proper subject to be placed in a Penitentiary, with a view to his eventual restoration to Society, are such as could not be brought forward in his behalf till after his conviction, as they would amount to an acknowledgment of his guilt ; such, for instance, as the fact of his having been seduced into a participation in the criminal act, by the arts of persons more advanced in age and iniquity than himself, or such interference on his part to prevent the crime from being carried to its utmost extent, as shewed that he had feelings which, if his punishment were made subservient to his reformation, might render him an useful member of so-

ciety. Neither is it possible, generally speaking, for the Judge to know any thing concerning the friends and connections of the offender on whom he is passing sentence, who, if respectably connected, is not unlikely to have taken his trial under a feigned name; and yet, upon the situation of the convict in this respect, must mainly depend the propriety of sending him to the Penitentiary. If he be friendless in his native land, or if a long course of misconduct or great depravity shall have so alienated those relations whose regard he formerly possessed, as to leave no hope that the pardon of the Crown, which may shorten his confinement for good conduct, will be followed by their forgiveness, or that they will be brought, under any circumstances, again to countenance or assist him on his discharge from prison, it will be much better, both for himself and for the country, that he should go to New South Wales, than that he should be imprisoned at Millbank. But they who have been most in the habit of communicating with convicted prisoners and their friends, know that the ties of natural affection are not always broken even by that conduct on the part of the criminal, which

has brought the greatest disgrace upon his family, as well as on himself; and that cases not unfrequently occur, in which even the Masters who have felt it their duty to prosecute persons in their service, for the sake of example, will employ them again on their release, on being satisfied that suffering and affliction have operated to produce their reformation.

I own, I cannot understand what is meant by some persons, whose station in society is such as to give weight to their opinions, when they treat all plans for the reformation of criminals as the visions of a heated imagination and misdirected benevolence, and talk of those who have once yielded to temptation, as if they could never again be trusted or employed in the ordinary transactions of life. This is not the language of persons who have learned to make due allowance for the frailties and infirmities of our common nature; nor would it be the language of those, who use it, if they were speaking of persons belonging to their own station in life, or connected with their own families. Do persons in the higher classes of society never reform?

Do men of rank and fortune never become good fathers, or good husbands, and useful members of the community, after having smarted in the earlier part of their lives for follies or vicious indulgences? And why are the lower orders of society alone to be set down as incapable of being taught by experience, and of profiting by the chastisement which their misconduct may have brought upon them? Perhaps we should reason more justly, as well as with more compassion, with regard to those below us, if we were to consider how much less opportunity they have of stopping in the career of vice or folly, than is afforded to those who move in a higher circle, particularly in the season of youth. If the son of a noble or opulent family should drink, game, or give into any other excess, or form bad connections, he may incur the displeasure of his teachers, his parents, or his guardians, he may be removed from his school or college, and may possibly be obliged to take up with some profession or line of life less desirable than that for which he was originally intended. He will, however, seldom change his situation for one more dangerous to his morals, but will probably be placed under a greater degree of restraint than

was imposed upon him before he transgressed, and among fewer inducements, than he had formerly, to transgression; whereas the apprentice, or the servant, who shall have misbehaved in the same manner, will in most cases find himself disqualified by the loss of character for any line of life within his reach, and may probably be left without any other resource than that of joining himself to the idle and dissolute, and of seeking a subsistence with them by the perpetration of some of those criminal acts, which will bring him within the censure of the law.

Surely it is no romantic expectation, to hope that the progress of many who have set out in the career of vice under these or similar circumstances, may be reclaimed by judicious treatment in a prison. It is no irrational or presumptuous undertaking, to endeavour to reconcile such offenders to their friends, and reinstate them in their former station in society; not by exempting them from the suffering which is the legal penalty of their offences, but by so administering their punishment, as to make it the means of their restoration.

It is obvious that the good effects to be produced by confinement in the Penitentiary, will be materially promoted, or retarded, by the manner in which the convicts to be placed there are selected: and it is important on every account, that whatever information can be procured respecting the history of each prisoner previous to his being ordered into the prison, should be sent up with him to the Governor and Chaplain.

Accordingly, by the 56th Geo. III. cap. 63, sect. 15, it is enacted, that there shall be delivered with every convict ordered to the Penitentiary, “ a certificate, containing his or her
 “ age, and an account of his or her behaviour
 “ in prison, before and after trial, and the Gaol-
 “ er’s observations on his or her temper and
 “ disposition, and such information concern-
 “ ing his or her connections and former course
 “ of life, as may have come to the knowledge
 “ of the Gaoler.” It is much to be lamented, however, that in general the certificates delivered under this Act contain nothing more than “ has behaved well in gaol; former con-
 “ nections and course of life unknown,” or a few words to that effect.

Having seldom been round a county prison in which I have not found the Keeper in possession of many anecdotes concerning his prisoners, and by no means indisposed to communicate his knowledge, and having understood from different officers of gaols bringing convicts to Millbank, that if particular questions were put, and an intimation were given, from authority, of a wish to have such inquiries made by Gaolers, as would enable them to answer those questions in a satisfactory manner, more intelligence might probably be obtained, I took the liberty, near two years ago, of submitting for the consideration of the Secretary of State the draft of a paper *

* The following is a copy of the paper alluded to :

Questions to be answered by the Gaoler of
for the information of the Governor of the General Penitentiary, to whom this paper, when properly filled up, is to be delivered with the caption of the convict ordered to be confined there.

1. Where was the convict tried, at what time, and before whom ?

2. What was the criminal act, for which the convict received his or her sentence, when and how was it committed, and what circumstances, if any, of aggravation, or extenuation, attended it ?

3. Was it committed alone, or with accomplices ; if with

of inquiry, which it would be greatly to the advantage of the Penitentiary to receive,

accomplices, or by the persuasion of others, does the prisoner appear to have been the most guilty party, or does the larger share of the guilt belong to some other person?

4. Were there any other charges against the convict, besides that on which the conviction took place?

5. Was the convict ever before in your prison, or are there any reasons to believe that he or she has been the subject of any former conviction, or has been in any other prison, or before a magistrate, on any former charge?

6. Did the convict call any witnesses to character on his or her trial; and, if so, what evidence was given on that head?

7. Has the convict any respectable friends or connections; and, if so, have they taken any notice of him, or her, since he or she came into prison?

8. Is the convict believed to have any connections or associates of a different description?

9. What has been the convict's course and condition of life of late years; and how is he or she supposed to have gained his or her livelihood?

10. Is the convict married, or single?

11. What is the age of the convict?

12. How long has the convict been under your charge?

13. In what manner has the convict conducted himself, or herself, during his or her confinement; and has the conduct of the party since conviction been different from his, or her, demeanour before trial?

14. Has the party ever been punished or censured in prison, for any misbehaviour either before or after trial, or been employed by you in any office about your prison?

filled up by the keepers of gaols from which

15. What is your opinion of the temper and disposition of the convict?

16. Have you reason to believe, that the convict would have preferred being sent to New South Wales; or on board the Hulks, if he had been allowed an option between these punishments, and that of being confined in the Penitentiary?

17. Can the convict read or write?

18. What religion does the convict profess?

19. Has the convict appeared to pay any attention to any instruction given in your prison, or to the advice of your Chaplain?

20. Have you any statements or observations to make relative to the prisoner, on points not particularly specified in the foregoing questions?

N.B.—This paper is to be communicated to the Chaplain attending your prison, who is requested either to add thereto any information he may be able to supply, relative to the foregoing inquiry, with such remarks as occur to him on the subject of it, or to communicate the same by letter to the Governor of the Penitentiary, as he may think fit.

To these inquiries should be added a question or two about the health of the convict. We have had prisoners sent to us who have gone straight into the Infirmary with scrofula, a disease which renders a prisoner particularly unfit for confinement within the walls of a prison, and for which a voyage to New South Wales (or, in the case of males, the Hulks,) would be the best remedy that could be ordered.

prisoners are received. Whether there is any want of authority in the Secretary of State to require such detailed information, or what other objection may exist to a compliance with my suggestion, I do not know, but I hope, that some means will be taken at the Secretary of State's office to afford us more information concerning the prisoners sent to us at Millbank than we now receive there, as well as to send us convicts of a fitter description for confinement in a Penitentiary, than a large proportion of those who have been ordered to Millbank since the re-opening of the prison in 1824.

Whatever difficulty there may be in tracing out the former course of life and connections of a convict sent to the Penitentiary, it must always be easy to send up with him some account of what passed upon his trial, and even this would be very useful. The convict, when questioned on his first arrival, is naturally inclined to complain of his conviction, and to make out a favourable case for himself—the consequence of which line of conduct on his part is, that whenever his conscience shall begin to be awakened to a sense

of his crime, and he feels disposed to take the comfort or advice which may be offered to him, his first act in the work of reformation, must be to lift up the veil of deceit in which he has sought to cloak himself, and to unsay the falsehoods, he has uttered since he came into prison, a task which is often performed with more reluctance than that of disclosing his original offence ; whereas, if the real facts of his case had been known to the Governor and Chaplain at first, he would have been saved from the guilt of the imposition which he has practised on them, and spared the shame attending the confession of it.

The accounts of the trials of the prisoners convicted at the Old Bailey, published in the Sessions Paper, afford much important intelligence on this head respecting the London criminals. I should be sorry to see a similar publication put forth respecting the trials in the country, especially of those for minor offences, such as stealing turnips, or wood, or even petty felonies ; for, if the convict, after suffering a short imprisonment in a County House of Correction, is to return home to live with his family, among his neighbours, in

his own small village, it would not be desirable that a record of the particulars of his offence should be circulated, and preserved, in such a shape, as to furnish matter of reproach or taunt against him or his children at a distant period, but I have long been of opinion, that the expense of having notes of the trials of persons indicted for felony taken for the information of the Secretary of State, and of those, to whom he might see occasion to communicate them, would be well bestowed.

In respect to the female branch of the Establishment at Millbank, it cannot but be matter of great concern to those who are anxious for the success of this undertaking, that near three-fourths of the large portion of the prison provided for females sentenced to transportation, should have remained empty since its re-opening in 1824, owing to a change which took place about that time in the sentiments of his Majesty's Government respecting the most convenient mode of disposing of convicts of that description; and that the same unfortunate preference for New South Wales, which obstructed the erection of the

Penitentiary many years ago, should be again operating after it is built, to prevent its being inhabited as it ought to be.

Representations having been made from the local authorities in New South Wales of the inconvenience felt from the transportation of large bodies of men annually to that colony without any corresponding addition to the number of females there, the Government at home have thought it expedient to attempt to remedy that evil in part by carrying the sentences of transportation passed here upon females into effect in as many cases as possible, and have with that view kept at Millbank of late little more than one-fourth of the number of female convicts for which the Penitentiary was erected, though the Pentagons built for males are all occupied. The effect of this proceeding, as it concerns the Penitentiary, is not only that a large portion of an extensive * building is rendered useless,

* Having been asked more than once as to the practicability of using one of our Pentagons, erected for the confinement of females, as a prison for boys, (which is quite impracticable) I prepared a letter to Mr. Peel last spring, "on the propriety of taking other measures for the supply of women to the settlements in New South Wales, than

and the cost of each female convict confined at Millbank is made much greater than it would be if the Establishment for which our arrangements are calculated were completed ; but the smallness of the number of the female prisoners operates (as I will shew in very few words) very injuriously on the treatment to which they are to be subjected ; relaxes and unsettles all our discipline ; and reduces the Penitentiary almost to the level of an ordinary prison.

It has been mentioned, that by the rules of the Penitentiary all convicts are placed on their reception, in separate cells in a first-class ward, to remain there until they shall become entitled to be removed to the second class, either on the expiration of the first half of the term of their imprisonment, or by being

“ that of sending thither all the female convicts sentenced
 “ to transportation, and on the expediency of forming an
 “ establishment abroad for convict boys.” But understanding, before my letter was sent, that Mr. Peel was likely to quit his office, I addressed my letter to “ the Secretary of State for the Home Department,” generally, and printed it for private circulation. Most of the reasoning in the remaining part of this chapter is taken from that letter.

selected for such advancement in consideration of their good behaviour.

It is to the portion of their confinement passed in the first class, that we must look principally for their reformation, and if the state of the prison be such as to render it necessary to transfer prisoners to the second class, who have no claim to be so promoted on either of the grounds marked out in the rules, the whole system of the Penitentiary is deranged, and imprisonment in it must lose much of its efficacy. Now there are many offices in the prison which can be performed by none but second-class prisoners, such as those of Cooks, Wards-women, and Laundry-women. These last are very numerous, as the females wash and mend for all the male prisoners, as well as for the prisoners and inferior officers in their own part of the prison, and the Laundry-wards being those in which, from the nature of the employment there, the prisoners are mixed together in the greatest numbers, and have the freest intercourse with each other, they are the wards into which the prisoners are most eager to be advanced, and in which an evil disposed

prisoner is likely to do most harm. But the operations to be performed in the laundries require so many hands, that after deducting the Wardswomen, the prisoners in the kitchen or in the Infirmary, and those, who from their age and want of strength, are unfit for the Laundry-wards, we have not more women remaining, as the prison is at present occupied, than are sufficient for the work to be done there, so that we are obliged to place in that part of the prison, prisoners whom nothing but necessity would induce us to bring forward, and what is still more injurious to discipline in these wards, in which it is most difficult to preserve good order, we are not always able to send back into the first-class wards, prisoners who have misbehaved, and whose presence in the Laundry is likely to be injurious to the others employed there.

With respect to the females themselves, who may have been sentenced to transportation for seven years, under circumstances, which afford a reasonable prospect of their being reclaimed, and restored to respectable society, if they should undergo their punishment at home in the Penitentiary, it appears

to me, that instead of being exported to New South Wales upon grounds of public convenience, they would have an indisputable claim, if sent abroad under any circumstances, to be brought home again to their native country, when the seven years should be expired, at the expense of the State, if they should wish to return. Such was the opinion of the members of the Committee of the House of Commons, which supported the system of Penitentiary imprisonment in 1811; and such was the recommendation of the Committee appointed to inquire into the manner in which sentences of transportation were executed in 1812, as will appear by the following extract from their report laid upon the table of the House by Mr. Eden, now Lord Auckland, in the month of July in that year.

“ No difficulty appears to exist among the
 “ major part of the men, who do not wish to
 “ remain in the colony, of finding means to re-
 “ turn to this country. All but the aged and
 “ infirm easily find employment on board the
 “ ships visiting New South Wales, and are

“ allowed to work their passage home ; but
“ such facility is not afforded to the women ;
“ they have no possible method of leaving
“ the colony, but by prostituting themselves
“ on board the ships, where Masters may
“ choose to receive them. They who are sent
“ to New South Wales, that their former ha-
“ bits may be relinquished, cannot obtain a
“ return to this country, but by relapsing into
“ that mode of life which, with many, has been
“ the first cause of all their crimes and mis-
“ fortunes. To those who shrink from these
“ means, or are unable even thus to obtain a
“ passage for themselves, transportation for
“ seven years is converted into banishment for
“ life ; and the just and humane provisions of
“ the law, by which different periods of trans-
“ portation are apportioned to different de-
“ grees of crimes, are rendered entirely null.
“ To see this defect in the punishment reme-
“ died is the wish of your Committee ; and
“ they trust that means may be devised to
“ facilitate the return of such women as have
“ passed their time of servitude, and are un-
“ willing to remain in the colony, either by
“ affording them a sufficient sum of money, or

“by some stipulation in their favour with
 “the Masters of vessels touching at the set-
 “tlement.”

The opinion entertained in 1811 and 1812, that females sentenced to a seven years' punishment, ought not to be turned loose at the Antipodes, without any means of getting back to their native country after they have suffered the full penalty imposed upon them by the law for their offences, though not adopted or acted upon by Government, has never, that I know of, been contradicted or discountenanced in Parliament; nor can I discover on what principle of justice their right to have some facility afforded for their return to England can be disputed.

To many of such persons the compulsory residence for the rest of their lives in New South Wales, may be no real evil, since they will probably find themselves better off there, than if replaced in this country: but there must be among the females sentenced for seven years, a large class to whom it would be a serious hardship to have this ba-

nishment for life superadded to their original sentence, by the manner in which it is carried into execution, and who ought not, therefore, to be sent to the other side of the globe, instead of being punished at home, for no other reason than that they may have this grievance inflicted upon them; or, to speak in the language of those who press for their being sent thither, because women are wanted in the settlements in New South Wales.

It is obvious, that among the females sentenced to seven years' transportation, will be found persons differing essentially from each other, both as to their former course and condition of life, and as to the degree of guilt they have contracted. Some of them have lived in the lowest haunts of profligacy, and been habitually conversant with those acts of dishonesty, for one of which they have now fallen into the hands of justice; while others have never known disgrace, or committed any crime, before their present conviction; and there are many offences which it is necessary, for the sake of example, to punish with some degree of rigour, but which

do not indicate confirmed depravity, or render the offender deserving of being cut off for ever from all hope of being restored to her friends and connections. A servant girl has pilfered articles of dress or ornaments from her mistress, or has been prevailed upon by the artifices of her sweetheart to admit him improperly into her master's house, and has at last been drawn in to participate in his scheme of robbing the house; or, without having joined in the robbery, has so conducted herself, with a view to the concealment of the imprudences on her part which afforded an opportunity of committing it, as to have had the appearance of being concerned in the criminal act; it cannot surely be reconciled to any feeling of humanity or justice, that such an offender, having friends who would be willing to receive and employ her at the end of her punishment, should be sent with a crowd of dissolute and profligate women on a voyage to New South Wales, in the hope that she never will be able to come back; while her more criminal seducer, if he shall have good luck in the Hulks, will be at large again in England at the expiration of three years and a half from



the time of his conviction. Still less can it be thought right that a married woman, who has been induced, by the temporary distress occasioned by a sick husband and helpless children, to pawn the sheets of her lodgings, or the articles which she was trusted to wash or make up, (pawning them, perhaps, in the hope of being able to redeem them before they should be inquired for by the owner,) should be separated from her husband and family for ever, although condemned only to a seven years' punishment, for the purpose of assisting in making the balance between the sexes even at Botany Bay, or in Van Dieman's Land.

It would be easy to state many cases in which great hardship would be imposed by regulating the punishment of female offenders upon a principle of political economy, instead of attending to the merits or circumstances of the offending party. Nor is there any occasion for such a mode of proceeding: if the inconveniences arising from the want of females in New South Wales be such as to call for some measure to remedy that evil, there can be no difficulty in supply-

ing the want, without violating the principles of justice or morality, or rendering useless the large expenditure which has been incurred at Millbank, (in conformity to plans originally designed by some of the best and wisest men whom this country ever knew,) in the erection of the Penitentiary.

(The number of female convicts which this prison can receive annually, when the intention with which it was established shall be fully carried into effect, will be rather more than 100; and a more numerous detachment of voluntary emigrants from this country may easily be found among women, whose removal from home would be a greater benefit to the community, and tend more to the prevention of crimes, than the transportation of the same number of convicts of the description alluded to above. There are more prostitutes in this town who are penitent, or, at least, disgusted with the scenes of profligacy, in which they are now compelled to seek a precarious subsistence, for want of other means of support, than can be received into the Magdalen, or into the other charitable Asylum for women

of this description, called "The Female Penitentiary." There are many unhappy females in this metropolis, who hardly know where to lay their heads, and who, feeling that they can no longer obtain a livelihood from the dissolute part of one sex, while they have ceased to be objects of the sympathy or bounty of the other, would gladly embrace the opportunity of escaping from the hopeless wretchedness of their condition, by consenting to go out to New South Wales, if Government would engage to assign them as servants to settlers on their arrival there, as is now done in the case of many of the female convicts, and would extend the same protection to them, which is now afforded to such convicts while in service. Or if (as I presume must be the case) it should be thought advisable to send out unmarried females, of better habits and decent character, as wives for the settlers, there can be no difficulty in finding women of this description in the lower ranks of society, who will readily embark for a distant colony on a matrimonial speculation, provided they can be assured of a temporary asylum after they shall reach the colony; to which might

properly be added, some promise of future encouragement or advantage in case of good behaviour.

Besides the supply of women for New South Wales which might be derived from voluntary emigration, there is a large class of female offenders, to whom the attention of the Legislature might be directed, as being fitter objects for compulsory banishment to those parts, than those for whose confinement at home the Penitentiary was erected. No person who lives in this town, or reads the newspapers, can be ignorant, that among the inmates of the prisons in London and in its neighbourhood, crowds of wretched females may always be found, who have been repeatedly punished as disorderly women, and as often discharged from confinement, with no choice as to the life they are to lead on their release, having no prospect open to them but that of returning to the same courses which have already brought them into prison. These miserable persons, the victims, in many instances, of base ingratitude or treachery, before they become instruments of evil to others, pass their whole time in offending, or in suffering for their offences ;

and they contribute largely, while they continue out of confinement, by their association with the vicious characters of the other sex, to the increase of crimes ; for though their own offences may amount only to misdemeanors, they teach and instigate crimes of a much deeper die, and set forward many a young man on the road to the gallows. I have seen lately the books of one of the prisons in this town, in which there are many dissolute women confined, one of whom has been seventeen times before in the same prison ; several have been ten or twelve times under punishment there, and possibly have been occasional inmates of some other places of confinement. I find that in another prison it is the practice to enter those who have been within its walls more than four times, as having been there "repeatedly," and that such entries are very numerous. The offenders here alluded to appear in general to be very young ; and unless their lives should be shortened by want or disease, must continue to be in some way or other a cause of trouble and expense in this country for many years, if suffered to remain at home. There could surely be no reasonable objection to a provision in an Act of Parliament, which

would bring women of this description within the range of the laws relative to transportation on a third conviction *, since their transfer to a distant colony would, in many cases, be as much to their own advantage, as it would be beneficial to the community here : and if, after exhausting the haunts of vice in London, Government should still be in want of more recruits for New South Wales, I am afraid that Manchester, Liverpool, and some of the other great towns in this island, (without any assistance from Ireland,) will furnish as many women of the description here alluded to as can be required.

It has been a favourite project with some persons to place convict boys in a part of

* On a third conviction they become, by the 5th Geo. IV cap. 83, " incorrigible rogues," and may be imprisoned for one year. Incorrigible rogues were liable to be transported by the 13th and 14th Car. II. By the 17th Geo. II. they might be imprisoned for two years, and (if males above the age of twelve) might be sent to serve his Majesty by sea or land. Both these statutes are repealed by the 5th Geo. IV. The abridgement of the power to punish that repetition of minor offences, which shews the offenders to be persisting in a lawless course of life, is not calculated to diminish the number of serious crimes.

the division of the Penitentiary appropriated to female convicts, and I have more than once been pressed upon that point. The obvious answers to that proposition are, 1. That no part of the prison at Millbank is so constructed as to be fit for the confinement of boys; and, 2. That the building erected for females could not be so subdivided as to allow of the occupation of part of it by males of any age under male officers, while the remainder should continue to be used for the confinement of females. I am satisfied, however, that the evils arising from the want of a proper mode of disposing of criminal boys require a remedy of a very different kind from the mere expedient of providing an additional prison for a few hundred convicts of that description in this country.

The consideration of the best mode of dealing with Criminal Boys engaged a large share of public attention a few years ago. Several persons who were Members of the Committees of the "Refuge for the Destitute," and of "The Society for the Improvement of Prison Discipline, and the Reformation of Juvenile Offenders," gave a

great deal of important information before a Committee of the House of Commons in 1819, concerning the supposed number of offenders of this description, and their practices and manner of life. Dr. Lushington estimated the numbers of "juvenile delinquents" under seventeen, in London, Westminster, and Southwark, and the immediate environs at about 8000; founding that calculation on the number of gangs of such criminals whom he had traced out, and ascertained by inquiry to be in the habit of meeting within certain districts. Whatever the number of such delinquents may have been at that time, there can be no doubt of their being much more numerous now; and there is great reason to apprehend, that this plague of juvenile delinquency will be more likely to spread, than to receive any material check, unless some more effectual means shall be adopted to arrest its progress than any now in operation.

In the last Report of the Society, the Committee state, that the number of prisoners who passed through Newgate above the age of twenty-one, during the last year, being

1262, those under that age amounted, during the same period, to 1669; and that in the House of Correction at Brixton more than half the number of prisoners were lately found to be under twenty-one. But though they seem to be fully aware of the extent of the evil, they do not appear to be taking, or proposing, any steps for the purpose of making punishment more effectual * to check or diminish it.

In 1821 I published the following remarks

* The Society appears to place great reliance on the Refuge for the Destitute, as an establishment for reformation of Juvenile offenders; a purpose to which it seems to me to have no application. The Refuge for the Destitute is a very useful institution, but it is a receptacle for such young persons as merely want employment, having already a disposition to work industriously for their daily bread, instead of living by dishonest means. It rewards those who behave well, by giving them leave to go and see their friends, and its extreme penalty for misconduct is expulsion. It is a place of refuge, not of punishment; an asylum, not a prison—and it is one of those institutions which would cease to be useful, if carried to a very great extent—if every boy who had run away from his friends, or whose parents had deserted or turned him out of doors, could be received into the Refuge for the Destitute, the institution would do more harm than good.

on the subject of young Male delinquents :

“ It is high time that the Legislature should
“ take up the consideration of the manner, in
“ which boys convicted of felony should be
“ punished. They should, in the first in-
“ stance, be placed in a separate prison,
“ under fit arrangements, and with proper
“ inspection; for they require a different
“ course of treatment from that which may
“ be effectual for the punishment of men.
“ They cannot easily be joined in hard labour
“ with men, and they are not fit objects for
“ solitary imprisonment. If they are placed
“ in single cells they will not reflect, for they
“ have no materials for reflection; and the
“ restless activity of their minds, with the
“ thoughtlessness incident to their age, leads
“ them to mischief of some kind or other, as
“ soon as they are left alone. If confined in
“ a dark cell, by way of punishment, for a
“ fault committed in the prison, they will
“ probably spend the greater part of their
“ time in sleep. When boys are to be im-
“ prisoned for grave offences, they should be
“ collected together in such numbers as to
“ allow of the constant presence among them
“ of a Superintendent, with authority to re-

“ press disorder, and with the means of call-
 “ ing down upon them prompt corporal pu-
 “ nishment, if necessary, for any act of irre-
 “ gularity or disobedience. The impudence
 “ of boys, who know that no punishment of
 “ that nature can be inflicted on them, is not
 “ easily to be repressed, though the occasion
 “ on which it may be necessary to exercise
 “ the power of administering such punish-
 “ ment, when it is known that the power ex-
 “ ists, may be very rare.

“ The question, however, which seems to
 “ me to deserve the most serious considera-
 “ tion upon this head, is not what course of
 “ treatment in prison will be fittest for boys,
 “ but whether imprisonment, in any shape or
 “ form, can be effectual to stop the growing
 “ evil of youthful iniquity. There is this
 “ difference between boys and men—the of-
 “ fences of the latter depend upon them-
 “ selves, while those of a boy proceed in a
 “ great measure from the conduct of his pa-
 “ rents; sometimes from their direct encou-
 “ ragement, oftener from their neglect. To
 “ be effectual therefore for the purpose of
 “ lessening the number of youthful criminals,

“ the punishment should apply in some mea-
 “ sure to the minds of the parents, and
 “ should carry with it some terror to their
 “ feelings. If, on the contrary, the offender
 “ is to be punished simply by being placed
 “ in a prison, where he is to be well lodged,
 “ well clothed, and well fed, to be instructed
 “ in reading and writing, to receive a moral
 “ and religious education, and to be brought
 “ up to a trade ; and if this prison is to be
 “ within the reach of the parents, so that
 “ they may occasionally visit their child, and
 “ have the satisfaction of knowing, from time
 “ to time, that all these advantages are con-
 “ ferred upon him, and that he is exposed to
 “ no hardships, although the confinement and
 “ the discipline of the prison may be irksome
 “ to the boy, yet the parents may be apt to
 “ congratulate themselves on having got him
 “ off their hands into so good a birth, and
 “ may be considered by other persons, as
 “ having drawn a prize in the lottery of hu-
 “ man life, by their son’s conviction. This
 “ reasoning is not theoretical, but is founded
 “ in some degree upon experience. Those
 “ who have been in the habit of attending
 “ the Committee of the Philanthropic So-

„ciety, know that parents have often ac-
 “cused their children of crimes falsely, or
 “have exaggerated their real offences, for
 “the sake of inducing that Society to take
 “them : and so frequent has been this prac-
 “tice, that it is a rule with those who ma-
 “nage that institution, never to receive an
 “object upon the representation of its pa-
 “rents, unless supported by other strong
 “testimony.

“The only way in which it occurs to me
 “to be possible to make the punishment of
 “the boy operate upon the minds of his
 “parents, without inflicting any unreasonable
 “severity upon the offender, is to send him
 “to a distance from them, and to make his
 “total separation from them the consequence
 “of his conviction ; which might be done
 “by sending him either immediately, or after
 “he should have received competent in-
 “struction in some prison provided for that
 “purpose at home, into one of the regiments
 “upon foreign stations, or into a new regi-
 “ment to be formed abroad for that purpose.
 “It is an act of much less severity to punish
 “a young person by sending him to a distant

“ part of the globe, than to transport an
 “ offender of a more advanced age, whose
 “ removal from the country must often be
 “ attended with the breach of ties and ha-
 “ bits, which youth has had no opportunity
 “ of forming, who may be a husband and a
 “ father, leaving a wife to suffer by his ab-
 “ sence without the legal power of marrying
 “ again, and a large family without support.

“ Another reason for sending offenders of
 “ this description abroad, may be derived
 “ from the want of any proper means of dis-
 “ posing of them after they shall come out of
 “ prison at home. Men who have committed
 “ a serious offence, have nevertheless formed
 “ connections in many cases before they came
 “ into prison, which will assist them in find-
 “ ing a situation on their discharge—they
 “ may have worked for masters, who will
 “ take them back into their service, or may
 “ have been known to others who may, from
 “ what they have seen of their power to
 “ make themselves useful, be willing to re-
 “ ceive them into their employment. At all
 “ events, they are likely to know, where they
 “ have the best prospect of meeting with

“ employment, and how to set about look-
 “ ing for it ; but boys, who have been
 “ confined as criminals, having often no con-
 “ nections of their own at all, and generally
 “ none but their parents or relations, who
 “ either could not, or would not, keep them
 “ out of mischief, before they came into pri-
 “ son, will seldom be able to find the means
 “ of obtaining an honest livelihood for them-
 “ selves, when the period of their imprison-
 “ ment shall have expired ; and I fear it will
 “ not be easy for those who may superintend
 “ any establishment, in which large numbers
 “ of young criminals shall be collected to-
 “ gether, to find proper situations for them
 “ when they shall cease to be prisoners, un-
 “ less they shall put them out with such pre-
 “ miums as shall place them on a higher
 “ footing than that of parish apprentices,
 “ which would obviously be highly im-
 “ proper.”

In 1823 I submitted for consideration the
 outline of a plan for the punishment of cri-
 minal boys, in an answer which I had occa-
 sion to make to certain strictures published
 by Mr. Western on the Penitentiary, as fol-

lows :—" The plan which I presume to sug-
 " gest is, first to provide a separate prison
 " for the reception of criminals under a cer-
 " tain age, as soon as they shall be convicted.
 " Let it not be supposed that I am going to
 " recommend another costly erection like the
 " Millbank Penitentiary, no such edifice can
 " be required for the confinement of the of-
 " fenders of whom I am now speaking. I do
 " not know whether a Hulk, properly fitted
 " up, would be less expensive than a build-
 " ing on shore ; but if it would (which I be-
 " lieve to be the case) it would answer quite
 " as well. The Marine Society have always
 " kept their boys in a vessel on the river ;
 " it is of no use to put boys in separate
 " cells *. We may as well expect them to weave

* " Nor is it easy to keep boys quiet in separate cells.
 " The Penitentiary will never be in good order if boys are
 " sent to it. It is a great mistake to confound two propo-
 " sitions so distinct as these, viz. ' that boys are the pro-
 " perest objects for reformation,' and, ' that boys are the
 " fittest objects for the Penitentiary at Millbank.' Boys
 " require a very different course of treatment and disci-
 " pline from that which should be adopted towards men ;
 " and neither the Building nor the System of the Mill-
 " bank Prison was intended or is calculated for boys. We

“ there without thread, or to make coats and
 “ shoes without cloth or leather, as to think
 “ to any good purpose without materials for
 “ reflection.

“ Of the boys who may come into this
 “ prison, a few may have respectable friends
 “ or connections, whose bond may be safely
 “ taken to receive the boy, and procure em-
 “ ployment for him at the end of his impri-
 “ sonment, and to answer for his good be-
 “ haviour for a certain time afterwards ; such
 “ bond to be forfeited on a conviction of the
 “ party to whom it relates for a felony
 “ during the period agreed upon.

“ In a case in which it shall appear, within
 “ a certain time after the offender's arrival in
 “ the prison, that such security can be given,
 “ he may be continued there, if it shall be
 “ thought fit to take the bond, until his im-
 “ prisonment shall be terminated either by

“ have now more than one boy, who can crawl through the
 “ apertures made in the iron gates of the cells for the ad-
 “ mission of the dinner cans.”

“ the course of time, or by a pardon, and
 “ may then be delivered to the person who
 “ shall have become bound for him.

“ But as to the larger class of youthful cri-
 “ minals, those who have no natural protec-
 “ tion, nor any such friends or connections as
 “ shall afford a reasonable prospect of their
 “ being able to procure an honest livelihood
 “ when they shall leave prison, if they are
 “ kept there until the end of their punish-
 “ ment, they should be sent to foreign parts,
 “ and be made useful as soldiers, or in some
 “ other way, in the service of the State : I do
 “ not mean mixed with the adult convicts in
 “ New South Wales.

“ I trust that this plan will be considered
 “ as conceived in the spirit of kindness and
 “ mercy, and not founded upon any wish to
 “ punish young persons with excessive rigour.
 “ I am not disposed to look with a very stern
 “ eye upon the offences of youth : I believe
 “ that the misdeeds of the children of the
 “ lower classes of the community proceed,
 “ nine times out of ten, from the neglect or
 “ depravity of the parents ; but the preva-

“ lence of crime committed in these days at
 “ an early age, imperiously demands, that
 “ some steps should be taken to arrest the
 “ evil in its progress, and to prevent the in-
 “ fection of guilt from spreading without
 “ limit through the rising generation.

“ There is neither humanity nor policy in
 “ turning a friendless boy loose upon the
 “ world after a long confinement, to be
 “ shunned, or at least looked upon coldly,
 “ by the respectable part of the community,
 “ while he will be embraced with eager arms
 “ by those, who being engaged in criminal
 “ and dangerous designs, are always on the
 “ look out for recruits among discharged pri-
 “ soners : and yet there is no alternative but
 “ that of thus dismissing the offender from
 “ our walls when his imprisonment shall have
 “ expired, without looking or enquiring where
 “ he goes, or of sending him abroad ; for I
 “ do not believe that any one is prepared to
 “ propose that convict boys shall be provided
 “ for at the public expense in this country,
 “ on their discharge from prison.

“ The manner in which offenders of this

“ description shall be disposed of, is among
 “ the most important questions that can be
 “ raised on the subject of our criminal law :
 “ I shall not, however, pursue into its de-
 “ tails the plan of which I have here sketch-
 “ ed a hasty outline ; since I have no inten-
 “ tion to take a part in any arrangements
 “ connected with the punishment of criminal
 “ children, having quite enough on my hands
 “ at Millbank : but shall content myself with
 “ throwing out these few hints for the consi-
 “ deration of his Majesty’s Government,
 “ whose duty it is now become to bring for-
 “ ward some measure on the subject, and of
 “ those Members of the Society for ‘ the Im-
 “ provement of Prison Discipline, and the
 “ Reformation of Juvenile Offenders,’ whose
 “ persevering exertions first brought to light
 “ the fearful extent of the existing evil, and
 “ whose opinion concerning the remedy to
 “ be applied to it, may be expected to have
 “ great influence upon the public mind.”

The Society noticed these remarks with
 approbation in their sixth Report, in a para-
 graph, which concluded as follows :—“ It
 “ would therefore be highly proper that boys

“ convicted of serious offences should be committed to a Penitentiary in this country, for a period sufficiently long to derive moral benefit from the imprisonment, and be subsequently transported to one of the Colonies for a long term, or for life.” To this passage, however, was added the following note:—“ A plan somewhat similar to that proposed is adopted on board the Hulks; but the inherent defects of the Hulk system (notwithstanding the laudable exertions that have been made to improve it) are such as to strengthen every argument in favour of a Juvenile Penitentiary.”

Now it appears to me, that the plan adverted to in this note proceeds upon the opposite principle to that which I recommended. I proposed to send abroad every convict boy who should have no prospect of protection in this country at the end of his imprisonment, as soon after his conviction, as that fact could be ascertained; whereas the boys sent on board the Hulks undergo the whole of their punishment in this country. In the Society's seventh Report they revert to their original plan of providing for the

punishment and reformation of juvenile offenders in general, by imprisonment at home. "In the case of those young offenders," they say, "who have been more than once convicted of felonies, the Committee have long been of opinion, that it would be exceedingly desirable that their imprisonment should be succeeded by transportation, combined with such arrangements as shall tend to promote the moral welfare of the youth after he shall have left the kingdom. To transport the Juvenile Delinquent to a distant shore without any previous attempt to reclaim him, would be only to perpetuate his vices, and to neglect a duty which Society owes to the most guilty of its members." I own I cannot understand why arrangements may not be devised for punishing criminal boys, and for making such punishment the means of their reformation out of England as well as in this country; and in a private letter which I took the liberty of addressing to the Secretary of State for the Home Department, last spring, after the subject of placing boys in the Millbank Penitentiary had been matter of conversation, I endeavoured to draw the attention of

Government to the expediency of some measure founded on the principle of the plan stated above, in the following passages. “ It
 “ appears to me to have been a common
 “ error in those who have proposed plans for
 “ the reformation of convicted boys, that they
 “ have limited their views to the care and
 “ management of them during their imprisonment, without sufficiently considering what
 “ is to become of them afterwards. Some
 “ would place them in the buildings formerly
 “ used as a place of confinement for French
 “ prisoners at Dartmoor; others have proposed to build a large prison for 600 of them;
 “ and Government has separated a large body
 “ of them from the other convicts under sentence of transportation, and has confined
 “ them in a Hulk at Sheerness, where they
 “ are taught to make clothes and shoes: any
 “ of these arrangements may answer the intended purpose, if we mean no more than
 “ to provide for the proper treatment of these
 “ youths, while they are in prison, the confinement in a Hulk, however, being the
 “ best, because a Hulk is cheaper than a
 “ building on shore, and quite as convenient
 “ for those prisoners for whom separate cells

“ are not required : but the real difficulty of
“ the subject meets us at the end of the im-
“ prisonment. If a number of friendless boys
“ taken from one of the gangs alluded to
“ above, after they have satisfied the demands
“ of justice, and are believed to have im-
“ bibed better principles, and contracted more
“ decent habits, than those with which they
“ came into prison, are to be turned loose
“ from the prison doors, to find their way
“ through the world as they may, we must
“ really expect miracles to be wrought for
“ their preservation, if we look to any other
“ result on their behalf, than that they should,
“ most of them, fall into the hands of their
“ former instructors and confederates in vice,
“ and relapse into their former courses of life.
“ But if situations are to be found for them in
“ this country, if they are to be apprenticed or
“ articed to respectable persons here, or sent
“ out into society under circumstances which
“ afford a reasonable hope of their doing well,
“ we shall offer a dangerous temptation to
“ parents to encourage their children to com-
“ mit crimes instead of taking pains to keep
“ them from evil, and may chance to make
“ two criminals for every one we reform.

“ It does not appear to me that Criminal
 “ Boys can be disposed of either so advan-
 “ tageously for the country, or so much to
 “ their own benefit, in any other manner, as
 “ by an arrangement which shall provide for
 “ their correction and maintenance abroad.
 “ I do not mean to suggest, that juvenile
 “ offenders should be simply transported to
 “ New South Wales after conviction, to
 “ be assigned on their arrival as servants to
 “ settlers, or employed among the convicts
 “ reserved for the service of Government ;
 “ but I contemplate the erection of a Go-
 “ vernment Establishment, either in New
 “ South Wales, or in the West Indies, or
 “ Canada, or in any foreign station, where
 “ circumstances may appear most favour-
 “ able to such a project, combining the cha-
 “ racters of a prison and an orphan school,
 “ in which such offenders may be kept for a
 “ certain time, and from which they may be
 “ either drafted into the army or navy, or
 “ employed as labourers or artificers in pub-
 “ lic works, or even placed out with indivi-
 “ duals, in the merchant service, or otherwise,
 “ as opportunities may offer.

“ The offences of youth do not degrade
 “ the offender, either in his own estimation, or
 “ in that of others, in the same degree as the
 “ crimes committed at a more advanced age ;
 “ they frequently partake as much of indis-
 “ cretion as of guilt, and they generally have
 “ their origin in the bad advice or neglect of
 “ other persons. There is, therefore, every
 “ inducement to endeavour to make offenders
 “ of this description useful members of so-
 “ ciety ; and it is principally because this is
 “ more likely to be effected abroad than at
 “ home, and because more encouragement
 “ may be given to such of them as may turn
 “ out well, at a distance from this country,
 “ than can safely be afforded to them here,
 “ that I urge their removal. It is possible,
 “ that the expense to be occasioned by such
 “ arrangements as might be necessary for this
 “ purpose, may at first sight create an un-
 “ willingness to engage in an undertaking of
 “ this kind ; but all objections drawn from
 “ such a consideration must cease to have
 “ any weight, when it is recollected, how
 “ much more per head the subsistence of
 “ gangs of boys who live by plunder costs
 “ the honest part of the community here,

“ than could be required for their conveyance
 “ and maintenance abroad. We are too apt
 “ in talking of the expenses of convicts in
 “ confinement, to forget how expensive to
 “ the Public those who undergo repeated im-
 “ prisonments are, while they are at large.

“ I do not, however, mean to say, that all
 “ juvenile offenders who may be sentenced to
 “ transportation, should be sent indiscrimi-
 “ nately out of the country. It must often
 “ happen, that the sons of reputable families
 “ will be found among the convict boys, and
 “ it might be injurious to the Public, as well
 “ as a hardship to the individual, for such a
 “ person to be separated from good connec-
 “ tions and favourable prospects here, for a
 “ youthful offence : but the number of delin-
 “ quents so circumstanced must be compara-
 “ tively few ; and in cases where the relations
 “ or friends of the offender would undertake
 “ to provide for him at the end of his impri-
 “ sonment, and could satisfy the Government
 “ that they had the means of so doing, he
 “ might undergo his punishment at home ;—
 “ with a view to enquiries upon this head, it
 “ might be proper to keep all convicted boys

“ in a well regulated place of confinement
 “ here, for a limited period after they should
 “ have received their sentence.”

CHAPTER XIII.

Of Alterations suggested, at different times, to the System of Management in the Penitentiary, (viz. of Propositions to change the Dietary,—to impose harder Labour on the Prisoners, and shorten the time of their Imprisonment—to prevent them from seeing their Friends—to allow Sports and Games in the Prison—to discontinue the practice of placing several to work together in the Second Class—to take Bonds in certain cases from persons connected with Prisoners discharged by pardon)—and of the impatience shewn for accounts of Convicts reformed.

WHEN a new system of imprisonment was introduced in this country, it was to be expected, that various opinions should be formed respecting the plan to be pursued, but so great has been the diversity of sentiment upon this occasion, that some persons have ridiculed the confinement at Millbank as unworthy the name of punishment, while others have urged the necessity of mitigating its supposed rigour.

Mr. Western, in his letter to the Lord Lieutenant and Magistrates of the county of Essex, published in 1824, and since reprinted, speaks of the system of management in the Penitentiary as one which would be “ excellent, if the inmates of our costly dwelling “ were the most unfortunate of our poorest “ and honest fellow-subjects, but which is in- “ applicable to those, who are sent thither.”

The first point, on which we were attacked by Mr. Western, in common with others, was the dietary, which, in an evil hour, we were persuaded to reduce. It is unnecessary to revert to the history of the disastrous events connected with that change. We have now got back to a dietary somewhat higher than that which was denounced for its superabundance ; but as the general principles, on which a prison dietary should be fixed, are still at times disputed, I will here state what I published on this subject in 1821, long before the alteration in the dietary at Millbank took place. “ It has been said that the prisoners live too well in the Penitentiary at “ Millbank ; and I have often been reproached “ with their being better fed than the labour-

“ ing poor in some parts of the country, this
 “ fact, the truth of which I do not deny, being
 “ considered by many as a convincing proof
 “ that they are fed too well. There are, I
 “ fear, numbers of persons in this country,
 “ who wear clothes, which are insufficient to
 “ protect them from the inclemency of the
 “ weather, or who are lodged in close and ill-
 “ ventilated apartments, or who inhabit damp
 “ and unwholesome situations, or are em-
 “ ployed at noxious trades, or work at un-
 “ seasonable hours, or are subject to other
 “ hardships or privations of the like nature;
 “ but I have never heard it contended, that
 “ these evils, from which it is not in our
 “ power to relieve other classes of the com-
 “ munity, are on that account to be imposed
 “ upon prisoners. The food of persons con-
 “ fined for offences in a prison, as well as their
 “ clothing, lodging, and employment, must
 “ be regulated with a due regard to their
 “ health, (it not being intended to inflict sick-
 “ ness or disease as a part of their punish-
 “ ment,) and the dietary of prisoners becomes
 “ therefore a medical question, connected with
 “ the circumstances of their particular situa-
 “ tion, and not a question of comparison be-

“ tween them and persons in other places or
 “ conditions of life.” In 1823, I repeated
 these sentiments in answer to Mr. Western’s
 attack upon the Penitentiary, in the following
 terms :—“ I deny that the dietary for a prison
 “ is to depend upon comparisons between the
 “ prisoners and persons in other places or
 “ conditions of life. With those who, like
 “ Mr. Western and myself, disclaim any de-
 “ sire of making the food of the prisoners a
 “ matter of indulgence, the dietary becomes
 “ a purely medical question ; the prisoners
 “ should have as much coarse food as a due
 “ regard to health shall prescribe, and no
 “ more ; and this should be settled without
 “ any reference to the quantity or quality of
 “ the provisions attainable by other persons,
 “ who are not in confinement. I lament that
 “ many persons of worth and integrity, who
 “ labour hard for their subsistence, should be
 “ compelled in this, and other countries, to
 “ take up with hard or scanty fare ; but it
 “ does not follow, because this is the case,
 “ that prisoners are to be placed upon the
 “ same footing ; or that all the sufferings,
 “ hardships, or privations, from which we
 “ cannot rescue free men, are to be inflicted

“ upon persons in confinement. I do not
 “ believe that Mr. Western would consent to
 “ dress his prisoners at Chelmsford in tattered
 “ garments, because virtue and honesty are
 “ often met in rags out of prison. Nor would
 “ he consider it as a sufficient reason for the
 “ introduction of noxious trades and occupa-
 “ tions, which have a tendency to shorten
 “ human life, into the gaol, which he now
 “ proposes to build, that they are exercised
 “ by large classes of men, in some instances
 “ from necessity, and in others from choice.
 “ I shall probably encounter some portion of
 “ ridicule, as well as of disapprobation, when
 “ I presume to contend in favour of a hot
 “ breakfast for criminal prisoners; but so long
 “ as I shall find it to be the general opinion
 “ of the medical men, with whom I may con-
 “ verse upon this subject, that gruel in the
 “ morning will materially conduce to the
 “ health of the prison, I shall continue to
 “ think this an essential part of the dietary
 “ at the Penitentiary, though I am well aware,
 “ that many thousands of his Majesty’s honest
 “ and industrious subjects must eat their
 “ provisions cold.”

Mr. Western next objected to the treatment of our prisoners at Millbank, that their work was not sufficiently laborious, describing the Penitentiary as a place, where "felons" were petted and nursed like young children;" and he urged the expediency of employing convicts of that description in hard labour constantly during the hours of work, under a notion, that by increasing the irksomeness and intensity of the labour, we might be able to shorten the duration of the imprisonment, without lessening its efficacy in regard to reformation.

It appeared to me, however, that Mr. Western's plan of severe labour, and short periods of confinement, is better suited to Houses of Correction, in which it is now adopted for the punishment of such offences as come oftenest under the cognizance of County Magistrates, and as are most commonly committed by persons engaged in agricultural occupations, accustomed to hard labour, and capable of enduring it, than it would be to a Penitentiary.

When Mr. Western has put offenders to

hard labour for stealing turnips, breaking hedges, poaching by day, breach of contract by servants in husbandry, and idleness, (which, though the fruitful parent of vice and crime, does not in itself constitute an offence, upon which the law can pour out much of its wrath,) what more severe work will he discover for those whose misdeeds are of a graver character? for the burglar, and the trained thief, for him whose rashness or passion has destroyed the life of his neighbour, or who has perpetrated those acts of fraud, which indicate a total disregard of all moral obligation, and take away all confidence between man and man? Upon this subject I argued in 1824 *, as follows :

* If it is asked, why I have not discussed the subjects mentioned in this chapter more regularly, instead of quoting passages from former publications concerning them, I can only answer, that the state of my health has of late been such, that the composition of this volume, put together as it is, has been attended with quite as much exertion as I am able to bear. Those who publish for profit, or for fame, may be expected to put forth their works in such a shape as to stand the test of criticism, but I am simply endeavouring to give information concerning an Establishment, in the erection and conduct of which I have been concerned from its commencement; and which I, in common with all those who are much acquainted with

“ Hard labour, if it is to be pushed to the
 “ uttermost, will not be found so universally
 “ applicable to all offenders as may, on the
 “ first view of the subject, be supposed.
 “ Many of those, whose crimes shall call most
 “ loudly for the vengeance of the law, may
 “ have been born and bred in great towns,
 “ may be persons of sedentary habits, who
 “ have never done a day’s hard work, or
 “ taken a day’s severe exercise, in their lives ;
 “ and not a few will be found to have so in-
 “ jured their health and constitution before
 “ they came into prison, as to be incapable of
 “ a long course of bodily exertion. Even in
 “ the Essex House of Correction, Mr. Western
 “ may happen to find that the degree of hard
 “ labour with which he means to ‘ exhaust
 “ the strength’ and ‘ depress the animal spi-
 “ rits’ of the offending peasants, may prove
 “ too much for the less hardy manufacturer,
 “ who may be treading on the same wheel ;

it, believe to be calculated to be of great public advantage,
 if properly countenanced. I am therefore executing the
 task which circumstances impose upon me, as I am able,
 rather than as I could wish, and this must be my apology
 for much that might otherwise appear like haste or negli-
 gence.

“ and it will not be so well, that the turnkeys
 “ should have to determine how long the
 “ powers of nature shall be suffered to flag
 “ and droop, before the tired individual shall
 “ be removed from his companions. It must
 “ also be remembered, that if we miscalculate
 “ but in a slight degree the ability of the in-
 “ dividual whom we thus mean to press to his
 “ utmost exertion, if we strain his sinews be-
 “ yond their proper tone but for a short time,
 “ if we over-task his strength but a little, we
 “ shall probably have upon our hands a patient
 “ to maintain at the public expense in the
 “ infirmary, instead of a criminal to punish
 “ by prison discipline. I am satisfied, that
 “ Mr. Western will not be able to carry hard
 “ labour to the extent which he appears to
 “ contemplate, although I admit that he may
 “ make much more use of it in a County House
 “ of Correction, than would be consistent
 “ with our general system in the Millbank
 “ Penitentiary.

“ Mr. Western says, that ‘ he would rather
 “ ‘ take a culprit for a servant, after six months
 “ ‘ real hard labour prison discipline, than after
 “ ‘ three years in the Penitentiary ;’ and he

“ speaks in different places, of the advantages
 “ of short periods of confinement under proper
 “ management. Upon some subjects we are
 “ certainly wiser than our forefathers: we
 “ have made great progress in many sciences,
 “ and in the arts and contrivances by which
 “ man commands the material world; we can
 “ enable one person to do what used to be
 “ the work of many, and can perform in hours
 “ or days, operations which, in ancient times,
 “ it required months or years to accomplish;
 “ we plough with fewer horses than formerly,
 “ we have improved instruments for cleans-
 “ ing the soil, we know how to sow, or plant
 “ the grain, in such a manner as to produce
 “ more abundant harvests, but we are not
 “ able in the same degree to increase our
 “ powers over the human mind; bad habits
 “ are now, as in days of old, hard to break,
 “ and good ones still continue to be of slow
 “ growth. I look therefore with more curio-
 “ sity than hope to that perfection of prison
 “ discipline which is to accelerate the slow
 “ process of the Millbank Penitentiary. Mr.
 “ Western is a sensible man upon all subjects,
 “ and a very skilful agriculturist, but it is only
 “ within these few months that he appears to

“ have looked into prisons ; and I own I do
 “ not place much reliance upon his discove-
 “ ries in moral husbandry. I doubt his being
 “ able to convert a barren waste in the heart
 “ of man into good ground, within six months ;
 “ I do not believe, that he will eradicate vice
 “ and folly, and bring the seeds of virtue to
 “ maturity, in a less period of time than that
 “ which he would require for the production
 “ of a crop of barley or wheat. I suspect that
 “ his projects upon this head must be classed
 “ among the illusions which men of talent are
 “ apt to make to themselves, when they enter
 “ upon a new subject or pursuit, and imagine
 “ that they shall be able to improve every
 “ thing they find, and to change at once, for
 “ the better, those arrangements and prac-
 “ tices, with which they are not sufficiently
 “ acquainted to appreciate their merit, or
 “ fully to comprehend the reasons on which
 “ they are founded. In Mr. Howard’s days
 “ there appear to have been persons who
 “ thought that one or two years passed in a
 “ well regulated prison would be sufficient to
 “ reform a convict, for a power to send of-
 “ fenders for such periods to the Penitentiary
 “ House was contained in the 19th Geo. III.

“ Mr. Howard, however, was not of that opi-
 “ nion ; he says in his last publication, that
 “ this provision must be altered : ‘ such cri-
 “ ‘ minals,’ he observes, ‘ seem more proper
 “ ‘ for the County Houses of Correction, for
 “ ‘ is it possible to think of any reformation
 “ ‘ in a convict’s behaviour, that is likely to
 “ ‘ prove lasting, in the compass of a year ?
 “ ‘ I could wish to have all such as are not to
 “ ‘ remain in a Penitentiary House five years
 “ ‘ at least, disposed of in some other man-
 “ ‘ ner.’ And Mr. Howard, to an ardent zeal
 “ for the improvement of prison discipline,
 “ and long experience and observation upon
 “ that subject, united, (as I have always heard,
 “ and as I think I perceive in his writings,)
 “ much knowledge of human nature. Even
 “ within our own short experience at Mill-
 “ bank, there have been prisoners, both males
 “ and females, whose obduracy the first years
 “ of their imprisonment did not subdue, of
 “ whom we have nevertheless had reason to
 “ form very favourable expectations in the
 “ subsequent part of their imprisonment.”

Mr. Western further contended, that “ the
 “ visits of friends should be prohibited wholly

“ in all cases in which imprisonment is a sub-
 “ stitute for transportation.” A proposition,
 against the adoption of which I protested in
 the following passage : “ Why are all the ties
 “ of nature to be broken in the case of a man,
 “ who after a confinement of some years, is
 “ to return again to live among his relations ?
 “ Why are we to begin the work of reforma-
 “ tion, by endeavouring to deaden the best
 “ feelings of the human heart ? It is neces-
 “ sary to cut off the intercourse of the pri-
 “ soner with bad connections, to exclude
 “ from his sight, and from his recollection, if
 “ possible, all, who have been the associates
 “ of his former vices, or the accomplices of
 “ his crimes : but it is surely as much for the
 “ interest of the public, as it is for the bene-
 “ fit of the individual, that he who has been
 “ criminal, should be reunited on his dis-
 “ charge from confinement to such friends as
 “ are respectable ; and that we should not
 “ widen the breach between him and any
 “ creditable member of his family, who may
 “ be disposed to look upon him with kind-
 “ ness upon his restoration to society, and to
 “ receive again the prodigal son, when he
 “ shall have been taught wisdom by his suf-

“ ferings. I have indeed always considered
 “ and spoken of the Penitentiary as particu-
 “ larly suited for the reception of those con-
 “ victs, who have friends and connections
 “ able and willing to assist them on their re-
 “ turn into the world ; if an offender shall be
 “ utterly friendless when he turns his back
 “ upon our prison, it would have been better
 “ both for the country and for himself that
 “ he should have been transported than that
 “ he should have been kept at home.”

There have been, however, and possibly still are, persons who take the opposite view of these subjects to that presented by Mr. Western, and who are desirous of mitigating the system of discipline in use at Millbank, rather than of making it more rigorous. The Quarterly Review, in an article in which it gave an account of the management of convicts in the Penitentiary, prefaced its description by observing, in regard to the effect, which such a system of confinement might be calculated to produce upon the mind of the prisoner, that
 “ the thought of five years of such life as it
 “ was about to describe, is almost too heavy
 “ a burthen for one who, perhaps, has never

“ been accustomed to carry his ideas beyond
 “ the setting of the sun over his head.” And
 the Report of the Committee of the House
 of Commons, which inquired concerning the
 Penitentiary in 1824, contains the following
 passage :

“ Referring to the evidence of Sir Gilbert
 “ Blane and Sir Henry Halford on the effect
 “ of cheerfulness and innocent recreation
 “ upon health, your Committee wish to throw
 “ out, for the consideration of those who ma-
 “ nage the Penitentiary, whether it might
 “ not be proper that a greater degree of per-
 “ sonal relaxation should be allowed to the
 “ prisoners, than is enjoyed by them under
 “ the present system ; and whether some
 “ kinds of games or sports might not be per-
 “ mitted during a portion of the day.”

I was certainly surprised that Mr. Wes-
 tern should have republished his strictures
 upon the Penitentiary, without any altera-
 tion after this Report of the Committee of
 the House of Commons, instead of lending
 his assistance to guard that discipline which
 he considered as already too relaxed, from still

further relaxation, and uniting with us in the common cause of preventing the decorum and gravity of a criminal prison from being invaded and disturbed by the introduction of sports and games, of balls, battle-dores, and shuttle-cocks. Upon this point I expressed myself in my second vindication of the Penitentiary, published in 1825, as follows:

“ The advocates for these innovations
 “ found their recommendation of them upon
 “ a view of the subject, which is well calculated to produce an impression upon the
 “ public mind. They assume, that the system pursued at Millbank is likely to create
 “ despondency, and to sink the spirits of the
 “ prisoners to such a point of depression, as
 “ may possibly prove injurious to their health,
 “ unless some amusement shall be presented
 “ to them, and their feelings shall be excited
 “ and invigorated from time to time by scenes
 “ of gaiety. This supposition, however, is
 “ not confirmed by any fact, but is contradicted by the experience of all those who
 “ are conversant with the prison. My attention has been anxiously fixed upon the Penitentiary since its first opening in 1816 ;

“ during a considerable part of each year, I
 “ have seldom passed two days together with-
 “ out going into the part of the building oc-
 “ cupied by prisoners ; and while absent from
 “ London, I have been in constant communi-
 “ cation with some or other of the principal
 “ officers in charge of them. I certainly never
 “ observed myself, nor heard from others, that
 “ despondency or dejection of mind was com-
 “ mon in the prison : it is not, I presume,
 “ either to be expected or to be desired, that
 “ these persons should exhibit in their de-
 “ meanor the gaiety of school-boys. The
 “ most usual causes of despondency out of
 “ doors, viz. want of occupation, and that las-
 “ situde of mind which succeeds to the ex-
 “ citement occasioned by the immoderate use
 “ of spirituous liquors, or by a very great de-
 “ gree of exertion, mental, or bodily, cannot
 “ occur at Millbank ; reflections calculated
 “ to depress the spirits, founded on remorse
 “ of conscience for past misconduct, or on
 “ mistaken views of religion, or on regret for
 “ the alienation of friends, or the loss of
 “ credit and character, may certainly be ex-
 “ pected to operate in the Penitentiary ; but
 “ the operation of these causes of dejection

“ on the mind, (useful and desirable to a cer-
 “ tain extent,) is restrained within its pro-
 “ per limits, under our system, by the inter-
 “ course between the prisoner and the Chap-
 “ lain ; by the use of such books as are cal-
 “ culated to encourage, rather than terrify
 “ the repentant criminal ; by the hope of
 “ being reconciled to friends, and the pros-
 “ pect of being restored to society. It must
 “ be remembered, that the Chaplain is always
 “ at hand, in case his attention shall be parti-
 “ cularly required ; and if the prisoner, in-
 “ stead of applying in that quarter for con-
 “ solation, should be inclined to abandon him-
 “ self to sorrow, or give way to feelings of
 “ resentment or sullenness, his state of mind
 “ would either attract the notice of the Chap-
 “ lain himself, or would reach him through the
 “ Warder of the prisoner’s ward, or through
 “ some of the other officers of the prison, by
 “ whom the prisoners are occasionally seen in
 “ the course of the day *. And it may further

* “ Besides the attention which the prisoner receives
 “ from his Warder, and from the Taskmaster of his Pen-
 “ tagon, he comes under the frequent observation of the
 “ Governor, the Surgeon, the Master manufacturer, and

“ be remarked, that if there should be any
 “ thing in a letter received for a prisoner of a
 “ nature to grieve or annoy him, such as the
 “ information of the loss of a near relation or
 “ friend, or any harsh or unfeeling observa-
 “ tions from his correspondent upon his past
 “ conduct, (a circumstance by which the
 “ minds of the prisoners are sometimes much
 “ disturbed,) the Chaplain, who reads all let-
 “ ters intended for prisoners before they go
 “ into the prison, would deliver such a letter
 “ in person, that he might accompany its de-
 “ livery with such arguments of consolation
 “ or advice as the occasion should require.

“ I do not mean to dispute the position
 “ laid down by the Physicians referred to in
 “ the Report of the Committee of the House
 “ of Commons, that recreation and amuse-
 “ ment of every kind promote health. I do
 “ not doubt the correctness of Sir Gilbert
 “ Blane’s observation, that ‘ dancing and mu-

“ the Keeper of the mill or water-machine; he is also in
 “ constant communication with two at least of his fellow-
 “ prisoners, viz. the Wardsman of his ward, and the In-
 “ structor in manufacture: in the second class he has com-
 “ panions all day in his cell.”

“ ‘sic, and such like recreation, would con-
 “ ‘tribute to health,’ or of the answer made
 “ by Sir Henry Halford in the affirmative, to
 “ a question put by one of the members of
 “ that Committee, ‘Whether, if the prisoners
 “ ‘had permission to play about with battle-
 “ ‘dores and shuttle-cocks, or ball, such
 “ ‘amusement would contribute, by its gaiety
 “ ‘and cheerfulness, to their general health.’
 “ There needs no one from the College to
 “ prove that mirth and amusements are fa-
 “ vourable to health: so is change of air;
 “ and I recollect its being suggested to me
 “ some time ago, that it would be advisable,
 “ with reference to the health of our prison-
 “ ers, to have always one or more hulks as a
 “ part of our permanent establishment, sta-
 “ tioned at some distance from Millbank,
 “ down the river, to and from which all the
 “ convicts might be removed in their turns;
 “ so that each might be resident for a part of
 “ the year in town, and during the remainder
 “ in a different atmosphere. I never denied
 “ the tendency of such a measure to keep the
 “ prisoners in good health, any more than I
 “ did that of a project to provide a certain
 “ number of skipping-ropes for each ward

“ in which female prisoners were confined,
 “ and of having the females taught to skip;
 “ a proposition not thrown out loosely in
 “ an accidental conversation, but which was
 “ repeated and pressed upon my attention
 “ by a person whose connection with the Pe-
 “ nitentiary gave him a claim to be listened
 “ to with respect, (not a member of the Com-
 “ mittee,) and which, I have reason to be-
 “ lieve, if mentioned in the Committee of the
 “ House of Commons, would not have been
 “ entirely without support in that quarter.
 “ The error, into which those, who would in-
 “ troduce these innovations, seem to me to
 “ have fallen, is, that they confound what is
 “ *conducive* to health, with what is *essential* to
 “ health. It cannot surely be expected, that
 “ every practice which is conducive to health
 “ is to be permitted to criminal prisoners,
 “ without any consideration of the place in
 “ which they are, or of the purpose for which
 “ they came there. If such prisoners are to
 “ have every indulgence which is of a nature
 “ to contribute to health, they will be upon
 “ a much better footing in this respect than
 “ any other class of his Majesty’s subjects.
 “ Who is there, in any walk of life, who can

“ regulate all his motions and actions with
 “ reference to health alone? The labourer
 “ in husbandry finds himself compelled to
 “ perform his daily work—to plough, and to
 “ sow, exposed to the inclemency of the wea-
 “ ther; the manufacturer often pursues his
 “ sedentary occupation in close and crowded
 “ rooms, with less intermission, and fewer
 “ opportunities of taking exercise than could
 “ be desired; even those who carry on the
 “ business of the nation in the highest sta-
 “ tions, are often compelled to use more
 “ exertion, and be contented with less re-
 “ laxation than a physican would prescribe
 “ for health:—every calling and profession
 “ has its peculiar advantages and disadvan-
 “ tages in regard to health, as well as in other
 “ respects. The prisoners in the Peniten-
 “ tiary have the advantages of a warm and
 “ dry lodging,—of sufficient clothing,—of
 “ good food, and regular meals,—of rest un-
 “ broken during the night,—of occupation
 “ varying repeatedly during the day from the
 “ operations of manufacture in their cells, to
 “ exercise in the air, consisting partly of walk-
 “ ing exercise, and partly of such exertion at
 “ a mill or water-machine, as is calculated to

“ bring all the muscles of the body into ac-
 “ tion without over-fatiguing them, and to
 “ excite a certain degree of perspiration.
 “ There are undoubtedly other advantages
 “ which we cannot give them, without de-
 “ parting altogether from the character of the
 “ prison, and discarding from our minds all
 “ idea of its being a place of punishment for
 “ serious offences. We cannot allow the pri-
 “ soner to drive away care and thought by
 “ dancing, or singing, or whistling like a cob-
 “ bler in his stall, nor to play at battle-dore
 “ and shuttle-cock, or ball, (expedients which,
 “ by-the-bye, are not very generally resorted
 “ to for that purpose by his countrymen out
 “ of prison;) in short, we cannot banish from
 “ a Penitentiary those feelings and reflections
 “ which lead criminals under punishment to
 “ repentance, and admit Mirth with her train
 “ of sports and games in their stead.”

Another suggestion which has been offered
 for improving our discipline, is to discontinue
 the practice of placing the prisoners of the
 second class to work in small companies, and
 to keep all of them in separate cells by day,
 as well as by night, except in those parts of

the prison in which operations are carried on requiring the association of several persons, and in which an officer is constantly, or at least generally, present among the prisoners; such as the kitchens, the bakehouse, the laundries, the shed, in which yarns are prepared for the weavers &c. I am sensible, that a Warder who has the charge of a second-class ward, consisting of eight or nine cells, in each of which several prisoners are working together, can hardly observe his prisoners so narrowly as to ensure strict propriety of conversation and demeanor. I admit, therefore, that, although prisoners are more closely inspected at Millbank than elsewhere, the inspection of our second class is still imperfect; and I fear it cannot be denied, that instances have occurred, in which the mind, that has been weaned from guilt in the first class, has been again perverted in the second.

If it shall appear hereafter, that these cases are frequent, it will not be difficult to make such alterations and arrangements as may enable us, without diminishing the number of convicts confined, to employ more of them in

separate cells, either by altering some of our wards in such a manner as to increase the proportion which the cells of the first class bear to those of the second, or by changing our rules so as to allow of our keeping some of the second-class prisoners in their night-cells by day, or by throwing into one several of the second-class day-cells, and congregating so many second-class prisoners together, as to admit of the presence of an officer in each cell so enlarged. Sir George Paul urged the propriety of keeping the prisoners in separate cells during the whole of their imprisonment, and protested vehemently against the association of prisoners in the second-class cells, when he was consulted by the Committee of the House of Commons on the subject of the Penitentiary in 1813; but his sentiments upon that point were stated to be founded on the authority of others, and did not produce any impression. Time only and further experience can shew how far any of the measures here alluded to may be expedient; but they are practicable, if required.

When the last Act for the better regula-

tion of the Penitentiary (the 7th and 8th Geo. IV. cap. 33.) was brought into Parliament, it was proposed to have a clause in it to enable the Governor, before a convict should be recommended as an object of the Royal mercy, to take a bond, under the direction of the Committee, from any of his friends or connections who might be willing to enter into such an engagement, that he should not commit a felony for a certain time after his discharge, or that he should go abroad on his release, or that they would furnish him with means of leaving the country, or would find him employment at home.

It frequently happens that the friends of prisoners, who have been long enough in confinement to hope for pardon, are profuse of their promises of what they will do for them after their discharge, and are quite ready to undertake on their behalf, that they shall not again come under the censure of the law. The object of the proposed clause was to attach a legal responsibility to such promises and undertakings, with reference to the parties so stipulating; it met with some disapprobation at the

Secretary of State's office *; and as the Session was hurrying rapidly to its close while the Bill was in progress, the Committee chose rather to acquiesce in the omission of it, than to risk the failure of the Act itself, by a protracted discussion on this particular provision. I am, however, still of opinion that such bonds would be found useful; and I would not confine them to the cases of convicts to be pardoned from the Penitentiary.

There is an interval of time between the commencement of every difficult and expensive undertaking, and its coming into full operation, during which those, who are engaged in the conduct of it, must expect to be assailed with questions, that they cannot an-

* I do not attempt to explain the grounds of objection, for I never understood them; and I really believe that some misapprehension existed upon the subject. It may be contended that such bonds would not be very frequently given, but the power to take them would, on that supposition, do no harm, and it would prevent much misrepresentation in respect to the future prospects of the prisoner. It never was intended, that such bonds should be required generally, before prisoners should be recommended for pardon.

swer, and reproaches, which are undeserved ; and they must not be surprised, if some of the first promoters of the scheme, having been over-sanguine in their hopes, should be among the foremost to use the language of disappointment and complaint, and should afford to others, who originally opposed it, the opportunity of saying, “ that even its “ friends give it up as a failure.” But let those who neither adopt nor abandon measures from the impulse of the moment, recollect the nature of the Penitentiary, and consider what means they have yet had of judging of its effects.

The history of this Establishment divides itself into two periods, the first of which commences with the reception of Females into a small portion of the prison in the summer of 1816, and of some Males in 1817, and ends with the removal of all the prisoners from Millbank in 1823 and the beginning of 1824, and the subsequent release of all the Females from vessels at Woolwich, and transfer of the Males to the Hulks. The proportion of convicts discharged during this period, (either at

the regular expiration of their terms of imprisonment, or by pardons,) who proved to the satisfaction of the Committee, at the end of a year after they had left the prison, that they had conducted themselves properly, and accordingly received rewards for good behaviour, was one-third; but it is due to the Penitentiary to advert to various circumstances connected with that portion of its history. When it was first opened in 1816 and 1817, it formed a very insecure and imperfect prison, one-third only of the intended building being then completed. Portions of it intended for one purpose, were necessarily used at first for another, and arrangements were introduced, and practices resorted to, with reference to the safe custody and treatment of the prisoners, their employment in manufacture, and their religious and moral instruction, which could only be matter of experiment, and were either to be formed into parts of a permanent system, or to be discontinued, as might at some future period be found expedient. The officers consisted of a number of individuals previously unknown to the Committee, and to each other; who had never seen the inside

of a prison in their lives, and who were altogether without information or experience in the kind of employment for which they were taken. We ourselves, (the Committee,) had some lessons to learn, and among others, that difficult one of not giving credit too soon to the appearances of contrition in prisoners, and becoming too much interested in those whom we might flatter ourselves we had amended. The convicts themselves were, many of them, individuals of the most dissolute and profligate habits, who, having undergone a considerable portion of their sentences in other prisons, had acquired more vicious sentiments and inclinations in those prisons, than they brought originally with them into confinement; and had less time to remain in the Penitentiary, than was sufficient to correct what they had learned amiss elsewhere. Of the difficulties and disadvantages imposed upon us by the state of the buildings, and the constant neighbourhood of the workmen employed in finishing the prison, no person can form a competent notion, who is unacquainted with our early history; and it should, therefore, be remembered, that the prison, even in those parts which belong to prisoners, was

not completed till the beginning of 1822, at the close of which year came upon us the visitation of that cruel pestilence, which blasted for a time all the fruits of our labours, and of the large expense incurred in this undertaking by the public—disturbed all the arrangements and regulations of the Establishment—gave us the peevishness of sickness to contend with in addition to the ordinary impatience of restraint to be expected from prisoners, while it took from us all power of enforcing discipline, by converting the Penitentiary from a place of punishment into an hospital; and finally made it necessary for us to remove all the prisoners, and to cleanse and fumigate the parts of the buildings occupied as a prison, for a new set of convicts. I should therefore say, that in stating the proportion of discharged convicts who have received rewards for good behaviour, we ought in fairness to exclude from our consideration the cases of those who were released, either from Millbank or from Woolwich, during 1823 and 1824, and confine ourselves to the prisoners discharged previous to the great increase of the sickness above alluded to, in which case the result of the inquiry would

prove much more favourable to the Penitentiary.

It is too early yet to inquire, what effect has been produced by the system pursued at Millbank since the re-opening of the prison in June 1824, two convicts only having been discharged before the spring of last year, nor will I attempt to conjecture how many of the 81 convicts pardoned in the course of that year, (most of them at the latter end of it,) may obtain the rewards alluded to above; but we must not limit the number of those who have derived benefit from the treatment they have experienced in the Penitentiary, to those who may prefer such a claim, and establish it to our satisfaction; for it will often happen, that discharged convicts, who have respectable friends or connections, will be enabled by their assistance to leave this country, and begin the world anew in some of our colonies, or other distant parts, where their former disgrace will not be known, and others (especially among the Females) who are doing well in the world, living perhaps in families where the fact of their having been inmates of a prison is a secret, may naturally feel un-

willing to risk an inconvenient disclosure by an application for a reward of two or three pounds. A fairer estimate of what may have been effected in the way of reformation, would be afforded by a list of those who may be discovered to have turned out ill, the list not being confined to those who have again fallen under the censure of the law, but including in it all, concerning whose misconduct we have received intelligence entitled to belief. These persons cannot elude observation in the same manner with those, who may be quietly pursuing their humble course of honest industry, and exercising in silence those ordinary duties of life, the performance of which does not attract the notice of society, like the illegal acts and outrages of the criminal.

It is highly desirable that the course pursued by the convicts who may leave the Penitentiary, should be traced out in as many cases as possible, and that the information collected should in some shape or other be brought fairly before the public, great care being taken to avoid injuring, by our investigations or disclosures, the individuals who may be the objects of them. It will not,

however, be easy to form a competent opinion upon the efficacy of the means used at Millbank to produce reformation, until the system shall have been for some years in operation.

The hasty judgment which imputed to the Penitentiary that it was unhealthy, has been corrected by time and experience, and I trust that the same tests will equally convict those of error, who may be disposed to pronounce without waiting to see its effects, that it is useless. I cannot claim to be considered as an impartial judge upon this subject; and I may possibly attach more importance to this institution than it deserves, but I certainly think, that the best hope of diminishing crimes in this country will be mischievously discountenanced, if the Penitentiary shall be rashly condemned; and I cannot account for the indifference, I had almost said, the dislike, with which it has, from the first, been viewed by some of those from whom particularly it might have expected favour and encouragement. I allude to those persons who are calling upon the Legislature with so much vehemence to make the Statute

Book less sanguinary. It seems to be the opinion of many of them, that the law may be allowed henceforward to relax its rigour, for that education * will so improve the dis-

* We deceive ourselves, if we imagine that education is productive of unmixed good, and that all its effects and tendencies are in favour of moral improvement. It may be doubted, whether the general practice of reading is not now operating to weaken authority, and multiply crimes in this country, rather than otherwise, owing to the present state of the Public Press. The constant details of acts of vice and profligacy which are circulated in the newspapers, through every hamlet and village in the kingdom, are not calculated to raise the standard of the national character—nor is the tone adopted in these publications respecting the ancient laws and institutions of this country, in Church and State—the disrespectful manner in which the Members of the two Houses of Parliament, and the two Houses of Parliament collectively, and sometimes the Crown itself, are mentioned—the liberties taken with the Justices who act with salaries in London, and the sneers and invectives poured out against those who administer the law gratuitously in the country, called, by way of derision, “the unpaid,” likely to make men good subjects, or to incline them to “honour and obey the King, and all that are put “in authority under him.” The press formerly looked for its support to the higher classes of society; the bulk of readers and purchasers are now of a lower description, and a large portion of modern literature is accommodated to the taste of its new patrons. I am afraid also, that

positions of the people in this country, as to render either the infliction, or the threat, of its severe penalties unnecessary. I do not, however, yet perceive the approach of the day, in which the frame of civil society is to be held together merely by religious and moral considerations, and I own I cannot entirely abandon myself to the exultation expressed by the Committee of the Society for the Improvement of Prison Discipline, at the “repugnance of the Public, and the forbearance of the Government to enforce the penalty of death,” when it is observed, in the same sentence, that during the periods in which these changes have taken place, “the num-

the value of knowledge itself is over-rated, when it is supposed to afford a security for peace and good order in a community. The most active promoters of the French Revolution, the Regicides themselves, the worshippers of the Goddess of Reason, were not ignorant, uneducated men; on the contrary, they were persons of great literary attainments, of splendid and highly cultivated talents, and among the foremost in the ranks of philosophy and science; and the History of the most enlightened nation on the earth, (Great Britain excepted) exhibited, not many years ago, a series of crimes that would hardly have been perpetrated by a rude tribe of savages in one of the Islands of the South Sea.

“ber of criminal offences has materially increased.”

If the persons who associated in 1802, in the hope of abolishing capital punishments, and those who go along with them, so far at least as to be prepared for the repeal of the statutes which hold out death as a punishment for offences against property, mean to be considered as Statesmen or Legislators, or even as men of ordinary prudence, they should promote, by every effort in their power, all attempts to render transportation and imprisonment effectual to their objects, in the first instance ; instead of endeavouring to enlist the passions of the people on their side of the question, to bring the existing laws into discredit, and to deter Prosecutors, Witnesses, and Jurors, from doing their duty, by declamations against the cruelty of shedding human blood, and by a tone of argument which implies that they possess, in a greater degree than other men, the feelings of humanity ; and I must say, that it is difficult to recognise, as of Christian growth, that humanity which displays so much tenderness, as is shewn by some of the advocates for a

change in the criminal law of this country, respecting the bodies of men, but which takes so little account of their souls, and which, while it shrinks from the infliction of corporal punishment, and sickens at the thought of abridging the duration of human life by the hand of the executioner, feels no impulse to save the offender from the consequences here and hereafter, of imprisonment on board the Hulks.

APPENDIX.

APPENDIX

ON THE CONSTITUTION OF THE SOCIETY

APPENDIX

A reference to the opinion which I published in 1825, that
the persons belonging within their jurisdiction, the persons
to which the powers are to take an oath and exercise
will be found to be persons who are not to be taken
on their oath, but on the other hand, the persons who
are not to be taken on their oath, but on the other hand,
of which the persons are to be taken on their oath, but on
not quite correct, I will here give my reasons for so
thinking, and I give my reasons on this subject with
a view to the persons, and I will here give my reasons
which make them, by the reason, which I have already
given of the persons, containing not only a description
of the building, but an enumeration of the persons who
and persons employed in it, and a statement of the manner
in which every part of it is managed.

The comparison between the two plans, which are
illustrate the subject in a note to the Society's records.

APPENDIX.

ON THE CONSTRUCTION OF PRISONS.

The Prisons built on what the Committee of the Society for the Improvement of Prison Discipline call the "Radiating Plan," compared with those, in which the Court-yards are surrounded by the Buildings.

ADHERING to the opinion, which I published in 1821, that the Prisons enclosing within their buildings the Court-yards, in which the prisoners are to take air and exercise, will be found to possess great advantages over those formed on what the Society for the Improvement of Prison Discipline call "the Radiating Plan," composed of a number of straight ranges of building, which converge like the radii of a circle towards the Governor's house as a centre, but do not quite reach it, I will here give my reasons for so thinking; and I hope my views on this subject will be rendered more intelligible, than I might otherwise have been able to make them, by the account, which I have already given of the Penitentiary, containing not only a description of the building, but an enumeration of the different Officers and servants employed in it, with a statement of the manner in which every part of it is occupied.

The comparison between the two plans, sketched out to illustrate this subject, in a note to the Society's Seventh

Report, and there called * the Circular or Polygonal Plan and the Radiating Plan, is given as follows: " In Prisons constructed on the Circular or Polygonal Plan, (as shewn in the diagram, fig. 1.) the range of buildings, (aa) containing the prisoners' departments, is placed at a considerable distance from the central station, (b) which is occupied by the Governor and his Officers: and the possibility of inspecting the *interior* of the prisoners' rooms is thereby precluded, unless the Officers expose themselves to constant observation; they must, in fact, cross the airing courts (cc) before they can enter the wards, (aa) during which time their movements are discovered, and the prisoners are enabled to prepare for their approach: Thus the advantage of secret and continued inspection is destroyed, and the requisite facility of access to each department precluded. These objects are, however, to be secured by buildings properly constructed on the radiating principle, (as shewn in the diagram, fig. 2.) in which every day-room, work-room, and cell-gallery, may be brought very near to the central station (a) and the interior can be placed under the constant inspection of the Governor and Officers, by means of large windows at the ends of the prisoners' buildings (bb.) The Officers are also enabled to make immediate and unobserved visits to the several departments, without having to cross the airing courts, (cc) as in the former example.

" The circular arrangement of the buildings and courts,

* In what I have here to offer, I shall adopt the term of " Circular Plan" for shortness, in speaking of the prisons whose buildings surround the Court-yards, whether the prisons shall consist of one or more circles, or semicircles, or squares, or Polygons, or whatever may be the shape of the whole, or its parts, provided it is so built as to enclose its court-yards within its Perimeter.

Fig1 CIRCULAR, or POLYGONAL PLAN.

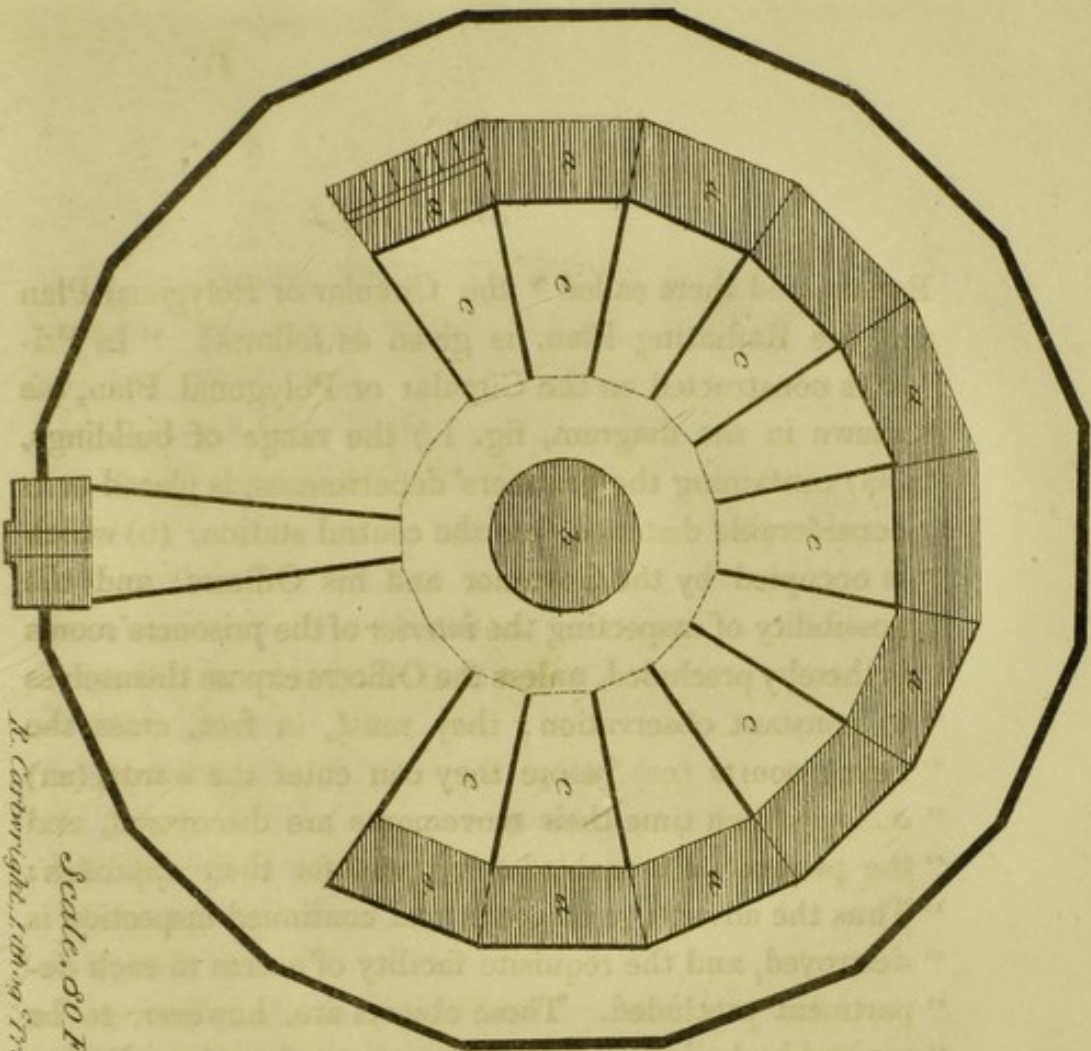
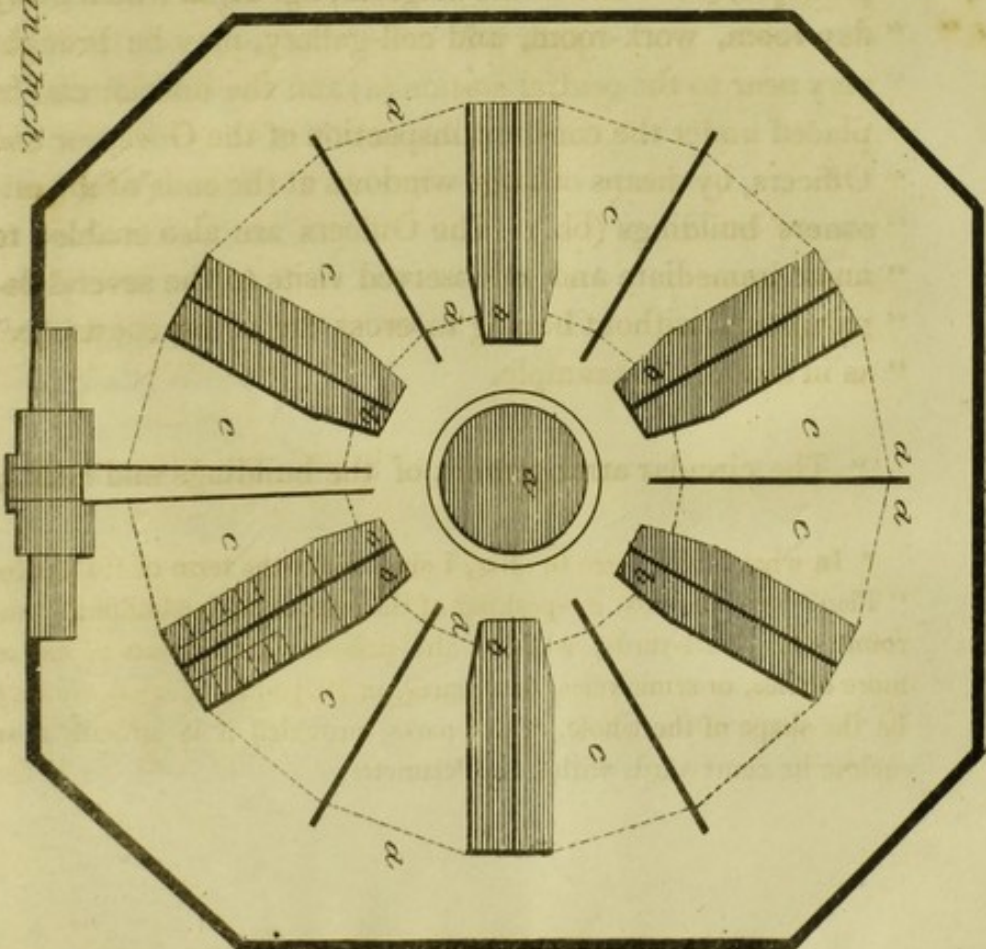


Fig. 2 RADIATING PLAN.



Scale, 80 Feet in Thick.

R. Carwright, 14th Aug^r 1784 (St. Mary's) W. Redford Row



"...as a considerable improvement, as it allows of
"...the communication between the different
"...The present... The walls are... on either side of
"...will render a person that conducted him
"...any one... than when a...
"...in... in... in...
"...enclosed... placed on the opposite side of the
"...as in the radiating plan (fig. 2.) whereby the
"...of the prison can derive the benefit of free air from
"...every quarter. The position of the central building (see
"...fig. 1.) is also... to the general security of the
"...as it is... the extent of inspection
"...the prison...
"...the... and
"...become as it...
"...be carried on...
"...of the boundary...
"...the back wall of the cell... that is prison on the
"...the... as the end of
"...the... to the...
"...the... to the...
"...The... also have the advantage that no
"...present can... the intermediate...
"...without the risk of being seen by the Officer; and, even
"...if a person should succeed at night in breaking through
"...the... and...
"...the... as he...
"...the... (fig. 1.)...
"...could make his way to the grounds in the...

"...to the radiating plan...
"...the... of the...
"...the... the daily...
"...the... to be distributed to

“ (fig. 1.) is considered injudicious, as it affords great
 “ facility for communication between the different classes
 “ of prisoners. The walled enclosure, on three sides of
 “ each court, will render a prison thus constructed much
 “ less airy and salubrious than when a thorough venti-
 “ lation is obtained by means of the open or iron-railed
 “ enclosures (dd) placed on the opposite sides of the
 “ courts, as in the radiating plan, (fig. 2.) whereby the
 “ interior of the prison can derive the benefit of free air from
 “ every quarter. The position of the circular building (aa,
 “ fig. 1.) is also detrimental to the general security of the
 “ gaol, as it materially diminishes the extent of inspection
 “ in another important particular. The prisoners’ buildings
 “ conceal the external wall from the Officers’ stations, and
 “ become as it were a screen, behind which preparations may
 “ be carried on by the prisoner for escaping over that part
 “ of the boundary, should he succeed in breaking through
 “ the back wall of the cell buildings. But in prisons on the
 “ radiating principle this defect is obviated, as the ends of
 “ the buildings present only a small obstruction to the Offi-
 “ cers’ view, from the centre, over the grounds in the rear.
 “ The airing-courts (cc) also have this advantage, that no
 “ prisoner can attempt to pass the intermediate boundaries
 “ without the risk of being seen by the Officers; and, even
 “ if a prisoner should succeed at night in breaking through
 “ his sleeping cell, and entering the court, he will then have
 “ an additional barrier to arrest his progress, as he must
 “ surmount the lofty iron-railed enclosure (dd) before he
 “ could make his way to the grounds in the rear.

“ In the radiating plan, much convenience will be found
 “ to arise from the contiguity of the Officers’ residence to
 “ the prisoners’ departments: the daily provisions, mate-
 “ rials for work, &c. can in consequence be distributed to

“ each class with order and facility : this arrangement of the
 “ buildings also offers the best method of access to the
 “ chapel, as the various classes may pass from their respec-
 “ tive cell-galleries, into the upper part of the central build-
 “ ing (designed to contain the chapel) without the risk of
 “ communicating together, by means of iron galleries, or
 “ bridgeways, placed across the central area : but in the
 “ circular plan, each class of prisoners must be taken out
 “ of their ward, and marched across the court and area,
 “ before they can enter the chapel.

“ The converging form of the radiating buildings, (fig. 2.)
 “ possesses the advantage of conveying sounds to the centre
 “ at night. It also presents the most eligible and econo-
 “ mical mode for an enlargement or extension of the prison,
 “ should the same be required at any future period *.”

In a publication put forth by the Society in 1826, en-
 titled, “ Remarks on the form and construction of prisons,
 “ with appropriate designs,” there is a more detailed account
 of † the prison which is sketched out on the radiating plan
 in the foregoing note, of which account I shall avail myself
 as explanatory of the sketch given above.

* “ In the radiating plan, each building should be divided by a middle
 “ wall, from end to end, so as to form two distinct wards, or classes,
 “ in each building. The plan shewn in the diagram is intended to
 “ accommodate twelve classes of prisoners, and to contain 240 sepa-
 “ rate sleeping cells on the two upper stories.”

† See plates in “ Remarks,” p. 44, &c. That prison is stated in the
 design to be only for 200 prisoners instead of 240 ; but it is the same
 as to 4 of its radii with the sketch for 240 ; and its want of capacity
 to contain the 40 is owing to its having allotted the remaining two
 ranges of building to prisoners of a higher class, requiring more ac-
 commodation than ordinary prisoners, and to its having therefore
 placed only one ward in each of those radii instead of two.

Before, however, I remark on what is said concerning the two sketches in this note, I shall beg leave to amend that which is given as an exemplification of the circular plan, by making it really enclose its court-yards, *i. e.* by joining the two ends of the circular range of building with that building which contains the Governor's house *, &c., and I shall take the further liberty of interposing a passage between the cells of the prisoners and the exterior wall of the prison, and having freed my prison from those defects, which its opponents have made in it, I shall now proceed to compare with it, so amended, the prisons on the radiating plan, approved by the Society, on the several heads of inspection, security, privacy, and ventilation considered with reference to health.

I begin with inspection, because the Society rest the pretensions of their prison, designed on the radiating plan, to a preference over those of a different construction, principally on its supposed superiority in this particular, observing, that the "power of inspection is the first object to be obtained in the construction of a gaol."

In regard to the part of the prison, from which the prisoners are to be inspected, the Society's present plan differs materially from those first published by them in 1821 ; and although upon the subject of prisons, more perhaps than upon most subjects, first opinions are likely to be corrected by experience, yet I must be allowed to express my surprise that they, who have undertaken to advise the country as to the plans on which buildings attended with

* If the prison be large, I should also connect the range of buildings occupied by the prisoners with the central building, at one or more other points ; and possibly I might turn my prison into two quadrants, or other figures, according to the number and sex of the prisoners for whom provision was to be made.

great expense should be erected, in the name of a Society formed for that purpose, should have entirely altered their plans, and should lay down opposite principles for the construction of prisons to-day to those with which they furnished us a short time ago, without some explanation of their reasons for the change. In the design published by the Society in 1821 for a prison for 400 prisoners, the Superintendents or Turnkeys of the wards were placed at the furthest extremities of the radii from the Governor's house, on which arrangement I ventured, with the humility which became an individual addressing a Society, to hint a doubt, whether it would not be better to place them at the end next the central building, as it seemed to me that the Governor's inspection ought to be directed more to his Officers than to his Prisoners.

Upon this occasion my presumption was reproved in the following terms *: " This would be a curious arrangement indeed of the criminal prisoners, and their superior and inferior superintendents, to place the former next the exterior of the prison, and condense the latter altogether in the centre : if such a plan had been designed, an objection might indeed have been reasonably anticipated from the most casual observer, in the loss of security on one hand, and of the power of superintendence and inspection on the other."

Now it so happens, that in their present plan the Society have removed the Turnkeys' rooms from their † former si-

* See Third Report of the Committee of the Society for the Improvement of Prison Discipline, Appendix, p. 196.

† It was also said in defence of the former arrangement, that it provided for the Governor's inspection of his Officers' conduct, while

tuations, not indeed to the ends of the radii next the central building in which the Governor resides, but into the central building itself, thus "condensing the superior and inferior "superintendents," to use their own language, "by a curious "arrangement, in the centre."

It appears from the position of the Turnkeys' rooms on the Society's plan, and from the description given of it in their printed remarks, that one of these Officers is to attend to two wards, each containing twenty prisoners, the wards under the inspection of the same Officer not being in the same radius, but looking towards each other from the adjacent radii, and being separated by their respective Court-yards. And the place from which he is to inspect these forty prisoners in their yards, and in their wards, is his own apartment in the central building, which commands a view of the two yards, and from which he is expected to see into each of the work-rooms in the two wards through a window opposite to each ward in his own room, and through another window at the end of the ward next him, there being a space of eighteen or twenty feet between the two windows through which this inspection is to take place.

This the Society for the Improvement of Prison Discipline call "complete inspection," and they sometimes dignify it with the appellation of "constant unobserved inspection." It is the same kind of inspection which was

they were in the presence of the prisoners, and that this was the most important inspection. I presume, however, from this change in the plan, that it was at last discovered to be unadvisable to place the Turnkey, where the Governor, not finding him in the work-room, could not come upon him at once in his own room, and see, whether he was employed in writing a report, or in reading the newspaper, or in playing at cribbage with his wardsman, or some other favoured prisoner.

contemplated by Mr. Bentham in his Panopticon. But I have always used the word "inspection" in a larger sense, as implying a much greater degree of attention to the moral habits and demeanour of prisoners than can be paid to them by persons, who are merely looking into their yards or work-rooms from a distance. What useful control or superintendence can be exercised over fifteen or twenty prisoners by viewing them through two windows with a considerable space interposed, the second of such windows being at one end of a room near thirty feet long? Such inspection may prevent fighting, or tumult, or at least may enable the Officers to put a speedy termination to any proceedings of that kind, but it leaves the prisoners at full liberty to indulge in such conversation as may best accord with their tastes and profligate habits—they may swear, and blaspheme, without restraint—they may tell as many tales of their former achievements, and plan as many future frauds, robberies, and burglaries, or plots and conspiracies for breaking prison, as they please. The use of the ear, an organ of much importance to Officers in the preservation of prison discipline, is wholly disregarded in these arrangements, and even the eye is not made as efficacious as it ought to be, since it will not be able to penetrate to the further end of the rooms through these windows, (even if they should be glazed with the clearest plate glass, and should have no bars to obstruct vision,) so as to discern whether the prisoners there are working, or gambling, reading history-books or Psalm-books, furnished by the Chaplain, or legends and songs of a very different description.

But even if the Society for the Improvement of Prison Discipline should be satisfied with this sort of inspection, they will be disappointed in their expectation of having it from a Turnkey sitting in his apartment in their central

building, for he will be too much engaged in his wards to be able to spend any considerable portion of the day in his own room out of them.

The wards under the charge of the same Turnkey are so placed by the construction of this prison, that while he is occupied in one of them, he can know as little of what is passing in the other, as if he were in some other prison. I doubt much whether those who offer this plan, as the model of a prison, which possesses the means of constant inspection, are very conversant in the details of prison arrangement, but I hope, in their next publication, if they shall still adhere to their present view of this subject, they will inform us how they intend the Turnkey to act when he commences his daily duty. He must first unlock the twenty cells in one of his wards. The prisoners belonging to that ward must then make their beds, wash themselves, join, I presume, in some prayer, and be set to work. Is the Turnkey to remain in this his first ward till these operations shall be completed, keeping the prisoners in his second ward locked up, till the first is put in order, or is he to leave those of the first ward, as soon as their cells are opened, to settle their affairs as they choose, (i. e. to pray or fight at their pleasure,) while he proceeds to his second ward? The same obligation to attend first to one ward, and then to the other, will recur, when the prisoners' meals are served out, and when they are locked up for the night; and if the prisoners act in concert, those in one ward may at any time draw the Turnkey, by making a noise, into that ward, while mischief is going on in the other. I am confident that it will soon be found necessary, in the prison now under consideration, to have a separate Turnkey for each ward; but even after this great increase to the projected establishment, a difficulty will occur as to the inspection of the pri-

soners, while the Turnkeys are at their meals, during which time their attention, as well as their persons, will be withdrawn from their wards. In a circular prison, having a passage running through all the wards, and commanding every cell, one or two Officers going round at such times, may check irregularities, or discover preparations for mischief; but in what manner the prisoners are to be inspected while their Turnkeys are at their meals, in a prison built on the plan proposed by the Society, I cannot conjecture; and yet it is impossible not to see, that the discipline of a prison must be very imperfect, in which the prisoners shall be left in their wards unnoticed, during two several periods, well-known in the prison, every day.

In regard to the power of the Governor to observe what the prisoners are doing in their cells, when he goes round the prison, without their being conscious that they are under observation, the plan proposed seems particularly defective. In reply to some remarks published by me in 1821 on this defect, among others, in their former plans, it was argued in a paper of observations annexed to the third Report of the Society, that the Governor ought not to be required to inspect all the prisoners; a calculation was made of the time it would take him to go round the prison, if he were to stop so many minutes to hear the conversation in each cell in his way, in order to shew that such inspection was impracticable; and the inspection through a window at the end of a room thirty-five feet long, was stated to be much more effectual than what was facetiously termed, my "proposed method of long perambulating inspection." I certainly never contended, that the Governor should be expected to watch the conduct of all the prisoners himself, or to listen, with his own ears, to the conversations in every cell; but I did say, and I do maintain, that a prison ought to be so

constructed, that the person in charge of it should have an opportunity of informing himself by those means of what is passing in any part of the building occasionally, i. e. in any case in which he may think fit to take this trouble personally. My complaint, however, against the Society's prisons is, that the Governor can neither approach near enough to the prisoners to learn what is going on himself, unobserved, nor set any other Officer to do so. Every person who is practically acquainted with the management of a prison, must know, that it may often be very important that prisoners should be watched, without being conscious of the approach of the party watching them. The appearance of a person looking into a window at the end of a room, may often interrupt preparations for an escape, without discovering them, and conversation respecting plots for breaking out of prison, or respecting any other evil design, may go on without interruption, even while the Officer is on the other side of the glass.

On the head of security I need not dwell long. It is said in the paper cited above, that "the position of the circular building is detrimental to the general security of the gaol, as it materially diminishes the inspection, because the prisoners' buildings conceal the external wall from the Officers' station, and become, as it were, a screen, behind which preparations may be carried on by the prisoner for escaping over that part of the boundary-wall, should he succeed in breaking through the back wall of the cell-buildings." What those preparations can be, I do not know, for I can conjecture no other preparation to be necessary for escaping over a boundary-wall, than that of having a friend or confederate on the outside, ready to throw over a rope with a stone tied to the end of it; but the observation cannot apply at all, except where prisoners are em-

ployed in the space between the wall and the prison; and these prisoners, if young and active *, and disposed to make their escape, must be restrained by some more efficient control than that of inspection from a central building, or they will be over the wall, and at some distance from the prison, before their pursuers can get round by the Porter's lodge to follow them. To say the truth, I do not consider a boundary-wall as affording much security against the escape of such prisoners as may have a strong motive to get away, especially in the case of prisoners committed for trial, who must be allowed to communicate freely with their friends, and will seldom be at a loss for a confederate without the walls of the prison. Its chief use seems to me to be, to prevent persons on the outside from coming close up to the building †.

* I do not suppose that any class of prisoners will be placed in the space close to the boundary wall. Old or infirm prisoners are sometimes employed there, and there are prisoners, who having but a short time to remain in gaol, would not make their escape, if they could, at the risk of the penalty that would await them, if retaken, at a future period. I have met a prisoner sweeping before the door of a County Gaol, which was considered as well regulated, and have been civilly shewn the way by him to the Porter's room. And I have known Gaolers in the habit of taking prisoners out of the prison to help bring in heavy articles, coals, &c. In these cases they depended on the prisoner's not choosing to run away. I am not discussing here the propriety of these practices.

† I place very little reliance on loose bricks placed on the top of the wall, or chevaux-de-frise, for the security of a large prison; if the bricks are not loose enough to be blown down by a high wind, they will possibly not fall when the prisoner is getting over, and if they fall, they will probably not be heard by the Officers in the central building. The chevaux-de-frise is expensive, and generally becomes too rusty to perform its function of turning round, before it has been put up long.

If the prisoner shall break through the back wall of his cell, he will, according to my plan of a prison, make his way into the passage; and if he break through the front wall of his cell, he must come out into the court-yard; so that the only question seems to be, whether the exterior wall of the passage in the former case, and the building itself in the latter, do, or do not, present a greater obstacle to the further progress of the prisoner who shall have broken out of his cell in a prison constructed on the circular plan, than an iron palisade of the court-yard ten feet high, which will be all that is interposed between him and the boundary-wall on the Society's radiating plan.

I have hitherto been considering an attempt to escape, made by an individual; but let us put the case of a mutiny, or general disturbance in the prison; and let us suppose that one or two of the yards are in the possession of the prisoners, and that some of them choose to avail themselves of that opportunity of getting away, and the question will then be, whether it would be easier to climb over or tear down the palisade, or to break through the building.

The advantage of the circular plan, in respect to privacy, will, I presume, not be disputed. It is said in the Society's remarks on the form of prisons, page 36, that "it is highly objectionable for a prison to be surrounded with buildings, or indeed to have any contiguous to its boundaries," and that "it ought never to be placed in the midst of a city or town;" but these directions cannot always be observed, especially where it is considered as a matter of great importance to have the prison in the neighbourhood of the Court in which the prisoners are tried. In all prisons, it will be found inconvenient that the prisoners

should have the power of making signals from their upper windows to those on the outside of the prison walls, or of communicating with them by the voice. The evil will undoubtedly be less felt, in proportion to the quantity of ground left free from buildings in the vicinity of the prison ; but wherever it exists at all, it is likely to interfere in some degree with safety and good order ; and in towns and populous places it must be encountered by high walls, tending to obstruct ventilation ; in which the prisons built on the radiating plan have not at present (as I shall proceed to shew) that advantage over prisons differently constructed, which is claimed on their behalf.

There must always be something of a compromise, in the erection of a prison, between security and privacy on the one hand, and ventilation, considered with reference to health, on the other. If we had only the two former to think of, we should confine our prisoners in close courts, guarded by high walls and lofty towers ; if ventilation alone were to be considered, in a mansion, in which a considerable number of persons are necessarily to be brought together within a small space, we should place them in a long narrow building, having many doors and windows, and without any fence on either side to screen it from the breeze.

I cannot, however, see why a prison, built with due attention to the other considerations mentioned above, (I mean with those advantages which I conceive the circular plan alone possesses,) may not have as free a circulation of air through every part of it, as the health of those who are to be confined in it, can require ; and I must say, that the Society for the Improvement of Prisons have, in their eagerness to establish their own plans, dealt very unfairly with

the Penitentiary on this subject, in their account of prisons published * in 1826. After mentioning, that in consequence of the great sickness which prevailed in the Penitentiary in 1823, the prisoners had been removed from Millbank for a short period †, they say “ Some alterations
 “ were then made in the prison, in order to improve the ventilation of the interior; and the prisoners’ apartments underwent the process of fumigation, by means of chlorine
 “ gas, under the advice of Sir Humphry Davy. In 1824,
 “ the Parliamentary Committee again entered into an investigation of the state of the Penitentiary, when several medical men of the first eminence were examined on the subject.” At the end of this passage is a note, headed as follows: “ the following extracts from the evidence taken
 “ by the Committee apply to the construction of the prison, and to its means of ventilation.” The note then states Dr. Hutchison’s evidence, recommending that iron palisades should be substituted for the partition walls in the Court-yard, that the boundary wall should be entirely removed, and suggesting, in case these alterations should not prove sufficient, the propriety of making “ detached buildings of the Pentagons, every Pentagon to have two large
 “ gates opposite each other, one of which to be thrown open
 “ whenever the wind might blow in that direction, in order
 “ to admit the current of air,” but adding, “ I merely mention this as a further resource, in case, notwithstanding

* See Remarks on the Form and Construction of Prisons, p. 63.

† They add, “ that after several months, the Penitentiary was again occupied by the prisoners who had, during the interval, been on board of Hulks, fitted up for their reception at Woolwich.” This is a mistake; none of the prisoners were ever brought back. Such of the men as were not pardoned were transferred permanently to the Hulks by Act of Parliament; the Females were all pardoned—the disorder being at length believed to have been infectious.

" the former precautions, a greater degree of pure air
 " should still be necessary."

The note then goes on to state the evidence of Sir Henry Halford and Sir Humphry Davy, the former of whom thought that there was not a sufficient current of air in the Court-yard, but that apertures might easily be made in the division-walls of those yards to remedy the defect. Sir Humphry recommended such apertures, with others under the floor of the building on each side of every Pentagon ; certain small openings in the cells, and some openings in the boundary wall.

It might have been expected in candour, that those who were giving information to the public respecting the ventilation of different prisons, would have given the evidence which was completely favourable to the Penitentiary upon that point, as well as that which suggested alterations, and would not have skipped over the three Physicians, the whole of whose evidence, as it is very short, though much to the purpose, I will now give. Dr. Hue, the Physician, examined immediately after Dr. Hutchison, says, on being asked, " Would you recommend any alteration in the ventilation?"—*Ans.* " I think it (the Penitentiary) is very well ventilated. I see no objection to the manner in which it is ventilated."—*Quest.* " Do you think the exterior wall is prejudicial to the health of the prisoners?" *Ans.* " It may, in some trifling degree, obstruct the circulation of air ; but it has not struck me as a matter of moment, considering the high ground on which the main building stands." Dr. Macmichael is asked one question on this point, viz. " Would you recommend any improvement in the ventilation?" to which he answers: " I know that has been recommended, but other prisons are surrounded

"with high walls, and therefore I do not see why this should not be so." Dr. Southey, is asked two questions: "Do you conceive the form of the yards, ending in acute angles *, is prejudicial?"—*Ans.* "There seems to be hardly space enough for the men to be blown upon, as it were."—*Quest.* "Do you conceive the exterior wall to be injurious?"—*Ans.* "The exterior wall is not higher than in other prisons."

I have, however, a much stronger ground of complaint against the account of the Penitentiary given above, than that of its omitting this evidence—the statement that the alterations for the improvement of the ventilation in the Penitentiary were made in 1823, previous to the suggestions made by Sir Henry Halford and Sir Humphry Davy in 1824, is erroneous, and it is calculated to lead to a supposition, that being conscious of a want of air in the building at Millbank, we had endeavoured to improve the ventilation without success, and that Sir Henry Halford and Sir Humphry Davy had afterwards found the prison defective in that particular, and had proposed alterations, which, for any thing appearing in the above account, might never have been carried into effect. The true state of the case, however, is, that the improvements alluded to were made *after* and not *before* the examination of Sir Henry Halford by the Committee of the House of Commons, and the receipt of Sir Humphry Davy's memorandum, in March, 1824, and they were made in consequence of their suggestions. Sir Humphry Davy took the trouble to meet our architect (Mr. Smirke) at the Penitentiary, while they were going on, to see what was doing, and to settle, finally, the manner in which what remained to be done should be exe-

* There is some mistake here, for there is not an acute angle in the yards.

cuted—all which was completed in strict conformity to his original memorandum, except some apertures in the Boundary wall, which were deemed unnecessary, the Boundary wall itself (owing to the descent of the ground to it from the prison) being only nine feet in height above the level of the ground-floor, and at a considerable distance from the buildings. Had these perforations been thought essential, they might certainly have been made without diminishing either the security or the privacy of the prison ; and indeed, if it were not for the expense of the alteration, I do not know that there would be much objection to the adoption of Dr. Hutchison's * project, of taking away the whole of the Boundary wall, and replacing it with a palisade or a wooden stockade.

But let us see what will be the state of the prisons presented to us by the Society on their radiating plan, in regard to the kind of ventilation which we are now considering, viz. the means of having currents of air close to the surface of the court-yards. Their Boundary wall must be a high one, and there being no other screen between the Court-yard and the public, they cannot well admit of openings in it, without having more inspectors from the outside than will be convenient, and without great danger of communication by the voice between these external inspectors and the prisoners. In their smaller prisons the

* It is evident, however, that Dr. Hutchison's suggestion on this subject was made partly with a view to the impression which might be created on the public mind by such a measure, in respect to the Penitentiary ; for being asked whether he had any idea how high that wall is above the ground-floor of the prison, he says, "I cannot exactly say, but this I know, that, if that wall were removed, the building would appear to stand upon a hill, and therefore the wall makes people fancy, as they pass by, that the foundation is low, which is not the case."

Boundary wall approaches very near to the Buildings, and in the plan which they have given most in detail, for 200 or 240 prisoners, the Court-yard of the Infirmary, a place which requires to be particularly well fenced, as prisoners meditating an escape are very likely to get themselves transferred to the Infirmary by feigned sickness, for the purpose of making the attempt from thence, runs within ten or twelve feet of the wall. I am much mistaken, if a wall of the proposed height of sixteen feet will be sufficient to afford a reasonable degree of security* for the safe custody of a person confined in one of the Society's prisons. The radiating plan requires that the Boundary wall should be high and solid, and though the converging radii will powerfully conduct the air to the upper stories of the central buildings, yet the gale of wind which may carry away the Governor's chimnies, will not prevent the air from being stagnant at the lower part of the building, and in the sunk passage which is to run round it.

In respect to ventilation within the buildings themselves, the Penitentiary has decidedly the advantage over prisons built on the radiating plan, for in this the wards have windows on both sides, viz. in the passages as well as in the cells; whereas the wards, on the plans published by the Society, have windows on one side only; two wards being contiguous, with a long wall running between them:—nor can they remedy this disadvantage in the radiating plan, for if they attempt to disjoin their wards, they must

* There are, I believe, not many prisons in the neighbourhood of London which depend for their security on a Boundary wall; but I suspect the Marshal of the King's Bench and the Warden of the Fleet would be unwilling to lower their walls to sixteen feet, and a man confined to take his trial for his life has a stronger motive for endeavouring to make his escape than a man in prison for debt.

increase the number of their radii, which must in that case either run too close together at the end next the central building, or stop at a considerable distance from it; and then they will lose the little inspection, on which they lay so much stress, through the two glass windows. They cannot therefore separate their wards, nor can they make provision for a great number of prisoners on the radiating plan, except by lengthening their radii, or enlarging their central building. In their plan of a prison for 300 prisoners, they have added a seventh radius, but they have been obliged, in consequence of so doing, to increase the diameter of their building from fifty feet to seventy, and have left an open space in the midst to be covered with a skylight, and "appropriated to various useful purposes in connection with the offices in the basement story," and when they enlarge their plan, to provide for 400 prisoners, they have two such buildings placed like the foci of an ellipse with four radii springing from each, forming two distinct prisons, with distinct establishments*.

In the Maidstone prison, capable of containing about 400 Male prisoners, besides 60 Females who are placed in a separate building, quite distinct from the parts occupied by the Males, there are four central buildings; one in which the Governor resides, with three radii or arms branching out from it, and three other such buildings, having each four radii. I do not know the manner in which the inside of these buildings is arranged, nor am I acquainted

* In the first plans published by the Society, in 1821, they provided for 400 prisoners round one central building, but to effect this they made their prison five stories high, and placed their prisoners by day in narrow work-rooms, eighty-five feet long. I do not believe any Builder of Prisons adopted this plan, which is, I presume, now silently abandoned by the Society itself.

with the establishment of officers in this prison, but I should think that there is more chance of inspection in several small prisons on the radiating plan, with an officer interposed in each as a superintendent, between the Governor and the Turnkeys of Wards, than is likely to be found in a larger prison upon the same plan.

In 1824, Mr. Western published a design, drawn for a House of Correction at Chelmsford, to contain 400 prisoners, by Mr. Cubitt, the ingenious inventor of the Treadmill. It consisted of fourteen ranges of buildings, converging like the radii of a circle towards a building in the centre, but not approaching it nearer than to within about fifty feet. These buildings were very narrow, each containing only one ward, and consisting of one row of cells; the entrance into the cells in the upper stories being from open galleries on the outside, and the cells on the ground-floor being entered from the court-yards, which were included between the adjacent wards, viz. between the front of the one ward and the back of the next. The buildings were three stories high, and the day cell in each occupied part of the ground-floor at the end next the central building. On this design I published remarks in an Appendix to a pamphlet written in answer to Mr. Western's *Strictures on the Penitentiary*, in 1825, entering very much into detail, and stating many objections to it, but objecting particularly to the substitution of open galleries for passages within the building; which galleries, though found in Gloucester gaol, have not, I believe, been introduced into any of the prisons lately erected.

The prison built at Chelmsford was mentioned very shortly in the Society's sixth Report, in an article dated October, 1824, at which time only one of its divisions

was completed. It was noticed with much regret upon that occasion, that the court-yards were fenced on the end next the Boundary wall, by a wall thirty feet high; and an earnest appeal was made to the County Magistrates to change this wall for an iron palisade, while the building was in progress, but no other remarks were made, either in commendation of the plan on which the prison was constructed, or in dispraise of it.

The plan of this prison is not to be found among the designs annexed to the "Remarks on the Form and Construction of Prisons," published by the Society in 1825, although the professed object of that tract being to illustrate the evils "of defective, and the advantages of well "arranged designs for gaols," &c. it might have been expected that a plan of one of the largest prisons in England, drawn by an Architect of whom the Society entertains a high opinion, and brought forward with great praise by a gentleman who is not only a very active County Magistrate and County Member, but is also a Member of their own Committee, would have occupied a prominent place there. And the only remark made upon this Chelmsford prison in the detailed account of prisons annexed to the Society's seventh Report, which can be supposed to have any reference to its merits or disadvantages, is, that "the prisoners' apartments "are not under inspection, but the airing yards are."

The walls at the end of the airing yard, which are here pointed out by the Society as a defect in this prison, appear to me to be essential to its security; and if a few apertures were made in the lower part of them, they would not obstruct ventilation;—but even with these walls the prison would not be as secure, in my opinion, as if these yards were bounded by a building of the same height.

I do not think that any general rule can be laid down as to the shape of the buildings of which a prison shall consist, or as to the convenience of their forming one inclosure, or more enclosures than one. This may depend in a great measure upon the ground on which the prison is to be erected, and the number of prisoners for whom provision is to be made in it; but I certainly mean to contend, that those prisons will be most secure, without being deficient in ventilation, and will be most easily inspected, which shall include the ground in which the prisoners are to take air and exercise, within buildings, consisting of a range of cells, having their windows looking inwards toward such ground, and of a passage between those cells and the exterior wall of the building, such passage having its windows looking outwards.

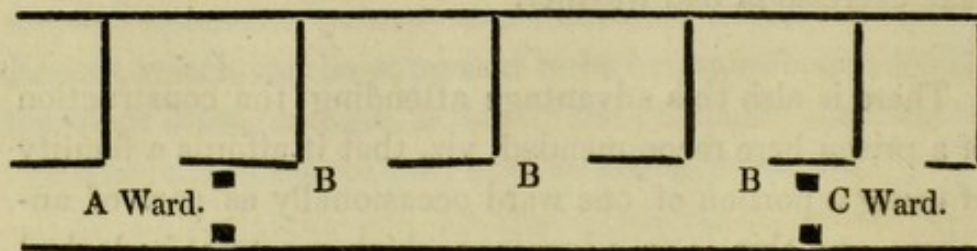
The passage not only adds to the security of the cells, and affords an opportunity of inspecting those confined in them, but enables the Governor, Chaplain, and Surgeon, to make the whole circuit of the prison, without crossing any of the court-yards, or going at all into the open air, or passing more than once along any ward; and it furnishes a place, in which the prisoners may attend school, or may take exercise in bad weather.

There is also this advantage attending the construction of a prison here recommended, viz. that it affords a facility of using a portion of one ward occasionally as part of another; and this is an advantage which must not be looked upon as of slight importance, where the arrangements are made for different classes of prisoners, requiring very different treatment, the one from the other, and varying in their number every day. At the times of the Assizes and Quarter Sessions many individuals are converted at once from

the condition of prisoners under accusation, to that of convicts, for whom cells must be found, where they can be treated as prisoners under punishment, and kept separate from those brought in for trial, while for these also a ward must be reserved.

In the prisons in which the wards are in distinct buildings, or are so arranged by the construction of the building, that they cannot be subdivided, or thrown together, so as to enlarge one by contracting the other, it may happen that two wards calculated to hold twenty each, may have thirty in one and ten in the other, without its being practicable to bring the excess of room in the one to the aid of the other; but where every ward is merely a continuation of the ward adjacent, and the working cells are only separated by a partition in the passage, it is easy, by shifting the partition, for which provision may be made, when the prison is built, or simply by opening one door and shutting another in the passage, to alter the length of different wards, as convenience may require *.

* For instance, the cells marked B in this figure may be used indifferently as portions of ward A or C ward.



ERRATA.

Page	12	line 23,	for address	read	address
—	13	— 20,	for individual	read	individual
—	21	— 23,	for circumstances	read	circumstances
—	26	— 2,	for were encreased	read	was encreased
—	26	— 22,	for Penitentiary	read	Pentagons
—	26	— 17,	for systems	read	suggestions
—	26	— 7,	for 458,000l.	read	450,000l.
—	31	— 17,	for county	read	country
—	34	— 2,	for compliment	read	complement
—	35	— 1,	for have	read	has
—	78	— 24,	for Cluper	read	Chapman
—	102	— 16,	for where are	read	where there are
—	125	— last,	for takes	read	take
—	169	— 2,	for distinguishes	read	distinguish
—	170	— 19,	for compliment	read	complement
—	201	— last,	for employod	read	employed

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